

## SECTION 3

### SUBMISSION AND APPROVAL OF PLANS

#### **A. Plans Believed not to Require Approval (ANR or Form A Plans)**

##### 1. Submittal Requirements

Any person wishing to cause to be recorded in the Registry of Deeds or filed with the Recorder of the Land Court a plan of land in the Town who believes that the plan does not require approval under the Subdivision Control Law, G.L. c.41, S81P, may submit such plan to the Board with one mylar and six prints thereof, together with a properly executed application in the form shown as Form A in the Appendix hereto, which form may be changed from time to time by the Planning Board, and accompanied by the necessary evidence to show that the plan does not require approval, and also shall file (by delivery or registered mail, postage prepaid) with the Town Clerk a notice thereof stating the date of such submission and accompanied by a copy of the application, as well as an electronic copy of the plan in both AutoCAD and .pdf format. The applicant's attention is specifically called to the documentation requirements set forth in Section 2, of these Rules.

##### 2. Contents of Plan Believed Not to Require Approval

A checklist for Form A plans can be found in the Appendix. Such plan shall be at a scale of either 1" = 40' or 1" = 80' and shall include:

- (a) Date, scale, north point.
- (b) Assessor's plan number for each parcel referenced.
- (c) Name of the applicant, or person for whom the plan was prepared.
- (d) Name, seal and signature of the engineer or surveyor preparing the plan.
- (e) Zoning district classification, including all overlay districts. Setbacks for all existing structures.
- (f) All land included in the Floodplain and Watershed Protection District and all other delineated wetlands and floodplain.
- (g) Lot area, frontage and all other applicable zoning dimensions including the lot shape square pursuant to Section IV-C.2 of the Hingham Zoning Bylaw. The upland area for all lots shall be identified if applicable.
- (h) Metes and bounds of all existing lots whose dimensions are altered by the Plan, of all proposed lots and of any contiguous lots in common beneficial ownership with any land that is the subject of the plan.
- (i) Locus plan at a scale of at least 1" = 800' containing sufficient information so that the land can be readily located, including streets bounding or near the property.
- (j) For a compiled plan, the identity of the plans from which it was compiled must be noted on the plan, including the title and date of the plan, the person who prepared the plan, date of preparation and approval by the Planning

Board, and the recorded reference to the Plan in the Registry of Deeds or Land Court.

- (k) A note stating the purpose of the plan.
- (l) A note that “The endorsement of the Planning Board shall not be construed to be a determination of conformance with the Hingham Zoning Bylaw.”

### 3. Process

If the Board finds that the plan does not require approval, it shall, without a public hearing endorse thereon the words "Approval under the Subdivision Control Law Not Required" and sign and date the signature box. Such endorsement shall not be deemed to constitute any determination of compliance with requirements of the Zoning By-Law. If the Board determines that in its opinion the plan requires approval, it shall within 21 days of submission of the plan notify the Town Clerk and the applicant of its determination to that effect.

### 4. Fees

For a plan believed not to require approval, there shall be an administrative fee as set forth in Section 2(F) of these Rules and Regulations for each Form A application submitted.

## **B. Preliminary Plan**

### 1. General

In the case of a residential subdivision, a preliminary plan of a subdivision may be submitted to the Board and to the Board of Health by the applicant for discussion and consideration by the Boards prior to the submission of a definitive plan. In the case of a nonresidential subdivision, it is required that the applicant shall submit a preliminary plan. The submission of such a preliminary plan will enable the applicant, the Planning Board, the Board of Health and other municipal agencies to discuss and clarify the problems relating to such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in every case.

### 2. Application Procedure

- a. An application for consideration of the Preliminary Plan shall be made accompanied by eight (8) sets of the Preliminary Plan, together with a properly executed application in the form shown as Form B in the Appendix hereto, which form may be changed from time to time by the Planning Board, and a Project Review Fee as set forth in Section 2(F) of these Rules and Regulations.

- b. The applicant shall also, by delivery or registered mail, give written notice to the Town Clerk stating the date of submission of the Preliminary Plan and accompanied by a copy of the completed application.
- c. Attention is directed to the Hingham Board of Health Supplementary Rules and Regulations for the Disposal of Sanitary Sewage, for percolation tests and other Board of Health requirements.
- d. The attention of the applicant is directed to the provisions of Massachusetts General Laws, Chapter 131, Sections 40 and 40A, and the town's local wetlands bylaw if any wetlands are included in the proposed subdivision.
- e. The attention of the applicant is directed to the requirement of the Massachusetts Department of Transportation that a permit be obtained before any work is performed within a State highway layout. Its permit will require a specific geometric design for street connections.

