

# **Rules and Regulations Governing the Subdivision of Land in Seekonk, Massachusetts**



**SEEKONK PLANNING BOARD  
SEEKONK, MASSACHUSETTS**

As amended August 24, 2010

**RULES AND REGULATIONS**  
**GOVERNING**  
**THE SUBDIVISION OF LAND**  
**IN SEEKONK, MASSACHUSETTS**

Prepared under the provisions of Section 81-Q  
Chapter 41, Massachusetts General Laws, by the

**SEEKONK PLANNING BOARD**

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As amended August 24, 2010

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## SECTION I

### GENERAL

- 1.1. These Rules and Regulations Governing the Subdivision of Land in Seekonk, Massachusetts, Which may be referred to as "these Rules and Regulations", have been adopted on February 23, 1965, and transmitted July 16, 1965, and amendments transmitted as of January 25, 1973, December 16, 1977, April 27, 2004 for the purposes of promulgating and administering the Subdivision Control Law, Chapter 41 MGL, Sections 81-K through 81GG inclusive, for the purposes stated in Section 81M and 81K.
- 1.2. No person shall make a subdivision of land within the Town of Seekonk, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways or the installation of municipal services or the excavation of land, unless and until a Definitive Plan of such subdivision has been submitted to the Planning Board, approved and endorsed by it, and recorded.
- 1.3. Not more than one building used or available for use for dwelling purposes shall be erected, placed or converted to use as such on any lot in a subdivision or elsewhere in the Town of Seekonk without the consent of the Planning Board, and such consent may be conditional upon the provision of adequate ways furnishing access to such building.
- 1.4. If any provision in these Rules and Regulations is found to be invalid or unconstitutional by a court of competent jurisdiction, this shall not invalidate any other provision of these Rules and Regulations or the operation thereof.
- 1.5. The Planning Board presumes any information presented to it by an applicant to be true and correct unless evidence to the contrary is made to appear. The presentation of complete and true data is the responsibility of the applicant and failure to do so, whether intentional or not, may be a reason for the rescission of any Planning Board approval in addition to any other actions provided by law.
- 1.6. Under the authority of Section 81B of Chapter 41 of General Laws, members of the Planning Board and its officers and agents may for the purposes of municipal planning enter upon any lands and there make examinations and surveys and place and maintain monuments and markers.
- 1.7. Topsoil moved during the course of construction shall be regraded throughout the subdivision upon completion of construction or if construction is halted for more than one (1) year. No topsoil shall be removed from the subdivision site except as provided in the general by-law.
- 1.8. Penalties for non-compliance ó reference p. 39, Section 9.6.

## SECTION II. DEFINITIONS

- 2.1 Unless the context clearly indicates otherwise, the word "shall" means mandatory and not merely directional; the word "person" includes the words "or persons, corporation, trust or agency"; the word "building" shall be read as if followed by the words "or structure or part or parts thereof", interchangeably; the reference to Town, boards, agencies, officials and departments shall mean such entities of the Town of Seekonk, unless identified otherwise.
- 2.2 Unless clearly indicated otherwise by the context, the words and phrases used herein shall share the meaning indicated below or in Chapter 41 of the General Laws.

Abutters are owners of any land within 300' straight line distance from the boundary, meaning at least the parcel being subdivided and under consideration, as shown on the most recent assessor's tax records.

Applicant shall mean the owner of land, acting directly or through a duly authorized agent, attorney or representative, or the heirs, assigns and successors-in-title of such owner.

Arterial Street or Way shall mean a way so designated by a Master or Study Plan or a Way carrying or expected, in the opinion of the Planning Board, to carry primarily through traffic from and/or to other municipalities or to carry traffic in excess of 2,000 vehicles in both directions during the peak hour, and shall include numbered State highways.

Board, when used alone, shall mean the Planning Board of the Town of Seekonk, Massachusetts.

Board's Agent shall mean the person or persons authorized and designated by the Planning Board to carry out specific functions on behalf of the Board with respect to the review of plans, investigation of conditions and inspection or verification of the required improvements being designed, constructed or installed in a satisfactory manner. It shall be the responsibility of the developer and his agents and contractors to provide the required data to the Board's agents and to notify them when each phase of work is ready for inspection. The Superintendent of Public Works or his duly authorized agent, the Town Planner and other officials within their sphere of jurisdiction may be designated as Board's agents.

Building shall mean a structure having a roof and used as a shelter or place of occupancy for humans, animals or materials.

Collector Street or Way shall mean a way meeting or expected to meet, in the opinion of the Planning Board, any of the following conditions:

- (1) carry significant traffic from several other streets or neighborhoods;
- (2) carry a significant percentage of through or truck traffic;
- (3) carry peak hour traffic in excess of 400 cars in both directions.

Definitive Plan ó final plan of a subdivision, together with all detail or special plans and supporting materials as required by these Rules and Regulations, the approval of which by the Seekonk Planning Board constitutes the approval of the subdivision and, when duly recorded, confers certain rights and obligations on the applicant.

Developer or Subdivider ó same as applicant.

Easement ó whereby an owner, developer or petitioner grants to the land, or other person or entity a conveyance or title for a specific use or purpose, with a proper, recordable description.

Groundwater ó water in the subsurface zone beneath the water table in which most or all pore spaces are filled with water.

Local or Minor Street shall mean a way serving or expected to serve in the opinion of the Planning Board of the following conditions:

- (1) a street serving only traffic generated by abutting residences;
- (2) a street not expected to carry significant through or truck traffic;
- (3) a street not expected to have peak hour traffic in excess of 400 vehicles in both directions.

Locus Plan or Location Map ó shall mean a map which shows the location of the proposed subdivision in the community and its relationship to existing community facilities which serve or influence it.

Lot ó an area of land with definite boundaries, ascertainable by a recorded plan or deed, used or available for use as the site of one or more buildings. Several contiguous recorded lots or parcels may be considered one lot.

Modification ó a change to a previously submitted or approved preliminary, definitive, or Planning Board Approval Not Required plan, showing changes to said plan from any element or requirement of these Subdivision Rules and Regulations or Zoning By-Laws.

Parcel ó may be used to denote an area of land with ascertainable boundaries which does not qualify as a separate building lot or site due to insufficient size or failure to meet frontage or the zoning requirements for building lots.

Preliminary Plan is a general plan of the land as defined in Section 81-L of Chapter 41 of the General Laws and conforming to the contents as laid out in Section 4.2 of these Rules and Regulations.

Public, when used as an adjective, shall mean the Town of Seekonk, Bristol County, the Commonwealth of Massachusetts, or the United States.

Recharge Area ó that area composed of permeable stratified sand and gravel, and certain wetlands that collect surface water and carry it to aquifers.

Primary recharge area lies directly over the designated aquifer, and adjacent areas of strata, from which groundwater flows directly into the aquifer.

Secondary recharge area lies adjacent to the primary area, and from which groundwater moves downgradient into the aquifer.

Tertiary recharge area is the upstream drainage area of streams that traverse the primary and secondary recharge areas.

Reserve Strip is a piece of land between the boundary of the subdivision and a subdivision street or way used to prohibit the extension of the street to an adjacent street or subdivision.

Resubdivision is a change or the alteration in the number or size of lots, or streets or ways, on a previously approved definitive plan.

Roadway or Travelled Way shall mean that portion of a street or way intended for vehicular use, usually the pavement.

Street or Way shall mean the entire right of way, not just the paved or travelled portion, of any way, street or road open and dedicated to public use, including a public way or a way certified by the Town Clerk to have been used and maintained by public authorities as a public way, a way approved and constructed under the provisions of the Subdivision Control Law, or a private way in existence prior to said Subdivision Control Law having become effective in Seekonk and having in the opinion of the Board adequate width, grades and construction for the needs of the vehicular traffic and the installation of municipal services to serve the land abutting thereon or served thereby and the buildings erected or to be erected on such land.

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 being 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 the frontage required by the Seekonk Zoning By-Law on a way, as defined therein. 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 Seekonk into separate lots, on each of which one of such buildings remains standing, shall not constitute a subdivision.

Tract shall mean an area of land with ascertainable recorded boundaries capable of being subdivided into two or more lots with or without the provision of new access ways.

Utilities means the same as municipal services and may include water supply piping, sanitary sewers, storm water drainage, fire alarm conduits, electric and telephone wiring, gas supply piping, shade trees, and any other services or installations provided by towns generally or by the Town of Seekonk for the benefit of the inhabitants.

Way is same as street.

