

**RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND**

**IN THE TOWN OF
SOUTH HADLEY, MASSACHUSETTS**

**SOUTH HADLEY PLANNING BOARD
REVISED THROUGH: DECEMBER, 1995**

**THESE RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
IN THE TOWN OF
SOUTH HADLEY, MASSACHUSETTS, AND THE
AMENDMENTS THERETO WERE RECORDED IN
THE HAMPSHIRE COUNTY OF DEEDS AND LAND COURT ON:**

HAMPSHIRE COUNTY REGISTRY LAND COURT

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TABLE OF CONTENTS

		<u>PAGE</u>
<u>SECTION 1.00</u>	<u>GENERAL</u>	
1.01	Authority	1
1.02	Purpose	1
1.03	Subdivision Compliance	2
1.04	More Than One Building for Dwelling Purposes Per Lot	2
1.05	Waiver of Compliance	2
1.06	Amendments	2
1.07	Validity	2
1.08	Coordination with Municipal Departments And Other Agencies	3
1.09	Effect of Prior Recording of Subdivision Plan	3
<u>SECTION 2.00</u>	<u>DEFINITIONS</u>	
2.01	Definitions	4
<u>SECTION 3.00</u>	<u>PROCEDURE FOR SUBMISSION AND ENDORSEMENT OF NON-SUBDIVISION PLANS (PLANS BELIEVED NOT TO REQUIRE APPROVAL)</u>	
3.01	General	7
3.02	Submission	7
3.03	Contents	7
3.04	Endorsement	8
<u>SECTION 4.00</u>	<u>PROCEDURE FOR SUBMISSION AND APPROVAL OF PRELIMINARY PLANS</u>	
4.01	General	9
4.02	Submission	9
4.03	Contents	9
4.04	Approval of the Preliminary Plan	10
<u>SECTION 5.00</u>	<u>PROCEDURE FOR SUBMISSION AND APPROVAL OF DEFINITIVE PLANS</u>	
5.01	General	12
5.02	Submission	12
5.03	Contents	13
5.04	Additional Subdivision Requirements	16
	1. Feasibility Report of Proposed Sanitary Sewage Systems	16
	2. Sewer Extension Permits	17
	3. Wetlands Protection Act	17

		<u>PAGE</u>
5.05	Approval of Definitive Plan	18
	1. Review by Board of Health as to Suitability of the Land	18
	2. Public Hearing	18
	3. Approval, Modification or Disapproval	19
	4. Endorsement	19
	5. Performance Guarantee	20
	a. Approval with Bond or Surety	20
	b. Approval with Covenant	20
	6. Completion Time Schedule	21
	7. Increase of Performance Guarantee	21
	8. Recording of Plan	22
5.06	Release of Performance Guarantee	22
	1. Partial Release	22
	a. Bond or Surety	22
	b. Covenant	23
	2. Procedures for Full or Partial Release	23
	3. Approval of Release	23
5.07	Deviation from Approved Plan	24
5.08	Street Acceptance	25

SECTION 6.00

PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS FOR MORE THAN ONE BUILDING FOR DWELLING PURPOSES PER LOT

6.01	General	26
6.02	Submission	26
6.03	Contents	26
6.04	Approval, Modification or Disapproval	29

SECTION 7.00

DESIGN STANDARDS

7.01	Streets and Ways	31
	1. Location and Alignment	31
	2. Width	32
	3. Grades	32
	4. Horizontal Alignment	33
	5. Intersections	33
	6. Cul-de-Sac or Dead-End Street	33
	Illustration: Typical and Special Turnaround Designs	35
7.02	Easements	36
7.03	Open Spaces and Protection of Natural Features	36
7.04	Compliance with Zoning By-Law	37
7.05	Lots of Abnormal Size and Shape	37

SECTION 8.00 **REQUIRED IMPROVEMENTS FOR SUBDIVISIONS
AND DEVELOPMENTS FOR MORE THAN ONE
BUILDING FOR DWELLING PURPOSES PER LOT**

8.01	Street and Roadway Construction	38
	1. Clearing and Grubbing	38
	2. Gravel Foundations	38
	a. Subgrade	38
	b. Gravel Base	39
8.02	Roadway Surfacing	40
8.03	Curbs and Berms	41
8.04	Driveway Aprons	41
8.05	Sidewalks	42
8.06	Grass Strips and Side Slopes	43
8.07	Bridges	43
8.08	Monuments and Markers	43
8.09	Installation of Utilities	44
	1. General Standards	44
	2. Drainage System	45
	3. Sanitary Sewer System	46
	4. Water Systems	47
	5. Electrical, Telephone and Other Wires	47
8.10	Street Trees and Plantings	48
	1. Street Trees	48
	2. Cul-de-sac Plantings	48
	3. Bank Plantings	49
	4. Intersection Plantings	49
8.11	Street Lighting	49
8.12	Street Signs	49
8.13	As-Built Plans	49
8.14	Cleaning Up	49