### 3. Contents of Preliminary Plan

The Preliminary Plan shall be drawn at a scale of 1"=40' or such other scale as the Board may accept. Said plan shall be identified as a Preliminary Plan and show clearly and adequately the information required to form a clear basis for a discussion of the problems and the preparation of the Definitive Plan. The Preliminary Plan should include as many of the following as practicable to insure sufficient discussion of relevant design issues:

- a. All information specified in items (a) through (e), (i), (o) and (p) under the Contents of the Definitive Plan (Section 3,C.,(2)). Earthwork quantities are not required for a Preliminary Plan.
- b. A conceptual drainage layout including information describing how runoff flows onto and within the site and where runoff ultimately discharges, including offsite culverts, drains channels, wetlands, streams, etc. The conceptual layout shall include preliminary locations of stormwater features, including catch basins, manholes, storm sewers, detention, retention and treatment systems and outlets.

### 4. Board Actions

During the discussion of the Preliminary Plan the complete information required for the Definitive Plan, the filing fees and the municipal services will be discussed. The Board may give such Preliminary Plan its approval, with or without modification or disapprove said Plan, stating reasons for such disapproval. Approval, if given, does not constitute approval of a subdivision, but does facilitate the procedure in securing final approval of the Definitive Plan.

The Planning Board shall act on the Preliminary Plan within forty-five (45) days of the date of submission. Any plan submitted to the Board in advance of a Definitive Plan which does not conform to the minimum requirements pertaining to a Preliminary Plan specified in Chapter 41, Section 81-L shall not be so designated, nor shall such plan be given approval by the Board.

## **C. Definitive Plan**

### 1. Application Procedure

An applicant seeking approval of a Definitive Plan of a subdivision shall file with the Board the following:

- (a) The original drawings of the Definitive Plan and fourteen (14) prints thereof.
- (b) A properly executed application in the form shown as Form C in the Appendix hereto, which form may be changed from time to time by the Planning Board. The application shall be signed by the applicant. The application shall state all easements and restrictions, and mortgages to which the land is subject and all easements and restrictions appurtenant to such land over the land of others, and shall include reference to any recorded plan of the land in question. The applicant's attention is specifically called to the documentation requirements set forth in Section 2,A., Applicant and Owner, of these Rules. A copy of the property deed(s) and authorization from the property Owner(s) to submit the Application if not the Owner shall be included with the Application.
- (c) The applicant shall, with the submission of a Definitive Plan, submit to the Planning Board a Project Review Fee as set forth in Section 2(F)(4)(c) of these Rules and Regulations. These Funds will be handed over to the Town Accountant for deposit into a special account (a 53G account) as set forth in G.L. c. 44, s. 53G and Section 2(F)(4) of these Rules and Regulations. The Applicant is directed to Section 2(F)(4) of these Rules and Regulations, which lays out all requirements and details relating to Project Review Fees, including fees for modification of definitive plans, replenishment of 53G accounts, and return of excess fees at the conclusion of the review process. The failure of the applicant to make the initial deposit and to maintain the account in accordance with Section 2(F) of these Rules and Regulations, shall be grounds for disapproval of the plan.
- (d) A sketch plan showing a possible or prospective street layout for any adjacent unsubdivided land, whether or not owned or controlled by the owner or subdivider of the subdivision, unless such a plan has already been filed with the Board. In the case where the applicant does not own or control

any contiguous land, a statement to this effect shall appear in the application.

- (e) The applicant shall submit calculations for the determination of all waterway openings to justify culvert and drain sizes as required by Section (4,C.,3),(c). Such calculations shall be prepared by a Registered Professional Engineer, shall be based on the Rational Method and be accompanied by a watershed area plan justifying said calculations. Such plan shall clearly show the individual, delineated drainage areas used in the calculations.
- (f) The applicant shall submit calculations prepared by the Natural Resource Conservation Service method to determine peak outflow from the site under existing and proposed conditions.
- (g) A copy of the Order of Resource Area Determination or a statement that there are no wetlands resources within 100 feet of the project locus shall be included with the Application.
- (g) Incomplete submissions may not be accepted. A copy of the completed application (Form C) and the checklist (Form C-2) must be submitted with all other documentation.

## 2. Contents of the Definitive Plan

The Definitive Plan shall be clearly and legibly drawn at a scale of one inch equals forty feet or such other scale as the Board may accept to show details clearly and adequately. The sheet size shall be 24" x 36" with a minimum 2" border on the left hand side. If multiple sheets are used, the key map (see (e) below) shall show the extent of coverage of each sheet. The Definitive Plan shall include the following:

- (a) Subdivision name, north point, date, scale, bench mark and datum, date of original plan with provisions for dates and descriptions of any revisions. All elevations shall refer to the North American Vertical Datum of 1988. All plans shall include two permanent benchmarks on the plan. For roadways over 800 feet in length additional benchmarks will be required by the Board.
- (b) Names and addresses of record owner, applicant and the applicant's engineer and surveyor, and the seal and signature of said engineer and surveyor together with proper certification as required in Section 2, paragraphs C. and E.
- (c) Boundary lines of the subdivision with the names of all abutters (including those separated from the subdivision by a way) and any other person required to receive notice of the Public Hearing in accordance with Section

3.C.,(6) of these Rules, and the area of the adjoining parcels as determined from the most recent tax list. The zoning classification of all included property and all abutting and affected property shall be noted on the plan.