### SECTION III APPROVAL NOT REQUIRED

- 3.1. All plans, whether subdivisions within the meaning of the law or not, must have either approval as a subdivision or endorsement that they do not require approval before they will be accepted for recording at either the Registry of Deeds or the Land Court.
- 3.2 Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application Form A to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice (Form A) with the Town Clerk stating the date of submission for such determination, accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if required, give written receipt therefor.
- 3.3 Any person submitting a plan believed not to require approval shall furnish the following to the Planning Board:
  - 3.3.1. A contact print of the plan or plans on file in the Registry of Deeds recording the of the land area to be considered.
  - 3.3.2. If no plan covering the whole of the tract is on file, a notarized certification shall accompany the application indicating that such plans are not on file with the Registry of Deeds.
  - 3.3.3. The original drawing of the plan suitable for recording in the Bristol County Registry of Deeds (stamped by a Massachusetts professional land surveyor) and six (6) contact prints thereof. The original drawing shall be returned if endorsement is not given.
    - 3.3.3.1 All submittals must include a digital copy, on CD or DVD, of said plan in a format compatible with the latest version of AutoCAD, the plan shall be in the Mass State Plane Coordinate System with units in feet.
  - 3.3.4. The plan shall show sufficient evidence necessary to enable the Board to determine that the plan does not require approval. Such information shall include, but need not necessarily be limited to the following:
    1. Boundaries, dimensions and frontage of any lots and the building on any lots which are being established, revised or recorded without change.
    2. Names of all owners of abutting land as established from the most recent tax list.
    3. Names of all ways which abut the applicant's land.

4. A title block including:

1. applicant's name and address
2. name, signature and seal of a Massachusetts professional land surveyor
3. plan date
4. scale
5. space for the signatures of the members of the Planning Board and the date of endorsement
6. plat and lot number
7. current zoning district

5. Locus plan per 4.2.2.

- 3.4. If the Planning Board determines that the plan does require approval, it shall within twenty-one (21) days, without a public hearing, endorse on the plan the words "Approval under the Subdivision Control Law not Required". The Planning Board may add to such endorsement a statement of the reason approval is not required. The Planning Board shall notify the Town Clerk of its action.
- 3.5. Where the Planning Board's determination of approval not required is based on qualifying conditions or where necessary for clarity, the Board may include as part of its endorsement a statement on the plan reflecting this condition. Such a statement may note (but need not be limited to) that the endorsement applies only to certain lots shown on the plan, or that a particular lot is not to be used as a separate lot but added to an adjacent lot, or that the lots shown are part of a subdivision and subject to the conditions and restrictions applicable to such subdivision.
- 3.6. If the plan is endorsed, it shall be the responsibility of the Planning Board to notify the Town Clerk and the Registrar of Deeds or the Recorder of Land Court that the Board has determined that approval under the Subdivision Control Law is not required. The Applicant shall submit a fee to the Planning Board equal to the cost of recording the plan. Said fee shall be determined by the Registrar of Deeds. A courier fee shall also be submitted by the Applicant to pay for the cost of bringing said plan to the Registry of Deeds for recording. Said fee shall be determined by the courier service, which shall be chosen by the Planning Board.
- 3.7. In addition to the recording fee, the applicant must furnish a fee of \$100 per lot, minimum of \$200.

## SECTION IV PRELIMINARY PLAN

- 4.1 General ó A Preliminary Plan for a residential subdivision, conforming with the Zoning By-Laws, Planning Board regulations, and Board of Health regulations, of the Town of Seekonk, should be submitted by the subdivider for discussion and tentative approval by the Board.

In the case of a nonresidential subdivision, any person before submitting his definitive plan for approval shall submit to the Planning Board and the Board of Health, a Preliminary Plan, and shall give notice to the Town Clerk by delivery or by registered mail, postage prepaid, that he has submitted such plan.

The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of Properties abutting the subdivision to discuss and clarify such subdivisions before a Definitive Plan is prepared.

When a Preliminary Plan is submitted, the applicant shall file by delivery or registered mail an application (Form B) with the Town Clerk stating the date of submission for such approval of a Preliminary Plan.

- 4.2 Contents ó The Preliminary Plan shall be drawn on tracing paper with pencil at the required scale and eight (8) prints shall be filed at the office of the Planning Board and one (1) print at the office of the Board of Health. Said plan shall be identified as a Preliminary Plan and show all the information required under the definition of the Preliminary Plan so as to form a clear basis for discussion of its problems and for preparation of the Definitive Plan. In addition to those items included in the definition of a Preliminary Plan, the following shall be submitted:

1. Two (2) completed copies of application Form B.
2. A locus plan of the subdivision, showing its relation to the surrounding area, at a scale of 1 inch = 400 feet.
3. A layout drawing of the subdivision at 1" = 400' or such other scale as the Board may accept to show adequate detail.
4. In the case of a subdivision covering less than all of the land owned by the subdivider in the area of the subdivision, the locus plan shall show in a general manner the proposed over-all development of all said land.

5. Percolation, maximum groundwater elevation and soil profile tests as required in 4.3 and 4.4, including the location of test holes.
  6. Fee of \$300 per plan.
- 4.3. Percolation tests ó The Planning Board or Board of Health may require percolation tests be taken on some or all the lots within the proposed subdivision. Two copies of a report showing the location and results of the tests shall be submitted with the plans. Tests shall be made in accordance with current Town of Seekonk regulations governing percolation tests and septic system installation and be performed by or under the supervision of a Professional Engineer or Registered Sanitarian. If percolation tests are required, the developer shall notify the Board of Health in accordance with its rules and regulations.
- 4.4. Groundwater and Soil Profile ó Maximum groundwater-table elevation and soil profile procedure shall be in accordance with Board of Health regulations. All elevations shall be determined with reference to true mean sea level.
- 4.4.1. Soil profile must be illustrated per Appendix VI for all test holes as dug.
  - 4.4.2. The lowest floor elevation of the proposed building(s) shall be at least two (2) feet above the maximum groundwater elevation.
  - 4.4.3. If the groundwater elevation is higher than acceptable, the developer's engineer may submit with his preliminary plan a proposed under drain system that will lower the maximum water table elevation to an acceptable level as defined in 4.4.2. The Board will evaluate the proposed sub-drainage system in terms of its expected useful life, maintenance requirements, and the effect that lowering of the groundwater table on the site will have on adjacent lots.
  - 4.4.4. The groundwater table determinations shall be made at a sufficient number of places to truly reflect the elevation of the water table. Except where Board of Health requirements are more stringent, a minimum of two determinations shall be made. A minimum of one determination per three acres shall be made on tracts larger than five acres.
  - 4.4.5. Unless the Board of Health requires otherwise, the developer shall notify the Board of Health at least forty-eight hours prior to when the groundwater tests are to be made and shall also provide safe and convenient access to the test sites.
  - 4.4.6. The date of each test, the existing and proposed grade elevation, the elevation of water encountered or the bottom elevation of a dry hole and the results of soil profile analysis will be indicated on the report submitted.
  - 4.4.7. In order to observe fluctuations of the water table, a representative number of test holes as required by the Board of Health and/or Planning Board shall remain open

until construction of the subdivision is completed by means of the following: Perforated standpipes with a nominal diameter of four (4) inches shall be inserted in the designated holes, and they shall be capped and marked for protection and ease of location.

- 4.4.8. Location of all groundwater level tests will be shown on the topographical plan. These test locations must be located by at least two (2) coordinate from fixed reference points.
- 4.5. During discussion of the Preliminary Plan the complete information required for the Definitive Plan (5.3 ó Contents) and the financial arrangement (Section VI ó Performance Guarantees) will be developed. Also, at this time a determination will be made as to whether an evaluation of the potential for erosion and sedimentation (5.4), runoff (5.5), and/or environmental impacts (5.6) will be necessary.
- 4.6. Within forty-five (45) days after submission of a Preliminary Plan the Planning Board and the Board of Health shall approve such Preliminary Plan with or without modifications, or the Planning Board and the Board of Health shall disapprove such Preliminary Plan, and, in the case of disapproval, shall state the reasons therefor. The forty-five day period shall be adhered to unless an extension is agreed upon by the Planning Board and the Applicant. The Planning Board may not approve a Preliminary Plan except in compliance with recommendations by the Board of Health.
- 4.7. Approval of a Preliminary Plan does not constitute approval of a subdivision, and a Preliminary Plan shall not be recorded in the Registry of Deeds.
- 4.8. If a Definitive Plan is duly submitted with seven (7) months from the date of submission of the Preliminary Plan which was not disapproved, the subdivision Rules and Regulations in effect at the time of submission of the Preliminary Plan shall govern the Definitive Plan.
- 4.9. In accordance with Chapter 40A, Section 6, of the General Laws, land shown on the Preliminary Plan shall be governed by the zoning requirements in effect at the time of its first submission while the plan is being processed under the subdivision control law provided that the Definitive Plan of the subdivision is finally approved. Upon approval of the Definitive Plan, the zoning provisions in effect at the time of the first submission of the Preliminary Plan shall be applicable for eight years from the date of endorsement of such approval. In the case where a subdivision plan was submitted or submitted and approved before January 1, 1976, the zoning requirement in effect at the time of submission of the plan shall be applicable for seven years from the date of endorsement of approval of the subdivision.