- (d) Existing and proposed lines of roadways and their width; ways and their width; sidewalks, foot paths, bridle, and bicycle paths and their width; easements and their purpose, and any public or common areas within the subdivision. The proposed names of ways shall be shown.
- (e) Location and names of ways bounding, approaching or within the vicinity of the subdivision as well as the ways of the subdivision. This information shall be in the form of a key map or location plan at a scale not smaller than one (1) inch equals 800 feet.
- (f) Sufficient data to determine readily the location, direction and length of every way line, lot line and boundary line of the proposed subdivision, and to establish these lines on the ground.
- (g) Boundary lines, areas and dimensions of all proposed lots, including the area of Flood Plain and Watershed Protection District and Accord Pond Watershed and Hingham Aquifer Protection District included within each such lot, with all lots designated numerically and in sequence. Where the frontage dimension given in item (f) is less than that required, the width of the lot at the setback line also shall be given.
- (h) Location of all permanent monuments properly identified as to whether existing or proposed.
- (i) Location of natural waterways, swamps and water bodies, a soils map and Flood Plain and Watershed Protection District and Accord Pond Watershed and Hingham Aquifer Protection District boundaries within and adjacent to the subdivision.
- (j) The proposed system of drainage to include the size, location and material of all subsurface drains, storm drains and culverts and the location of all catch basins and manholes within and adjacent to the subdivision. Pipe invert elevations shall be given at all drainage structures and outfalls. The method of conducting the drainage to a natural waterway shall be described completely and conform to Sections 4 and 5 herein.

A complete description of the compatibility of the proposed system of drainage with town municipal services and waterways existing as of the date of submission of the Definitive Plan shall be provided. Runoff calculations shall be submitted to substantiate the adequacy of the proposed drainage system within and outside of the subdivision together with the existing town

municipal services and waterways to be utilized for discharge from the subdivision.

A schematic drainage diagram shall be provided for each stormwater system, including the station and offset location of each structure with rim and invert elevations, high ground- water elevations, pipe grades, maximum and minimum flow rates and velocities, and outfall maximum and minimum flow rates with 10-year flood elevations. Where detention areas are utilized, outfall, 10-year flood and discharge structure invert and flow elevations shall be shown with velocity and discharge rates. High groundwater elevations shall be provided for all detention areas. An example of an appropriate diagram is shown in Figure 3.

Wherever a proposed outfall pipe, swale, channel or drainage ditch will discharge to a stream, brook, pond, marsh, or other wetland as may be identified by the Planning Board, said wetland being either perennial or seasonal, the ten year flood elevation shall be shown on the plan. If experience at a particular location indicates that the ten year flood elevation is exceeded at a frequency of greater than one in ten years, the Planning Board may require that a higher flood elevation be shown. The Board may seek advisory opinions and data from the Conservation Commission and others in establishing the flood elevation at the point of discharge. The Board may require that existing downgradient wetlands, channels, culverts or other existing stormwater structures be surveyed and the information included with the Definitive Plan as needed for the drainage analysis.

Whenever it is proposed to discharge drainage across land not owned by the applicant, the applicant must demonstrate an easement or other legal right to do so.

Where open drainage systems are employed, the plan shall show the gradient of all cross slopes and swales or channels. Elevations shall be shown on the plan every 100 feet along the swale line and at all changes in gradient along that line.

The Planning Board may require submission of the computer analysis files as part of the review process.

- (k) All existing and proposed municipal services and their appurtenances shall be shown in such detail as necessary to coordinate all such services. An approved utility plan (or plans) accurately showing all electric street lighting, water, fire alarm, hydrants, sewer, storm drains, gas, oil lines, telephone, and other municipal services may be submitted with the Definitive Plan. Written approvals, if any, of the responsible officials (Section 3,C.,(4)) shall be endorsed on the utility plan (or plans). The Board shall review and approve, modify and approve or disapprove the plans for

municipal services and utilities as part of its approval. All existing sanitary and storm sewers within the limit of work, including those in an existing public or private way that would be crossed by or under new infrastructure but not necessarily connected to the subdivision, shall have a recorded camera inspection and a copy of the recording or video must be provided with the Application.

- (l) Location of existing street trees over 1 foot in diameter. Location, size (diameter, breast, height) and species of proposed street trees. Size, type and planting details must be approved by the Tree Warden.
- (m) Suitable space near the title block of each sheet for recording thereon the action of the Planning Board and the Board of Health with respect thereto. The Cover Sheet shall also include the following statement:  
“This Subdivision Plan is subject to the conditions set forth in a Certificate of Action, dated \_\_\_\_\_, issued by the Hingham Planning Board and to be recorded with this Subdivision Plan. All work must be in compliance with the Town of Hingham Subdivision Rules and Regulations as amended through \_\_\_\_\_ except as waived herein.”
- (n) A separate layout plan for each proposed way in the subdivision, at a horizontal scale of forty (40) feet to an inch, showing for each such way the proposed exterior lines and the centerline of way with the centerline stations, tangent bearings, angle points, points of intersection, points of curvature, points of tangency, radii of curves, length of curves, intersection angles and length of tangents. Information relative to the exterior lines, (lot lines) shall be repeated in all instances where it is different from that given for the centerline. The centerline and its descriptive information shall be in red; all other data shall be in black. The layout plan shall show the location of permanent monuments, together with all lot lines with frontages, buildings, walks and drives. The layout plan also shall show the size, location and elevation of all storm drains, open drainage systems, subsurface drains, and all other municipal services, together with their appurtenances, existing or proposed for each way. All municipal services shall be shown on the layout plan by the use of symbols the same as those used by the Massachusetts Department of Public Works for work performed under Chapter 90, G.L.

On the same sheet, there shall be drawn cross sections of the proposed way, properly located and identified by station number, at such intervals along the way as will adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, grass plots, gutters, sidewalks and similar physical features. Provided, however, that where all cross sections of the way will coincide with the appropriate cross section shown on the Board's Typical Cross Section Plan, such agreement may be indicated

by proper notation on the layout plan, and the cross section drawings may be omitted therefrom with the prior approval of the Board.

Directly below the layout plan of each proposed way, a profile shall be drawn at a horizontal scale of forty (40) feet to an inch and a vertical scale of four (4) feet to an inch, showing for such street existing centerline grades in fine solid lines, existing exterior line grades in fine dash lines, and proposed finished centerline grades in heavy solid lines. Proposed grade elevations shall be shown by figures at fifty (50) foot stations, except on vertical curves where they shall be shown at twenty-five (25) foot stations and at PVC and PVT. Rates of gradient in percentage shall also be shown. Lines and figures for the proposed edge of roadway shall not be shown, except when the roadway is in other than a normal cross section. Lines and figures indicating proposed grades shall be in red; all other data shall be in black. All elevations shall be referenced to the datum of 0.00 equals mean sea level as established by the North American Vertical Datum of 1988. Profiles shall also indicate the location of any intersecting public or private ways, and the location of existing and proposed storm drains, including pipe invert elevations and gradients, subsurface drains, connecting swales or channels, and all existing and proposed municipal services and their appurtenances.

The layout plan shall have a space provided next to the title block for the date and brief description of any revisions made thereto subsequent to the approval of the subdivision by the Board. This space also shall include a space for the signature of the Chairman or other authorized member of the Board as evidence of the Board's approval of each revision made thereto.

Where only one way with a length of less than one thousand (1,000) feet is proposed, the information required by item (n) (layout plan, cross sections, and profile) may be shown either on the same sheet as items (a) through (m), or on a separate sheet, but where one way with a length greater than one thousand (1,000) feet or more than one way is proposed, the layout plan, cross sections and profile (item (n)) shall be shown together on a separate sheet for each way or portion thereof. All such sheets, together with those showing items (a) through (m) shall be deemed to constitute the Definitive Plan of the subdivision.

- (o) All natural and historical objects and major site features, such as natural waterways, water bodies, swamps, rock ridges and outcroppings, stone walls, fences, buildings, etc.
- (p) Existing and proposed topography of the land at a contour interval of two (2) feet except in cases where the Board directs that a smaller contour interval is necessary in order to adequately interpret the topography of the land, or agrees that the natural surface of the ground may be adequately

represented by contours with larger intervals. Contours should extend beyond the boundary of the subdivision at least 100 feet and such greater distance as directed by the Board to determine off site impacts.

Items (o) and (p) shall be shown on a separate sheet or sheets at the same scale as the above plans with all boundaries, lot and way lines of the subdivision shown thereon.

Earthwork quantities shall be submitted with the Definitive Plan for all roadways and other grading. An Earthwork Summary shall be provided, indicating total surplus or borrow quantities. Disposal areas within the subdivision for surplus earth or rock excavation, unsuitable materials and tree stumps shall be noted on subdivision topographic plans. If materials are to be disposed of outside the subdivision boundaries, a plot plan of the site of disposal at a scale one inch equals eighty feet, including a locus plan and property ownership, shall be provided indicating the location of disposal areas outside the subdivision. Wetlands and floodplain lines shall be shown on all plans identifying disposal areas.