## SECTION V.

### DEFINITIVE PLAN

#### 5.1 General

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board all contents contained within the checklist for a Form C, The applicant shall be responsible for mailing costs. Notices mailed to abutters shall be in the form of certified mail return receipt requested and shall be prepared by the applicant. Said notices shall then be forwarded to the town for mailing.

When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board may require that applicants pay a review fee consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.

In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations.

The Board may have several consultants used on a rotating basis, who are responsible for providing a quote for said review. The applicant shall provide funds equal to said quote so the review can begin. Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application.

Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years or practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

## 5.2 Submission

- 1.2.1 The applicant shall file, by delivery or registered mail, with the Town Clerk, all documents as listed in Section 5.1.
- 1.2.2 One print of the Definitive Plan shall also be filed with the Board of Health at that time. Normally, the Planning Board will deliver the plan to the Board of Health.
- 1.2.3 A plan shall be considered to have been submitted when delivered to the Board, or when sent by registered mail to the Planning Board, care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan. Plans and applications are to be received by the Board at least five business days prior to the next regularly scheduled meeting at which they are to be discussed.
- 1.2.4 A signed agreement that all deeds based on this plan will include a covenant noting that such lot or lots shall be subject to applicable restrictions on this plan.
- 1.2.5 All Submittals must include a digital copy, on CD or DVD, of said plan in a format compatible with the latest version of AutoCAD. The plan shall be in the Mass State Plane Coordinate System with units in feet.

## 5.3 Contents

The Definitive Plan shall be an original drawing conforming to the rules and regulations of the Registry of Deeds. The plan shall be at a scale of one (1) inch equals forty (40) feet. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

1. Subdivision name, boundaries, north point, date and scale (see Appendix I).
2. Name and address of the applicant, Massachusetts professional engineer and/or land surveyor with registration number and stamp (see Appendix I).
3. Names of all owners or abutting land or the subdivision boundaries, as they appear in the most recent tax list.
4. Lines, bearing or angles of intersection, and radii of curves of existing and proposed streets, ways, lots, easements, and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board.
5. Existing and proposed land drainage system including existing natural waterways and proposed drainage channels or disposal sites (including sufficient drainage calculations).
6. Sufficient data to determine the location, direction, width and length of every street and way line, lot line, easement, zoning district and boundary line, and to establish these lines on the

ground. All survey work shall be done in accordance with Land Court instructions and requirements.

7. Indication of the purpose of all easements.
8. All proposed lots numbered in sequence. Parcels not conforming to the Zoning By-Law shall have the notation: "Lot (or parcel) # shall not be used as a separate building lot".
9. Location of all permanent monuments properly identified as to whether existing or proposed.
10. Location, names and widths of streets bounding, approaching or within 300 feet of the subdivision.
11. Suitable space to record the action of the Planning Board (see Appendix I).
12. Existing and proposed topography at one (1) foot contour intervals. The Board may require additional information on abutting land, whenever necessary.
13. Locations of groundwater tests and results.
14. The Planning Board may require percolation tests be taken on some or all the lots within the proposed subdivision (see items 4.3 and 4.4)
15. For each lot, the proposed elevation of the lowest floor of the building to be constructed on that lot.
16. All planned underground utilities, including sewer, drainage\*, water, gas, electricity, telephone and cable TV. The size and location of all connections from the street to each lot shall be shown.  
  
(\* ) Such as subdrains, downspout drains, storm drains, etc., from private property to be tied into public drains.
17. Separate plans and profile of every street in the subdivision showing the following data:
  1. Exterior lines of the way with sufficient data to determine the location, direction and length.
  2. Existing center line profile to be shown as a broken line.
  3. Finished, designed profile to be a full line, with elevations shown every 50 feet except on vertical curves where the elevations shall be shown every 25 feet.
  4. All drainage facilities to be shown on profiles, showing invert elevations, slope elevations, slopes and pipe size and material.

5. Water lines and sizes shall be shown at least five (5) feet below the center line and five (5) feet off the gutter. The location of all hydrants, valves, and other appurtenances shall be shown. Water lines shall be shown on the southerly and westerly sides of the road (see typical cross section in Appendix III).
  6. Scales shall be horizontal 1" = 40', vertical 1" = 4'
  7. Elevations shall be based on the Town of Seekonk datum. Reference to this datum is available at the Department of Public Works. At least two permanent bench marks shall be referred to on the profiles.
  8. All design work shall be done in accordance with acceptable engineering practice.
18. A locus plan of the subdivision showing relationship of the subdivision to the surrounding area, at one inch equals four hundred feet scale (1" = 400') unless otherwise shown on the Preliminary Plan.
  19. Major site features, such as the location and outline of all existing buildings, stone walls, rock outcroppings, ridges and cliffs, isolated trees over ten inches (10") in diameter, wooded areas and orchards, swamps, wetlands and marshlands, streams and ponds, historic markers, milestones and bridges, any clearly defined trails, locations of known primary groundwater recharge areas, floodzones A & B, and general topography over 25% in slope gradient identified as such.
  20. Proposed street trees and individual trees or wooded area to be retained within the sidelines of each street.
  21. Where necessary due to proposed fill, tree wells shall be shown and provided for trees over ten inches (10") in diameter which are intended to be preserved.
  22. Park or open areas within the proposed subdivision if any.

5.4 Erosion and Sedimentation

Erosion and Sedimentation Control shall conform to Category 20B of Stormwater Management of the General Bylaws.

5.5 Runoff Control

Runoff Control shall conform to Category 20C of Stormwater Management of the General Bylaws.

5.6 Environmental Impact Statement

The developer may be required to submit an environmental impact statement. The purpose of this statement is intended to alert the developer to the possible adverse effects the subdivision may create on the environmental resources at the development site. The second purpose is to provide town officials with sufficient information on the impact the development will have on town services and resources in order that the town can plan to meet those needs. In reviewing

the statement, it is the intent of the Planning Board to use the information concerning the impact of the development on town resources for purposes of accepting or rejecting the Definitive Plan.

The Planning Board may waive the requirement for the submission of any section or sections of the statement which it seems inappropriate to the proposed development. **IT IS THE INTENTION OF THE PLANNING BOARD TO GRANT WAIVERS AS A MATTER OF COURSE WHERE EXCESS IMPACTS ARE NOT ANTICIPATED.** It is suggested, however, that the developer discuss the requirements with the Board prior to submission of a preliminary plan. The statement should be to the greatest extent possible a technical rather than a subjective document. References and calculations shall be submitted with the plan and the statement itself shall include the following elements unless waived by the Board.

5.6.1 If an Environmental Impact Statement is required, the original and six (6) copies shall be submitted.

## 5.6.2 Physical Environment

### 5.6.2.1 Soils

Provide a general description of soils on the site. Provide information on erodibility and the suitability of the soils for different uses. Provide information on the suitability of soils for flooding infiltration at such location(s) as the Planning Board, Board of Health, or Conservation Commission may require. The Planning Board may utilize the service(s) of the Soil Conservation Service to the Town Engineer to determine same, and may apply all or some of the costs of such services to the applicant.

### 5.6.2.2 Sub-surface Conditions

1. Indicate the range of the depth to bedrock and the location of bedrock outcroppings.
2. Indicate whether the site is located on an aquifer and note its approximate yield and/or saturated thickness. Also note the location of any recharge areas.
3. Describe any potential limitations to the proposed project that might be imposed by subsurface soil and water conditions.
4. Evaluate the possible impact of sewage disposal methods on the quality of sub-surface water. A determination of nutrient loading shall be required if a portion or all of the proposed development lies within the watershed or zone of contribution of a public water supply well(s), either existing or proposed. It shall be the responsibility of the Planning Board with written recommendations from the Water District, to determine whether the plan

for subdivision falls, partially or totally, within the existing or proposed public water supply well's watershed or zone of contribution.