- (q) Such other information as may be required by the Board to evaluate the proposed subdivision.
- (r) The horizontal alignment of the centerline of each proposed way shall be staked upon the ground at the time of the filing of the Definitive Plan.
- (s) Stormwater Management Plan that complies with the most current version of the Massachusetts DEP Stormwater Management Regulations and Standards and the Massachusetts Erosion and Sediment Control Guidelines. All subdivisions regardless of the number of lots are subject to compliance with the DEP Stormwater Regulations as most recently amended.

### 3. Review by Board of Health as to Suitability of the Land

At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health two prints of the Definitive Plan, and in unsewered areas, shall submit a topographic plan with two foot contour intervals and comply with other Board of Health requirements, including percolation tests and test excavations, as specified in "Supplemental Rules and Regulations for the Disposal of Sanitary Sewage".

The Board of Health shall within forty-five days after filing of the plan, report to the Planning Board in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report. Every building lot so located that it cannot be served by a connection to the municipal sewer

system shall be provided with a sewage disposal system approved by the Board of Health.

#### 4. Review by Other Officials

Before the Definitive Plan is submitted, the Applicant is encouraged to consult with and may obtain written statements that the proposed improvements shown on a utility plan, (3,C.,(2),(k)), are laid out to the satisfaction of the official and for the facilities listed below:

- (a) Superintendent of the Department of Public Works as to the design of the street system, location of easements, design of the drainage system including appurtenances and compatibility with existing municipal services and waterways, effect on traffic congestion and safety in public ways adjacent to the subdivision and the location, size and species of street trees.
- (b) The Fire Marshal to discuss the location and accessibility of the hydrants and the adequacy of water flow at the hydrants. Fire Hydrants are to be installed in accordance with the Town of Hingham Bylaw Fire Prevention Regulations Article 32 Section 9.
- (c) The Sewer Commissioners as to the requirements for provision for connections to and compatibility with the sewer system and, if required, the layout and design of the necessary connecting mains, laterals, manholes and stubs for such system. In such cases, review by the Sewer Commissioners will include the profiles of the streets.
- (d) The Manager of the local water company as to the location and size of water mains, including service to the fire hydrants.
- (e) The Hingham Municipal Light Board as to the requirements for electricity.
- (f) The Gas Company as to the location and size of gas mains.
- (g) The Telephone Company as to the location of the telephone lines.
- (h) The Postmaster of the Hingham Post Office, as to the type of delivery mail proposed.
- (i) The Conservation Commission as to requirements under the Wetlands Act (G.L. Chapter 131, Sec. 40 and 40A), the local wetlands bylaw and the Flood Plain and Watershed Protection District.

#### 5. Performance Guarantee

Before endorsement of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements as shown on the Definitive Plan and as specified

in Section 5 for all lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant:

(a) Final Approval with Deposit or Irrevocable Letter of Credit

The applicant shall file a deposit of money or negotiable securities, or an irrevocable Letter of Credit, or whichever of the aforementioned is deemed by the Board to provide adequate security in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements as shown on the Definitive Plan and as specified in Section 5 not covered by a covenant under (b) below. Such security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Accountant, and shall be contingent on the completion of such improvements within two years of the date of the irrevocable Letter of Credit or deposit of money. The form of the deposit may be as given by Form D or Form F in the Appendix, or as otherwise required by the Board and shall be contingent upon the completion of said improvements within two years of the date of the Agreement. At the discretion of the Board, a time extension may be granted for a period not to exceed one (1) year; provided that such an extension may be conditioned upon an increase in the amount of such security as determined by the Board.

(b) Final Approval with Covenant

The applicant shall file a covenant acceptable to the Board executed and duly recorded by the owner of record, running with the land, whereby such improvements as shown on the Definitive Plan and as specified in Section 5, not covered by a deposit under (a) above, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed. A suggested, but not required, form of the covenant is given by Form E in the Appendix; hereto, which form may be changed from time to time by the Planning Board.

6. Public Hearing

Before approval of the Definitive Plan is given, a public hearing shall be held by the Board at the time and place designated by the Board. Notice of the time, place, and subject matter of such hearing will be given by the Board once in each of two successive weeks, the first publication being at least fourteen (14) days prior thereto, by advertisement in an official publication of, or in a newspaper of general circulation in the Town of Hingham. A copy of said notice will be mailed to the applicant and to all owners of land abutting upon the subdivision and to anyone else entitled to receive notice of any hearings held in accordance with Chapter 40A Section 12 of the General Laws, as appearing in the most recent tax list.

## 7. Approval, Modification or Disapproval

In the case of a nonresidential subdivision or a residential subdivision where a preliminary plan has been filed and duly acted upon, or where 45 days has elapsed since the submission of the preliminary plan, and a definitive plan has been submitted, the Board shall take action within 90 days of submission, or such further time as may be agreed upon at the written request of the applicant.