1. Determination of nutrient loading shall be done using available loading estimates from the local Board of Health, State or Federal performance standards (whichever is the more restrictive) and shall include, at a minimum:

1. The existing condition of the water body or water supply, including physical characteristics;
2. The expected change in the condition of the water body or water supply as a result of the proposed development;
3. The comparison, on a per acre basis, of the total nutrient loading from the proposed development with:
  1. the loading rate which would be expected or produce critical eutrophic levels in a water body, or in the case of water supply, the loading rate which would produce nitrate-nitrogen levels in excess of five (5) parts per million, and/or;
  2. the loading rate of those contaminants which the Planning Board and the Board of Health may necessarily require but which are only proved by the State of Massachusetts Listing of Primary Maximum Allowable Contaminant Levels in Water.
4. The proposal of measure to mitigate and reduce the nutrient loading if (3) above indicates that the per acre loading rate from the proposed development equals or exceeds the critical loading rate when combined with existing and potential development within the recharge area defined in 5.6.2.2.4 above. For these purposes, the following standards shall apply, unless the petitioner demonstrates to the Planning Board, with concurrence from the Board of Health, that other standards are appropriate for this project.

1. Loading per person:

- 5 lbs. nitrogen/person/year;
- .25 lbs. phosphorus/person/year for those sewage disposal systems within 200 feet of any water body at the highest water mark;
- three persons per dwelling unit, and one dwelling unit per each 40,000 square feet of buildable lot area, unless and

until public sewer is made available to each lot and connected.

2. Loading from lawn fertilizers:

- 3 lbs. nitrogen per 1,000 square feet of lawn/year.

3. Loading from street runoff:

- .19 lbs. nitrogen per lineal mile/one way/per day.
- .15 lbs. phosphorus per lineal mile/one way/per day.

4. Critical eutrophic levels in fresh water concentration for total phosphorus = .02 mg/liter;

5. Critical level for drinking water = 5 ppm, or 16.0 lbs./year, whichever is less,

The formula for estimating the average nitrate concentration appears below:

$$\frac{N \text{ (lbs./year)}}{R \text{ (gal./year)} \times 3.8 \text{ (1/gal)}} = \frac{N \text{ (lbs.0x454,000(mg/lb))}}{R \text{ (gal./year)} \times 3.8 \text{ (1/gal)}}$$

N = Total nitrogen load in pounds from septic tank effluent and lawn fertilizer sources.

454,000 = Conversion factor from milligrams to pounds.

R = Precipitation that recharges the groundwater (or 16ö/year/acre).

3.8 = Conversion factor from liters to gallons.

5.6.2.3 Infrastructure

1. Water Supply

1. Describe the source(s) of water supply that will be used to service the subdivision.
2. Estimate what the daily average and the summer peak daily average demand will be for the proposed subdivision when completed.

2. Solid Waste

1. Estimate the amount and type of solid waste that will be generated by the subdivision per year.
2. Indicate the most likely means of disposal and the probable disposal site (s).
3. Transportation
  1. List and indicate on a locus map of a scale 1ö = 400ø any regional and local highway arteries that will provide service to the subdivision. Where information is available, indicate the theoretical capacity (vehicles per hour) and the present usage (average vehicles per our and average rush hour vehicles per hour) for these arteries.
  2. Describe and locate any mass transit facilities that will service the subdivision.
  3. Estimate the traffic generation rate from the subdivision (average vehicles per hour and average rush hour vehicles per hour).

4. Air Pollution

If the proposed development contains large air pollution generators such as incinerators, power plants, industrial or commercial heating units, industrial processing units, large parking areas or traffic generation, the developer may be required to submit the following:

1. Where available, describe the daily average, eight hour average and maximum one hour concentration of air pollutants in the development site area. Include the following pollutants: sulphur dioxide, particulates, carbon monoxide, photochemical oxidants and hydrocarbons.
2. Where information is available, note the standards which have been violated for the parameters listed above.
3. Estimate the appropriate parameters the generation rates from those components of the development identified as large pollution generators.

5. Noise Pollution

For the developments judged to have the potential for large noise pollution impact the flowing information may be required.

1. Provide information on the ambient noise level at the site.
2. Estimate the potential increment caused by the development on the ambient noise level.

6. Social Environment

1. Schools: Estimate the probably number of pupils by type of school that will be generated by the subdivision.
2. Health Services: Comment on the overall age structure of the inhabitants of the subdivision and whether any particular services may be demanded.
3. Recreational Facilities: Indicate whether the subdivision will include any recreational facilities. Note the type of facility and intended usage group.

7. Impacts and Conflicts

For the elements above which have been addressed, indicate where significant impacts may be imposed on the environment at the development site. Specify the source, severity and duration of each of the possible impacts. Discuss any action or alternatives that will be undertaken or investigated to ameliorate the damage.

Indicate further whether any significant conflicts or impacts with the Town's infrastructure, social structure or environment have been identified.

Indicate whether any modifications may be undertaken in the subdivision plan to lessen these potential town-wide conflicts. This town-wide information is requested for community planning purposes in order to better anticipate and provide for demands created on town services. This information may be used as a basis for accepting or rejecting the Definitive Plan.

8. In-so-far as is possible and reasonable, the subdivision plan shall conform to the most recently adopted Master Plan of the town of Seekonk as to design and performance standard as set therein.

## 5.7 Review by Board of Health as to the Suitability of the Land

The Board of Health shall within forty-five (45) days after filing of the plan, report to the Planning Board in writing, approval or disapproval of said plan. If the Board of Health disapproved said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reason thereof in such report, and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with a suitable means of sewage disposal satisfactory to the Board of Health. The Planning Board may not approve a subdivision except in compliance with recommendations of the Board of Health.

## 5.8 Public Hearing

Before the approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Board at the expense of the applicant at least fourteen (14) days prior thereto by advertisement in a newspaper of general circulation in the Town of Seekonk. A copy of said notice shall be mailed to the applicant and to all abutters as defined in Section 2.2. Copies of said notice shall be sent to all appropriate town departments and boards.

## 5.9 Certificate of Approval

After the public hearing, but not later than ninety (90) days after submission of the Definitive Plan for a nonresidential subdivision, the Board shall vote to approve, modify and approve, or disapprove such plan.

After the public hearing, but not later than one hundred thirty-five (135) days after submission of the Definitive Plan for a residential subdivision, the Board shall vote to approve, modify and approve, or disapprove such plan. However, if an applicant has previously submitted a Preliminary Plan showing the proposed residential lots, then the Board must take final action upon the Definitive Plan within ninety (90) days of its submission. Actual approval shall be effective only after security is given in accordance with section VI.

5.9.1 The action of the Planning Board in respect to a Definitive Plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty day appeal period has elapsed following the filing of the certificate of action of the Planning Board with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed, and surety, if required, is posted with the Town Clerk, The Planning Board shall specify as a condition of approval the period within which security must be given. Said period shall not exceed twelve (12) months (see Section 9.5.3).

- 5.9.2 Upon final approval, it shall also be the responsibility of the Planning Board to submit the approved Definitive Plan to the Land Court or the Registry of Deeds for recording. The applicant shall submit a fee to the Planning Board equal to the cost of recording the plan. Said fee shall be determined by the Land Court or Registrar of Deeds . A courier fee shall also be submitted by the applicant to pay for the cost of bringing said plan to the Land Court or Registry of Deeds for recording. Said fee shall be determined by the courier service, which shall be chosen by the Planning Board. .
- 5.9.3 Final approval of the Definitive Plan does not constitute the laying out or acceptance by the town of streets within a subdivision. (Refer to Section 6.8.1, Street/Land ó Initiation of Acceptance.)
- 5.9.4 If a Definitive Plan is disapproved and the developer resubmits a revised Definitive Plan within two (2) months of the date of disapproval, the Planning Board may not require a new public hearing. A new public hearing shall be required if a revised Definitive Plan is submitted more than two (2) months have passed since the date of disapproval.

#### 5.10 Time Extension

If the need for additional time is indicated to resolve an application, the applicant may agree in writing to an extension of time to a given date.

## SECTION VI.

### PERFORMANCE GUARANTEE

#### 6.1 General

Upon Planning Board vote to approve a Definitive Plan but before the plan can be endorsed by the Planning Board and recorded, the applicant shall guarantee the construction of the subdivision in compliance with the approved plan and in accordance with the terms and conditions of such approval, by a bond or other security or with a covenant.

#### 6.2 Bond or Security

The developer shall file a security in the amount deemed by the Planning Board to be sufficient to cover the estimated cost of all required work at the expiration of the time period specified by the applicant for the performance of said work. If at the elapse of the time period specified by the developer shall be in automatic default. This period may be extended by vote of the Board of a specified time upon a written request of the developer, concurred in by surety, if any, and in writing.

The applicant may select from the following methods of security, and may from time to time vary the method or combination of methods:

1. Proper bond, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision;
2. Deposit of money, or negotiable securities, such as certified check, savings passbook accompanied by a signed withdrawal slip and an assignment of the account to the Town, savings certificates assigned to the Town and acceptable to the Town;
3. Covenant, executed and duly recorded, running with the land, whereby ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgaged deed;
4. Agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant and the lender and shall provide for the retention by the lender of funds sufficient to secure the construction.