In the case of a residential subdivision where no preliminary plan has been submitted, or where 45 days has not elapsed since the submission of a preliminary plan, the Board shall act within 135 days of submission, or such further time as may be agreed upon at the written request of the applicant.

## 8. Certificate of Approval

The action of the Board in respect to said Plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by certified mail to the applicant. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signature of the person officially authorized by the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk, and said Clerk has notified the Board that no appeal has been filed and not until any and all modifications or conditions set forth in the Certificate of Approval are incorporated in the Definitive Plan to the satisfaction of the Board. In any case, approval of the Definitive Plan shall not constitute the laying out or acceptance by the Town of any ways within a subdivision.

## 9. Inspection Fees

After granting of a site plan approval or Definitive Plan approval, the Planning Board will require a Supplemental Project Review Fee, as set forth in Section 2(F)(4)(e) of these Rules and Regulations for the purpose of insuring the availability of funds during the inspection phase of the review process. These funds will be handed over to the Town Accountant for deposit into a special account (a 53G account) as set forth in G.L. c. 44, s.53 G and Section 2(F)(4) of these Rules and Regulations. The Applicant is directed to Section 2(F)(4) of these Rules and Regulations, which lays out all requirements and details relating to 53G accounts.

The failure of the applicant to make the initial deposit and to maintain the account in accordance with Section 2(F) of these Rules and Regulations shall be grounds for rescission of the approval of the plan and for disapproval. The full cost of any special non-scheduled inspections deemed necessary by the failure of construction to proceed entirely in accordance with the approved plan, or as a result of any question concerning the accuracy of any data provided by the applicant at any time, shall be borne by the applicant.

## 10. Recording of Plan

After the return to the applicant of the Definitive Plan as approved and endorsed, he shall cause to be recorded at the Plymouth Registry of Deeds and, in the case of registered land with the recorder of the Land Court, said plan, including all sheets thereof, with covenant if any, and shall pay all fees and costs related to the registry of the plan. After such plan, or modification thereof, is approved by the Board it shall be recorded within six (6) months or the applicant shall be required to apply to the Planning Board or Town Clerk for a certificate, dated within thirty days of the time of recording, that the approval has not been modified, amended, or rescinded, nor the plan changed. Furthermore, the applicant shall notify the Board of such recording, submitting evidence thereof, satisfactory to the Board, before the commencement of any work upon the subdivision. Upon receipt of notification of recording, the Board shall file one print of the Definitive Plan with the Building Commissioner. Where approval with covenant is noted thereon, he shall issue no permit for the construction of a building on any lot within the subdivision except upon receipt from the Board of a copy of the certificate of performance (Form G) releasing the lot in question.

#### 11. Revision of Definitive Plan

If the applicant desires to make revisions due to field conditions or for any reason whatsoever, he shall submit a reproducible copy of the Definitive Plan or plans to be revised with a colored pencil representation of the changes he proposes to make together with a written request for modification, and a request for waiver of these Rules and Regulations with the information required by Section 2,E., if appropriate. The Board will consider such change in the same manner as consideration of the original plan and approve, disapprove or modify the requested change with or without a public hearing as the Board may determine. The change as approved shall then be incorporated on the original Definitive Plan or a mylar reproduction thereof, and prints shall be filed as required of the original plan. Upon approval of the modification, the modification shall be recorded in accordance with (10) above.

##### (a) Work Inconsistent with the Approved Plan

No work may proceed that is inconsistent in any respect with the approved plan, even if such work is pursuant to an order, decision, ruling or regulation of any other municipal, state or federal agency or tribunal. It is the burden of the applicant to seek modification of the approved plan, to incorporate such order, decision, ruling or regulation, or to otherwise reconcile the inconsistencies.

#### 12. Evidence of Satisfactory Performance

Before the Board will release the interest of the Town in an irrevocable Letter of Credit or deposit of cash or, in the case of approval with a covenant, issue a release of the covenant:

- (a) The applicant shall pay all fees as specified in Section 3,C.,(9) and Section 2(F)(4)(e) to cover the cost of inspections, and shall submit copies of receipts, releases, or other acceptable evidence that all due hydrant rentals, municipal light rentals, or other bills for municipal services have been paid to date.
- (b) The applicant shall be responsible for filing with the Planning Board as-built plans of the ways of the subdivision. The as-built plans shall be clearly identified as such, and shall include the profile plans and shall meet the requirements as to format and content as given in Section 3,C.,(16) for the Definitive Plans.

Where the ways, utilities and appurtenances of the subdivision have been installed according to the approved Definitive Plan (including approved subsequent amendments) the engineer may make certification in the form shown as Form R-2 in the Appendix hereto, which form may be changed from time to time by the Planning Board, to that effect which shall be submitted with the request for release of performance guarantee or the statement of performance to the Town Clerk. Evidence shall be submitted from each inspection report (Section 6) supporting such a certification. If the Planning Board concurs, the Definitive Plan or addenda to the Definitive Plan shall be sufficient to satisfy the requirement for as-built plans.