It is recommended that at least \$2,000 or 10 percent of the security amount, whichever is more, shall be in the form of a certified check or savings deposits. The form and manner of execution of security shall be approved by the Town Treasurer. (See Forms EE and FF for standard bond formats.)

### 6.3 Agreement

Whenever the bond does not clearly state the conditions, scope and time of performance secured thereby, a separate surety agreement shall be executed by the Planning board on behalf of the Town, the developer and the surety company, if any, referring to the conditions under which the security referred to herein may be realized upon or the bond enforced. Such agreement, or a separate certificate given by the Board, shall enumerate the lots which may be built upon or sold and shall be in a form suitable for recording.

### 6.4 Extension of Time

When the time period for the performance of the required work is extended, such extension shall be subject to the conditions of the original bond or agreement, but the amount of security or the penal sum of the bond may be increased by the Planning board to cover the estimated cost at the end of the extension period. Such continuation of conditions and any increase in the penal sum of the bond or the amount of security shall be accepted in writing as a condition of such extension by the developer and the surety company, if any.

### 6.5 Reduction of Security

Upon partial performance by the developer of the required work the Board shall, upon written request of the developer, reduce the penal sum of the bond or deposit held, to a sum bearing a direct and reasonable relationship to the expected cost including the effects of inflation, necessary to complete the work remaining. Such reduction shall not affect the obligations of the developer and the surety with respect to the required work and the maintenance of streets and utilities until all such work is completed and the surety released, except as may be expressly voted by the Board.

### 6.6 Failure of Performance

Upon failure of the developer to satisfactorily complete all required work secured by a bond or other security within the time specified and in accordance with these Rules and Regulations, the Planning Board shall have the right to enforce the bond or realize upon the security to the extent of the reasonable cost to the Town of completing the required construction and installation including any portion of such security necessary to cover the expenses incurred in conjunction therewith and return any amounts left after such completion to the developer.

### 6.7 Covenant

Instead of securing performance by a bond or other security, the applicant may elect to give the Board a covenant duly executed by the owner of record and consented to by other parties with property interests in the land, such as any mortgagee or tenant in common. Such covenant shall run with the land and shall provide that no lot secured by such covenant in the subdivision or any portion thereof shall be built upon or sold, other than by a mortgage deed, until the ways and the utilities or other required improvements to serve such lots have been constructed or installed to the satisfaction of the Planning Board, and the Board shall have voted to release such lots from

the operation of said covenant. The covenant shall identify the lots restricted by its operation and the scope and, if appropriate, the geographic limits of construction and installation required for the release of such lots and may specify the time within which such construction and installation is to be completed. The Planning Board shall have the right to extend such time and continue the operation of the covenant at the developer's request, but the failure of the developer to complete the required work within the time specified or within the time so extended by the Board shall be a reason for the rescission of the approval of the subdivision, and any portion thereof subject to such covenant, in addition to other remedies provided by law. (See Form GG for a standard covenant agreement.)

## 6.8 Release of Performance Guarantee

Upon the satisfactory completion of all required work, including the delivery of the built plans and certifications, the developer shall send a statement by registered mail to the Town Clerk and the Planning board that the required construction and installation has been completed in accordance with these Rules and Regulations, enumerating the lots covered by the performance guarantee for such construction and installation and requesting the release of bond or other security or the release of lots from the operation of the covenant. Within forty-five days of such request, the Board shall either vote to release and return such bond or security, or vote to release the lots affected from the operation of the covenant, terminating the developer's obligations in connection therewith, or else the Board shall advise the developer by registered mail and the Town Clerk of the specific details of non-performance or failure to comply with these Rules and Regulations. If the Board fails to so notify the developer and the Town Clerk within said forty-five days, the Town Clerk shall issue a certificate that the covenant is void with respect to any lots the release of which has been requested or that all obligations under the bond or other security are terminated and it may be returned to the developer. Such certificate shall be in a form suitable for recording.

### 6.8.1 Street/Land's Initiation of Acceptance

Once the top course has been applied, the Planning Board shall retain a minimum of 15% of the security amount. Upon seventy-five (75) % build out of the subdivision and any final corrective measures to the top course are completed by the applicant (see section 8.5.5.2), the Planning Board shall retain a minimum of 5% of the security amount. At that time, the applicant may submit in writing to the Board of Selectmen, a formal request for Town acceptance of the bonded or otherwise secured streets or land to be dedicated. Once the Town accepts said streets or lands, the Planning Board shall release the resultant security amount.

### 6.8.2 Drainage System

Performance guarantees related to the drainage system shall not be released until one year following the approval of said drainage system by the Board or the Board's agents.

## 6.9 Election of Performance Guarantee

As between a bond or other security and a covenant, the developer shall have the right to elect which performance guarantee type to use and the right to change from one type to the other from time to time, but the Planning Board shall have the right to specify the time of performance. Subject to the Town Treasurer's approval of the form and manner of execution, the Planning Board shall have the right to specify the penal sum of any bond or the type and amount of other negotiable security. The Board may, at its option and subject to the Town Treasurer's approval, accept as security any readily negotiable property of sufficient value, such as common stock or bearer bonds. The Board may further in lieu of a bond or a deposit enter into an agreement with the holder of the first mortgage on the subdivision, which agreement shall provide for the retention of sufficient funds, otherwise due the applicant, in the event of failure of timely performance of the required construction and installation and shall further provide that such undisbursed funds shall be available for the completion of the required work in the event of the developer's failure to perform such work. If the developer shall submit to the Planning Board a new tracing of that part of the subdivision to be subject to the operation of the covenant. The board shall inscribe on such new tracing a reference to the restriction of the covenant, and the tracing shall be recorded, superseding the previously recorded plan which had no reference to the covenant. Copies of all covenants, agreements, releases and other actions by the Board shall be furnished to the Inspector of Buildings, who shall issue no building permit for any lot in a subdivision unless first satisfied that such a lot has been released for building and sale and is not restricted by the operation of a covenant.

- 6.10 When setting bond requirements or executing covenants, it shall be the policy of the Planning Board to consider the feasibility of developing the subdivision in a phased manner. If because of the number of planned lots the Board deems that the development could be done in phases, the Board shall consider this option in the setting, reduction and timing of bond requirements and/or the drawing up of covenants to cover the construction of ways, utilities and other required improvements.
- 6.11 A filing fee, payable to the Town of Seekonk, of \$125 shall be submitted with every request for reduction of security, partial release of covenant and final release of performance guarantee. For establishing or releasing covenants, the applicant shall submit a fee to the Planning Board equal to the cost of recording the covenant. Said fee shall be determined by the Registrar of Deeds. A courier fee shall also be submitted by the applicant to pay for the cost of bringing said plan to the Registry of Deeds for recording. Said fee shall be determined by the courier service, which shall be chosen by the Planning Board.

## SECTION VII.

### DESIGN STANDARDS

#### 7.1 General

All subdivisions shall be designed and laid out so that in the opinion of the Board they meet the requirements of public safety including safe vehicular travel, adequate storm drainage, sewage disposal and water supply, utilities, as well as precautions against possible natural disasters. All streets in the subdivision shall be designed to provide for safe vehicular travel, livability and amenity of the subdivision. Subdivision design shall conform to the rules and accepted principles of correct land use, sound planning, and good engineering.

#### 7.2 Streets

##### 7.2.1 Location and Horizontal Alignment

- 7.2.1.1 All streets shall conform to topography, and where possible straight segments of over 300 feet which encourage speeding shall be avoided in minor streets. Collector and arterial streets shall facilitate safe movements of traffic by providing ample sight distances and by avoiding steep horizontal and vertical curved particularly at approaches to intersections.
- 7.2.1.2 Proposed streets shall conform as far as practical to master or study plans, if any, as adopted in whole or part by the Planning Board.
- 7.2.1.3 The Board may require a definitive subdivision plan to layout its ways so as to provide adequately for possible future connections to new ways and to allow for access to adjoining land, in order to promote through connections and eliminate dead-ends.
- 7.2.1.4 Reserve strips prohibiting access to streets or adjoining property shall not ordinarily be permitted.
- 7.2.1.5 The minimum centerline radii of curved streets shall be not less than the following:
  - Arterial Streets    800 feet
  - Collector Streets    600 feet
  - Minor Street    250 feet
- 7.2.1.6 Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees, although in some cases the Planning Board may accept a lesser angle in the direction of travel.

7.2.1.7 Street intersection jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

7.2.1.8 Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than twenty (20) feet at intersections of minor streets with other minor streets, and twenty-five (25) feet or greater at all other intersections.

7.2.1.9 A concerted effort shall be made to provide at least 500ø of visibility in both directions on high-speed roads (i.e., 35 mph+) and at least 300ø of visibility on lower speed roads for the establishment of bus stops when designing street intersections.

7.2.2 Width

7.2.2.1. The minimum width of street rights-of-way shall be not less than the following:

Arterial Streets 96 feet  
 Non-Residential Collector Streets 62 feet  
 Residential Collector Streets 60 feet  
 Local or Minor Streets 40 feet

The Planning Board may also accept other rights-of-way widths in the design of boulevards, parkways, or double roadways.

7.2.2.2. The minimum width for the roadway (pavement) shall not be less than the following:

	<u>Travel Lanes</u>	<u>Shoulder &amp; Parking</u>	<u>Minimum Total Paved</u>
Arterial	12 ft. ó four lane minimum	8 ft. ó one on each side	64 feet
Non-Residential Collector	12 ft. ó two lane minimum	8 ft. ó one on each side	40 feet
Residential Collector	11 ft. ó two lane minimum	8 ft. one on each side	38 feet
Local/Minor	12 ft. ó with sidewalks	-----	24 feet
	14 ft. without sidewalks		28 feet

- 7.2.2.3 The minimum width of pavement for driveway entrances within the rights-of-way to industrial lots shall be thirty (30) feet flaring to forty (40) feet at the curb line.
- 7.2.2.4 The minimum width of pavement for driveway entrances within the rights-of-way to residential lots shall be twelve (12) feet flaring to sixteen (16) feet at the curb line.
- 7.2.2.5 The minimum width of pavement for sidewalks, where required, shall be five (5) feet.
- 7.2.2.6 In all instances the design of streets and the location and construction of pavement, sidewalks, grass strips, curbs and utilities shall conform to the applicable cross-section (see Appendix).
- 7.2.2.7 When necessary due to anticipated traffic load, the width of the right-of-way and pavement shall be increased in six (6) foot increments.

### 7.2.3 Grade

- 7.2.3.1 Grades of streets shall be not less than 1% nor greater than 8% for minor streets, not less than 0.6% nor greater than 9% for collector streets, and not less than 0.6% nor greater than 6% for arterial streets unless otherwise approved by the Planning Board.
- 7.2.3.2 On any street where the grade exceeds six (6%) percent on the approach to an intersection, a leveling area with a slope of less than one (1%) percent shall be provided for a distance of not less than fifty (50) feet measured from the nearest exterior line of the intersecting street.
- 7.2.3.3 Vertical curves are required whenever the algebraic difference in grade between centerline tangents is 0.5% or more. For minor and collector streets the minimum length of vertical curve shall be twenty-five (25') feet per 1% change of grade. Vertical curves for arterial streets shall be in accordance with the most current design standards outlined by AASHTO in A Policy on Geometric Design of Highways and Streets.
- 7.2.3.4 All roadway pavements on minor or collector streets shall have a cross slope from the centerline of the roadway of no less than ¼ inch per foot except at horizontal curves which shall be superelevated in accordance with the most current design standards outlined by AASHTO in A Policy on Geometric Design of Highways and Streets. When a roadway changes directions on a hill, the pavement shall be sloped so that water will not drain from one side of the road to the other.
- 7.2.3.5 All side slopes resulting from grading of streets and sidewalks shall not exceed one (1) foot vertical to three (3) feet horizontal in fill, one (1) foot to two (2) feet in cut, or one

(1) foot to three quarters (3/4) foot in ledge. Retaining walls shall be employed where slopes cannot be contained within these limits.

7.2.3.6 On arterial streets, whenever the approved street grade and the grade of the adjacent land is such that side slopes of one (1) foot vertical to five (5) foot horizontal or steeper are created and/or if hazardous roadside features or appurtenances are present and cannot be removed or redesigned, the developer shall be required to install a protective guardrail. For collector and minor streets, the Planning Board may require guard rails where side slopes of one (1) foot vertical to three (3) foot horizontal or steeper are present and/or where hazardous roadside features or appurtenances are present and cannot be removed or redesigned.

#### 7.2.4 Dead-end Streets

7.2.4.1 The length of permanent dead-end streets shall not exceed the frontage that would allow for a maximum number of six (6) lots having the minimum frontage permitted under zoning along each side of the street. Where in the opinion of the Board safety and convenience will not be sacrificed or whenever the total length of a dead-end street exceeds one thousand (1,000) feet, or in non-residential subdivisions, the Board may require a special double roadway or parkway street.

7.2.4.2 Dead-end streets shall be provided at the closed end with a turnabout having a diameter of one hundred and five (105) feet and a property line diameter of at least one hundred twenty-five (125) feet, and with a forty (40) foot diameter landscaped island at the center point (see Appendix IV). Alternative designs may be permitted by the Planning board with the written recommendation of the Public Works Department and /or Fire Department. Such alternatives shall provide for sufficient area so that a vehicle with a turning radius of fifty (50) feet can execute a turnaround in one operation.

7.2.4.3 If a dead-end street is of a temporary nature, a temporary turnaround shall be provided if the street is greater than one hundred fifty (150) feet in length from the nearest intersection. Temporary turnaround easements shall be provided and they shall conform to the dimension requirements of permanent turnarounds. Temporary turnarounds must meet specifications of permanent turnarounds, including bonding.

7.2.4.4 For the purposes of this section, any proposed street which intersects solely with a dead-end street shall be deemed to be an extension of the existing dead-end street.

#### 7.3 Sidewalks

Sidewalks shall be designed in conformance with Sections 5 and 6 of Rules and Regulations of the Architectural Barriers Board and in accordance with Appendix III, Subdivision Rules and Regulations.

#### 7.4 Easements

- 7.4.1 Easements for utilities and drainage facilities across lots, centered on rear or side lot lines, shall be provided where necessary, at least thirty (30) feet wide, and located on land owned by the homeowner's association established for the proposed subdivision. Such easements will be submitted with and be part of the Definitive Plan and recorded as a separate document with the Registry of Deeds.
- 7.4.2 Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board shall require that there be provided a storm drainage easement of a minimum width of twenty (20) feet to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.
- 7.4.3 Access easements to park and conservation land shall be secured for the benefit of the Town and shall be at least twenty (20) feet wide.
- 7.4.4 An easement of at least twenty (20) feet wide shall be provided at the end of all dead end streets to the depth of the lots for future main tie-ins.

## 7.5 Water Supply

- 7.5.1 No Definitive Plan shall be approved by the Planning Board unless provision is made for adequate supply of water to each of the lots in the subdivision and for purposes of fire protection.
- 7.5.2 Where feasible, water mains shall connect to the existing municipal system and extension to adjacent undeveloped land shall be required to be drawn on the Definitive Plan. Wherever possible, water mains shall be laid out to form a continuous loop with the existing or proposed system to avoid dead-ended pipes.
- 7.5.3 The minimum water main diameter shall be in accordance with Water District requirements.

## 7.6 Storm Drainage Systems

The design of storm sewers, culverts, storage ponds and other drainage facilities shall be based on the calculations and requirements developed as per Section 5.5 of these rules and regulations or, if the Planning Board waives that section, shall be based upon the rational method or Soil-Cover-Complex Method as follows: 100 year design storm for culverts, bridges and storage/retention facilities, and 25 year design storm for storm sewers, catchbasins, manholes and other related drainage facilities.

## 7.7 Open Spaces

- 7.7.1 Before approval of a Definitive Plan the Board may require the plan to show a park or parks suitably located for playground or recreation purposes or providing light and air. In calculating the amount of land that shall be set aside as park land or open space, the following rates shall be applied: in R-1 or R-2 districts - .06 acre per dwelling unit; in R-

3 or R-4 districts - .1 acre per dwelling unit. In no case shall the amount of land be more than ten (10) percent of the total area of the subdivision. The Planning Board may by appropriate endorsements on the plan require that no building be erected upon such land for a period of up to three (3) years without its approval. Within this time period the Town may if it desires purchase said land.

7.7.2 If the Board requires the developer to set aside land for parks or open space, it shall determine that such land is suitable for the intended purpose with respect to soils, topography, drainage or other characteristics which could restrict the use of the site. The Board may also require, where appropriate, that any land designated for open space be continuous with parks or open areas on adjacent sites, and have access provided which is acceptable to the Planning Board.

## 7.8 Protection of Natural Features

In order to enhance and maintain property values and to protect existing natural characteristics within the subdivision, major site features as identified in the contents of the Definitive Plan and required in Section 5.3.19 above, shall be preserved to the maximum possible extent, and not be removed or damaged except with the express approval of the Planning Board and/or the Conservation Commission. If it shall be the natural order of things to remove or damage said features in order to provide for the elements of the subdivision, the applicant shall take very means possible to replace and restore the land to its original definition based on reasonable Planning Board and/or Conservation Commission stipulations. Where feasible, the layout of lots and the location of buildings shall be accomplished with due regard driven to preserving the major site features so identified and located in the Definitive Plan.