As-built plans may be mylar reproductions of the Definitive Plans. The as-built plans shall represent the as-built conditions of all work and appurtenances constructed as a requirement of the subdivision and shall show accurately all municipal services installed as part of the subdivision. As a condition precedent to the preparation of the as-built plans, the applicant shall engage the necessary engineering services to properly record the location of the municipal services installed, and the as-built plans shall contain a certification (see Section 2,C.) by such engineer that the municipal services were installed in the locations as shown on the plans. The as-built plans shall be submitted as a condition of the release of the bond or covenant, as required for the approval of the Definitive Plan, and a condition of approval by the Planning Board of acceptance of the ways by the Town Meeting.

- (c) The Board shall obtain from its engineer the complete inspection form (R-1) as given in Section 6 to the effect that all work required by these Rules and Regulations has been completed for each way in the subdivision (or way or ways serving the lots in question), and that he has approved the methods of construction and the materials used in the performance of such work.
- (d) The applicant shall obtain from the Chief of the Fire Department a statement, which shall be submitted to the Board, that he has approved the installation of the hydrant system for each way in question.

- (e) The applicant shall obtain from the Superintendent of the Department of Public Works a statement, which shall be submitted to the Board, that he has approved the location, size and species of street trees, the construction of the streets and the installation of the drainage system, including appurtenances.
- (f) The applicant shall obtain from the Sewer Commission or their designee a statement, which shall be submitted to the Board, that they have approved the installation of the sewer system as required by them.
- (g) The applicant shall obtain from the Municipal Light Board or their designee a statement, which shall be submitted to the Board, approving the installation of the street lights and electric power service.
- (h) The applicant shall obtain a statement from the Chairman of the Conservation Commission or his designee that appropriate guarantees have been received, measures have been taken, or orders of condition have been complied with to the satisfaction of the Conservation Commission, where applicable, with respect to the protection of wetlands under Chapter 131, Sections 40 and 40A of the General Laws and under the local wetlands bylaw, and with respect to the Flood Plain and Watershed Protection District Bylaw.
- (i) The Board may at its discretion require the applicant to obtain, at his own expense, additional professional engineering advice as to the satisfactory completion of the construction of each street or way in the subdivision, drainage systems within and outside of the subdivision, water mains and their appurtenances, and installation of all other services required according to the Definitive Plan.
- (j) The improvements of the subdivision shall endure twelve (12) months without substantial degradation. The twelve (12) months runs from the completion of all of (a) through (i) and the completion of the rest of any repairs or corrections required by the Board.

### 13. Release of Performance Guarantee

Upon the completion of the improvements as shown on the Plan, and as required herein, security for the performance of which was given by deposit, Letter of Credit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may request and agree on terms of release with the Board, or he may send by registered mail to the Town Clerk a written statement, in duplicate, that the said construction or installation in connection with such deposit, Letter of Credit or covenant has been completed in accordance with the requirements contained in these Rules & Regulations, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Board.

If the Board determines that said improvements have been completed, it shall release the interest of the Town in such irrevocable Letter of Credit and return the deposit to the person who furnished the same, or release the covenant by appropriate instrument (Form G) duly acknowledged, with a copy to the Building Commissioner, except that the Board shall retain a deposit of 10% of the original security for a period of 12 months after completion of the subdivision to insure the integrity of the construction. If the Board determines that said improvements have not been completed, it shall within forty-five (45) days of the receipt of the applicant's statement by the Town Clerk, specify to the applicant in writing the details wherein said improvements fail to comply with its Rules & Regulations.

#### 14. Reduction of Deposit or Letter of Credit

Upon written application of the applicant stating reasons therefore the amount of any deposit held hereunder, or Letter of Credit may from time to time be reduced at the discretion of the Board and the obligations of the parties thereto released by said Board in part in the form shown as Form F in the Appendix hereto, which form may be changed from time to time by the Planning Board. At no time shall the amount be reduced to less than 10% of the original amount.

#### 15. Time of Completion of Ways and Installation of Municipal Services

Every applicant shall state in his application the time which he agrees to complete the proposed ways and to install the drainage system, water pipes, gas pipes and electric lines, and all other municipal services required by the Board. A condition of the approval of the Definitive Plan shall be conditioned upon the completion of the ways and the installation of municipal services within 24 months of the date of application, unless a longer period is expressly requested in the application with the justification therefore, and unless a longer period is expressly allowed in the certificate of approval.

In the event the work is not completed within the time set forth or as extended upon the request of the applicant, the Board shall rescind its approval and require the reapplication and filing of a new Definitive Plan.