## SECTION VIII.

### CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES

#### 8.1 General

- 8.1.1 No water main, drain, catch basin, utility, road subgrade or surface or any other improvement shall be backfilled, paved over or otherwise permanently covered until inspected by the Board or the Board's Agent, who shall confer with the Public Works Department and Water District in the field at the site, and found to be in conformance with these Rules and Regulations and applicable Town specifications.
- 8.1.2 The Planning Board shall provide the subdivider with a checklist of those improvements which are to be inspected and designate the appropriate Inspector. Refer to checklist, "Inspection of construction", Form K.
- 8.1.3 The subdivider shall notify, in writing, the designated inspector or if he is not available, the Planning Board, at least two full working days prior to the time of each required inspection. The subdivider shall provide safe and convenient access to all parts of work to be inspected.
- 8.1.4 No work will be approved unless it has been inspected, and any work covered before being inspected shall be uncovered and inspected at the owner's expense, unless the applicant has requested such an inspection and the Planning Board or its agents did not inspect the work within one week through no fault of the applicant.
- 8.1.5 Standards of construction not otherwise specified hereunder shall be according to the latest standards of Mass Highway.

#### 8.2 Utilities

##### 8.2.1 Water Facilities

The Board shall require that water mains and appurtenances, such as hydrants, valves and all service connections, be installed to conform with specifications of the Seekonk Water District.

##### 8.2.2 Other Utilities

1. All lots within the subdivision shall be provided with other necessary utilities such as gas, electricity, telephone and cable TV. Service connections shall be installed from the main utility to the exterior street line of each individual lot as shown in the approved Definitive Plan.

2. Electrical and telephone conduits in streets shall be placed underground unless the Board determines that such placement is not feasible or in the best interest of the Town.
3. Each utility system shall be laid out in conformance with the requirements of the respective utilities and the Seekonk Superintendent of Public Works.
4. Backfilling of utilities shall be as described in 8.4.4.
5. All utility poles, traffic signs, street signs, etc., shall be located not more than eighteen (18) inches from the gutter line or face of curb.
6. Where feasible, all gas main service connections will be located adjacent to water service connections. Where feasible, electric and telephone service will be located at side lot lines alternating with water and gas service.

### 8.3 Fire Protection

Adequate fire protection shall be provided for in accordance with the following requirements:

#### 8.3.1 Fire Alarm Box

At least one (1) fire alarm box shall be required in a subdivision. The location of the fire box(es) shall be specified by the Fire Department. The fire alarm system shall be installed in accordance with the specification of the Fire Department and prior to the binder course application.

One fire alarm box shall be placed every one thousand and six hundred (1,600) feet of roadway, or fraction thereof, within the subdivision. Distance shall be measured along the centerline of the proposed roadway.

In areas outside of the Seekonk Water District the Planning Board based on the recommendation of the Fire Department shall require one of the following methods to ensure an adequate supply of water for fire protection:

#### 8.3.2 Individual Sprinkler System:

Individual residential unit sprinkler system in accordance with the specifications of the Seekonk Fire Department may be installed within individual residences within a subdivision when in the opinion of the Planning Board and the Fire Department such individual sprinklers are the best method of providing adequate fire protection.

#### 8.3.3 Tanker Truck:

In lieu of providing said individual sprinkler system (8.3.2) or subsurface water storage (8.3.4) an applicant may satisfy the fire protection requirement by providing

a fee of (five thousand) \$5,000 per residential unit for the purchase, equipping, and maintenance of a Fire Department Tank Truck or other related fire suppression equipment.

8.3.4 Subsurface Water Storage:

Subsurface water storage (fire tanks) for fire protection may be installed within a subdivision when in the opinion of the Planning Board and the Seekonk Fire Department such fire tanks are the best method of providing adequate fire protection. No fire tank installation shall be undertaken prior to issuance of a subsurface water tank permit from the Fire Department.

8.4 Drainage

Adequate disposal of surface water shall be provided for in accordance with the following requirements:

8.4.1 Surface water shall be disposed of at intervals of three hundred (300) feet or less where deemed necessary by the Planning Board (see Appendix II for pipe bedding and backfill details). Where groundwater conditions require, such as trench excavation in areas with a high water table or highly permeable surface soils over impervious layers, open joint underdrains of not less than 60 diameter shall be installed and connected to a subsurface or surface storm drain, culvert or outlet.

8.4.2 Pipe, pipe size, grades, manhole and catch basin locations shall be in accordance with the latest Mass Highway Construction and Traffic Standard Details.

8.4.3 Catch basins, manholes, headwalls and pipe shall be in accordance with the latest Mass Highway Construction and Traffic Standard Details.

8.4.4 Backfilling shall consist of suitable materials uniformly distributed and compacted. When suitable backfilling cannot be obtained from the excavation, the filling shall consist of satisfactory borrow. Both sides should be thoroughly tamped. No backfilling shall be placed on masonry or other structure without the specific prior approval by the Superintendent of Public Works or the Board's Agent. It shall be formed of successive layers not more than six (6) inches in depth, each layer being thoroughly compacted before the successive layer is placed.

8.4.5 Open culverts with a diameter of twelve (12) inches or greater shall be enclosed with a bar rack. The rack shall consist of vertical iron rods spaced five (5) inches on center and shall be removable for cleaning purposes.

8.4.6 All street drain grates shall be of the checkered type, or if the bar type, they shall be placed perpendicular to the curb.

8.4.7 Inlet or throat stones shall be included at all catch basin locations with transition stones.

8.4.8 At least one (1) catch basin shall be installed in all cul-de-sacs.

## 8.5 Street and Roadway

8.5.1 The entire layout of each street or way shall be cleared of all stumps, brush, roots, rocks, boulders and like material and of all trees not intended for preservation.

8.5.2 All loam and other yielding material shall be removed from the roadway area of each street and beyond to where a one (1) foot vertical to two (2) foot horizontal slope from the gutter intersects hard material. The removed material shall then be replaced with suitable material. (See typical cross section in Appendix.)

8.5.3 All roadways shall be brought to a grade of fifteen (15) inches below finished roadway and inspected before road construction continues. The foundation shall consist of ten (10) inches of gravel, free from foreign materials, well compacted and approved before paving. This gravel should not have any stones greater than six (6) inches in size. The finished fine grade course will consist of a two (2) inch gravel layer and this gravel shall not have any stones greater than two (2) inches in size. Completion of this work shall be done within one year from filing of the performance guarantee. The developer shall notify the Superintendent of Public Works before each phase of work is started.

8.5.3.1 The completed gravel surface shall be compacted until a firm, even surface true to lines and grades is obtained.\* Any gravel, which after being rolled does not form a satisfactory solid stable foundation, shall be removed by the subdivider and replaced with a suitable gravel surface.

(\* ) In accordance with the latest Mass Highway standards, with the exception of reprocessed asphalt used in processed gravel, which will not be allowed.

8.5.4 The completed gravel surface shall be compacted until a firm, even surface true to lines and grades is obtained.\* Any gravel, which after being rolled does not form a satisfactory solid stable foundation, shall be removed by the subdivider and replaced with a suitable gravel surface.

(\* ) In accordance with the Mass Highway, "Standard Specifications for Highways and Bridges".

8.5.5 After the completed gravel surface has been approved by the Superintendent of Public Works the final treatment shall be applied. This treatment shall consist of two (2) courses of hot mix asphalt; the first being 2 inches of a binder course (course graded) and the second being 1 ½ inches of top course (fine graded). Before the top course is applied, the surface of the binder course shall be swept clean, dry and leveled where needed, and tack

coated with emulsion designated RS-1 by machine spraying at a rate of 1/20 gallon per square yard. Paving shall not take place when the temperature is below 40 degrees Fahrenheit.<sup>1</sup> (See Appendix III for typical roadway sections.)

8.5.5.1 No building permits shall be issued on any lots shown on an approved definitive subdivision plan until the binder course and associated drainage structures is applied by the applicant and inspected and approved by the Planning Board or its agent. The Town Planner will then issue a letter to the Building Inspector stating that safe passage along the ways within an approved subdivision may occur.

8.5.5.2 The top course shall not be applied until at least one year following the application of the binder course. The applicant must maintain all aspects of the subdivision until the road has been accepted by the Town. Once the Building Inspector issues certificates of occupancy for seventy-five (75) % of the lots shown on a Definitive Plan, the top course of asphalt will then be inspected by the Planning Board or its agent. Any deficiencies found must be corrected to the satisfaction of the Planning Board before an applicant can request acceptance of the road.

8.5.6 Grades and Stakes ó the subdivider will provide an original survey showing the base line or center line of construction as well as the location of stakes at fifty (50) foot intervals for the line and grade of the streets, utilities and culverts and for other major structures. The subdivider shall furnish and set all stakes for the construction and grade of roadways, utilities, culverts and other structures.

8.5.7 In all industrial developments, the paved width shall not be less than forty (40) feet and road surface shall consist of hot mix asphalt laid in two courses: three (3) inch binder and 1 ½ inch surface course. Before the top course is applied, the surface of the binder shall be swept clean, dry, and leveled where needed and tack coated with emulsion designated RS-1 by machine spraying at a rate of 1/20 gallon per square yard.

## 8.6 Curbing

1. Curbing shall be installed along each edge of all streets. Bituminous concrete curbing shall be M.D.P.W. Type I-1 (machine installed; see Appendix III). Curbing shall be set at a profile grade and be set on a foundation of not less than twelve (12) inches of gravel free from foreign material.
2. Standard granite curbing, M.D.P.W. V.A-4 shall be installed at all intersections (see Appendix IV).
3. Granite or reinforced concrete inlets shall be installed at all catch basins.

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<sup>1</sup> Unless otherwise approved by the Superintendent of Public Works.

4. Granite or precast concrete curbs shall be installed on all non-residential collector streets.
5. The Planning Board may approve poured on site concrete curb where conditions warrant a waiver.

## 8.7 Sidewalks

- 8.7.1. Sidewalks of not less than five (5) feet in width shall be constructed on both sides of the street in conformity with specifications of the Town. Said sidewalks shall be required when they will connect to existing sidewalks.
- 8.7.2 Sidewalk construction ó Sidewalks shall be constructed of either bituminous concrete or concrete at the option of the developer.
- 8.7.3 Concrete Sidewalk Foundation ó After subgrade has been prepared, a foundation of gravel shall be placed upon it. After being wetted and thoroughly rolled and tamped, the foundation shall be at least eight (8) inches in thickness and four (4) inches below and parallel to the proposed surface of the walk, except that at driveways it shall be six (6) inches below the proposed surface of the sidewalk unless otherwise directed. The walk shall have a pitch of 3/8 of an inch per foot of width to provide for proper drainage. There shall be expansion joints on concrete sidewalks at intervals of ten (10) feet; concrete mix to be 1:2:4 mix, four (4) inches thick.
- 8.7.4 Hot Mix Asphalt Sidewalks ó After subgrade has been prepared, a foundation of gravel shall be placed upon it. After being wetted and thoroughly tamped, the foundation shall be at least eight (8) inches in thickness and two (2) inches below and parallel to the proposed surface of the walk. It shall have a pitch of (3/8) of an inch per foot to provide for proper drainage. Hot mix asphalt shall be laid in two courses, each one (1) inch thick.

## 8.8 Bikeways

Where the subdivision location is such that it may become part of a Town bikeway system or where the size of the subdivision, expected traffic flow, or expected bicycle use within the subdivision, makes bikeway provisions necessary, the Board may require the developer to make provisions in the design, layout, construction of the subdivision to provide for the safe and convenient use of bicycles. These provisions may include, but may not be limited to, the following: warning or information signs along the bike route, bikeway pavement stencils, a special lane on a roadway marked off by a painted line. In certain cases, the Board may permit sidewalks to be used as bikeways. Under these circumstances, one of the two required sidewalks may be used as a bikeway. The sidewalk may be designed as a bikeway if additional pavement is provided as required by the Board. Where sidewalks are used as bikeways, curb cuts and ramps shall be required.

## 8.9 Monuments

8.9.1 Monuments shall be required at all street intersections, at all points of change in direction of curvature of streets or at other points where, in the opinion of the Planning Board, permanent monuments are necessary. Such monuments shall be made of granite and have minimum dimensions of 60x 60x 50 with a minimum reveal of 60 following installation. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

8.9.2 A letter certifying that permanent monuments have been set and a plan showing the exact location of the monuments shall be submitted by a Massachusetts professional land surveyor.

#### 8.10 Street Signs

Street signs of a design, material and number approved by the Planning Board shall be furnished and installed by the subdivider for each street intersection within the development.

#### 8.11 Loam and Seed

Topsoil moved during construction shall be regarded and additional loam added where necessary in order to provide a permanent cover of not less than six (6) inches on all grass or planting strips, embankments and all other areas cleared or otherwise disturbed by construction. The

loam cover shall be shaped, and a permanent grass cover established on all disturbed areas. Washouts and sunken areas shall be redone. No topsoil shall be removed from the subdivision site without prior approval of the Planning Board.

#### 8.12 Shade Trees

8.12.1. Existing trees shall be preserved or new shade trees shall be planted on the lots, a minimum of five (5) feet and a maximum of ten (10) feet, from the street line, so that a colonnade effect is achieved. Spacing between adjacent trees shall not exceed forty (40) feet. Planting of trees shall follow the U.S. Forest Service Planting Trees in Designed and Built Community Landscapes Checklists for Success:

[http://www.na.fs.fed.us/spfo/pubs/uf/plant\\_trees/planting\\_trees.htm](http://www.na.fs.fed.us/spfo/pubs/uf/plant_trees/planting_trees.htm)

8.12.2. Existing trees shall be preserved or new shade trees shall be planted on the lots, a minimum of five (5) feet and a maximum of ten (10) feet, from the street line, so that a colonnade effect is achieved. Spacing between adjacent trees shall not exceed forty (40) feet. New trees shall be planted in at least one-half (1/2) cubic year of loam, guyed and wrapped as necessary to ensure their survival.

8.12.3. New trees shall be of the type that are resistant to breakage, long-lived and clean. They shall be a minimum of 2 1/2 inch caliper width measured four (4) feet from finished grade. The following species are acceptable. Others may be acceptable on the basis of the recommendation of the Tree Warden of the Town of Seekonk.

Blackgum	Japanese Zelkona	Moraine Locust
Linden	Ginkgo (male only)	American Ash
Hickory	Thornless Honey Locust	London Planetree

### 8.13 As Built Plan

There shall be no unauthorized departure from an approved Definitive Plan without prior approval of the Planning Board. Unauthorized changes may be subject to reconstruction. After final grading of the roadway and the graveled surface has been inspected and approved by the Department of Public Works and prior to the initial course of bituminous concrete, an as-built of the roadway showing location, line and grade of the proposed ways and drainage structures shall be submitted by a Professional Engineer or Registered Land Surveyor to the Public Works Superintendent and/or the Town Planner for their review and approval.

**SECTION IX.  
ADMINISTRATION**

9.1 Waivers

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control law. Waiver of compliance with zoning will not, however, be made without a previously approved variance granted by the Zoning Board of Appeals.

9.2 Appeals

The Zoning Board of Appeals shall act as the Board of Appeals for the appeals under the Subdivision Control Law, in accordance with Chapter 41, General Laws, Sections 81Z to 81AA; or appeals may be taken to the Superior Court, in accordance with Chapter 41, General laws, Section 81BB.

9.3 Reference

For matters not covered by these Rules and Regulations, reference is made to Sections 81K to 81GG, inclusive, of Chapter 41 of the General Law.

9.4 Revision

These Rules and Regulations may from time to time be amended by majority vote of the Planning Board following a public hearing, in accordance with Chapter 41, General Laws, Section 81Q.

9.5 Rescission

9.5.1 The Planning Board may modify, amend or rescind its approval of an approved subdivision plan in accordance with Section 81W of the Subdivision Control Law. No action by the Board under this section shall affect lots which have been sold or mortgaged in good faith and for valuable consideration, nor shall such action affect any rights appurtenant thereto without the consent of the owners and mortgagees of such lots.

9.5.2 If within five (5) years of the approval of a Definitive Plan the developer has failed to begin work in a subdivision or portion thereof, this inaction shall constitute reason for the rescission of such approval.

9.5.3 Unless a time extension is granted by the Board, the vote to approve the subdivision is voided if surety is not posted according to section 5.9.1.

9.6 Enforcement

These Rules and Regulations become effective upon recording thereof or of any amendment, duly adopted by the Planning Board, in the Bristol County Registry of Deeds and may be enforced by the Planning Board through realizing upon security, enforcement of bonds, denial of permits, court injunction or mandamus and other measures as provided for in Chapter 41, MGL.

9.7.1 Effective Date These Rules and Regulations or any revisions to them shall become effective following their adoption by the Planning Board, and upon transmittal of certified copies of them to the Register of Deeds and to the Recorder of the Land Court.