#### 16. As-Built Plans

All As-Built Plans shall be drawn at 1"=40' unless otherwise approved by the Board. Plans shall include benchmarks used for the survey, notes on the dates of survey, etc. Surveys should be performed on-the-ground.

##### Interim As-Built Plans

Interim As-Built Plans are required for all drainage structures and roadways prior to release of lots.

- A. Drainage Basins, swales, subsurface structures, etc.

Interim As-Built Plans shall be prepared by the Applicant and provided to the Planning Board, for any and all drainage basins, swales, subsurface systems, etc. approved for a project, and then approved by the Planning Board before any paving or building permits for new structures or buildings are issued for any lot in the subdivision. Interim As-Built Plans for a drainage basin, swale, subsurface detention or infiltration system, etc. to be approved, shall confirm that the drainage structure is properly constructed, is located in the approved location and is properly sized, as required, so that the required storage capacity is available and no land area necessary for adjacent lots has been used. The approved hydrology calculations may be required to be updated to document the As-Built basin(s) are compliant with the approved design. The location of a drainage structure shall be confirmed by at least two (2) bounds and shall be tied to at least two (2) bounds for the adjacent subdivision way and shall be tied to at least two (2) Mass. Grid Coordinates. The Interim As-Built Plan(s) shall be signed and stamped by a Registered Professional Engineer and Registered Professional Land Surveyor and shall also include a Certification regarding the data indicated on the plan(s).

**B. Roadways.**

Interim As-Built Plans shall be prepared by the Applicant and provided to the Planning Board, for the roadway system approved for a project, and then approved by the Planning Board before any building permits for new structures or buildings are issued for any lot in the subdivision. The interim As-Built Plans, to be approved, shall confirm that the roadway is properly constructed, located in the approved location and that no land necessary for adjacent lots has been used to construct the roadway. The location of the roadway shall be confirmed by at least two (2) bounds that shall be tied to the nearest Town way and shall be tied to at least two (2) Mass. Grid Coordinates. The Interim roadway As-Built shall be completed prior to the final course of pavement to be installed. The Interim roadway As-Built shall indicate all inverts of storm sewers, sanitary sewers and all other utility locations. The Interim As-Built Plan(s) shall be signed and stamped by a Registered Professional Engineer and/or a Registered Professional Land Surveyor and shall also include a Certification regarding the data indicated on the plan(s).

**17. Final As-Built Plans and Documentation**

The developer shall supply as-built plans for each and every way of the subdivision, and the subdivision shall not be considered complete until the Board accepts the as-built plan. The as-built shall include the following:

**a. Requirements for Final As-Built Plans**

1. Legend on each page of the plan that the plan was prepared in compliance with the Rules & Regulations of the Registers of Deeds and must be signed and sealed by a registered land surveyor.

2. On each page of the plan a blank space, as required, to be reserved for use by the Registry of Deeds which is marked "FOR REGISTRY USE ONLY".
3. The metes and bounds for ways must be complete so as to permit a continuous metes and bounds description of the area of the way. This would include a line or lines, or an arc or arcs, identified as to metes and bounds locating the end of the area of a way which intersects with another way.
4. On each page of the plan signature lines:
  - a. For Planning Board Approval or endorsement that approval is not required, as applicable.
  - b. For the Board of Selectmen.
  - c. For the Town Clerk; date of filing; date of acceptance.
5. All easement areas:
  - a. Must be clearly indicated with metes and bounds shown.
  - b. If a drainage easement is shown on the Plan, then the Plan must show the body of water, stream, river or other terminus for drainage flow as well as all other drainage easement areas through which drainage must flow to reach its terminus.
6. Each parcel or lot of land shown on the plan (including all parcels abutting any way and all parcels crossed by or abutting a drainage easement) must be identified on the plan by a lot or parcel number (preferred method) or by the name(s) of current owners.
7. All registered land shown on the plan should be identified by Land Court plan number or Land Court case number or Land Court Certificate of Title number.
8. All abbreviations or codes used on the plan should be explained by the use of a legend inscribed on the plan.
9. Topography of the developed site including houses, driveways, lot grading to demonstrate conformance to the approved drainage watershed plans. All utility locations. The plan shall include all utility locations, municipal services including ties to connections, shutoffs, etc. as applicable and as approved by the DPW. Street trees, street lights and all other improvements shall be indicated on these plans. This data should be indicated on a plan sheet(s).
10. A separate Profile Sheet indicating the final roadway grades utilities, inverts, etc. in profile.

11. A certification by the engineer that the municipal services and utilities were installed at the locations as shown on the plans.
- b. Documentation
    1. All new and previously existing sanitary and storm sewers within the limit of work, including those in an existing public or private way that would be crossed by or under new infrastructure but not necessarily connected to the subdivision, shall have a recorded camera inspection and a copy of the video or recording must be provided with the As-Built Plan.