SECTION 9.00 **ADMINISTRATION**

9.01	Inspections	51
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APPENDICES:

Appendix One:	South Hadley Planning Board Fee Schedule
Appendix Two:	Typical Cross Section and Standard Details
Appendix Three:	A Partial List of Acceptable Types of Street and Lawn Trees and Plantings

Appendix Four:	Various Forms
Form A	Application for Endorsement of Plan Believed Not to Require Approval
Form B	Application for Approval of Preliminary Plan
Form C	Application for Approval of Definitive Plan
Form D	South Hadley Planning Board Performance Bond Agreement
Form E	South Hadley Planning Board Covenant Agreement
Form F	South Hadley Planning Board Release Of Conditions (Covenant Approval Release)
Form G	Certificate of Performance
Form H	Application of Approval of More Than One Building for Dwelling Purposes Per Lot
Form I	South Hadley Planning Board Receipt for Submission of Definitive Plan
Form WPC-P-1	Application for Permit for Extension of Sewerage System (with instructions)
DIS	Development Impact Statement
Appendix Five:	Rules and Regulations – Application Review Fees

SECTION 1.00 GENERAL

1.01 AUTHORITY

Under the authority vested in the Planning Board of the Town of South Hadley by Section 81-Q of Chapter 41 of the General Laws as amended and all subsequent amendments thereto, said Board hereby adopts these Rules and Regulations Governing the Subdivision of land in the Town of South Hadley under the Subdivision Control Law, Section 81-K through 81-GG, inclusive, Chapter 41, of the General Laws, as amended.

1.02 PURPOSE (Pursuant to Section 81-M of Chapter 41, G.L.)

These Rules and Regulations Governing the Subdivision of Land in the Town of South Hadley have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of South Hadley by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and the Board of Appeals under the Subdivision Control Laws shall be exercised with due regard for:

- the provision of adequate access to all lots in a subdivision by ways that will be safe and convenient for travel;
- for lessening congestion in such ways and in the adjacent public ways;
- for reducing danger to life and limb in the adjacent public ways;
- for securing safety in case of fire, flood, panic and other emergencies;
- for ensuring compliance with the Zoning By-Laws of the Town of South Hadley;
- for securing adequate provisions for water, sewerage, drainage, underground utility services, street lighting, fire and police equipment in a subdivision;
- for coordinating the ways in a subdivision with each other and with the public ways in the Town of South Hadley and with ways in neighboring subdivisions.

1.03 SUBDIVISION COMPLIANCE

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town of South Hadley, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

1.04 MORE THAN ONE BUILDING FOR DWELLING PURPOSES PER LOT

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in the Town of South Hadley without consent of the Planning Board, and that such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

1.05 WAIVER OF COMPLIANCE

The Planning Board may, in special and appropriate cases, waive strict compliance with such portions of these Rules and Regulations as provided for in Section 81-R, Chapter 41 of the General Laws, where such action is in the public interest and not inconsistent with the purpose and intent of the Subdivision Control Law.

A request for a waiver of a requirement, rule or regulation shall be made by the applicant in writing at the time of the filing of the Definitive Plan. Such request shall fully set forth the reasons for the waiver.

If the Planning Board approves the request for a waiver, it shall endorse conditions of such waiver (if any) on the Plan or set them forth in a separate instrument attached to and referenced on the Plan, which shall be deemed a part of the Plan.

1.06 AMENDMENTS

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

1.07 VALIDITY

The invalidity of any section, paragraph, clause or provision of these Rules and Regulations shall not invalidate any other section, paragraph, clause or provision thereof.

1.08 COORDINATION WITH MUNICIPAL DEPARTMENTS AND OTHER AGENCIES

In the Town of South Hadley, certain utility services provided to subdivisions are under the jurisdiction of various Town departments and other quasi-public agencies, namely: a) the sanitary sewerage and storm drainage systems – Board of Selectmen, Department of Public Works Superintendent (DPW Supt.) or his designee. Hereinafter, the term “DPW Supt.” includes “or his designee,” b) water supply and distribution system – Board of Water Commissioners from either Fire District Nos. 1 or 2) the supply of electricity – the South Hadley Electric Light Department.

Compliance with the applicable regulations and requirements of these aforementioned agencies and departments shall be required before a plan is approved by the Board, and certification of performance relative to the proper construction and installation of the respective utilities shall be required before the performance guarantee can be reduced or released.

1.09 EFFECT OF PRIOR RECORDING OF SUBDIVISION PLAN

The recording of a plan of land within the Town of South Hadley in the Hampshire County Registry of Deeds prior to the effective date of the Subdivision Control Law in the Town, (February 8, 1954), showing the division thereof into existing or proposed lots, sites or other divisions and ways furnishing access thereto, shall not exempt such land from the application and operation of these Rules and Regulations except as specifically exempt by Section 81-FF, of the Subdivision Control Law.

SECTION 2.00 DEFINITIONS

2.01 DEFINITIONS

For the purposes of these Rules and Regulations, unless a contrary intention clearly appears, the terms and words defined in Section 81-L of Chapter 41 of the General Laws shall have the meaning given herein. If a term is not defined and is not a commonly used term, then the definition in the State Building Code will apply. In addition, the following terms and words shall have the following meanings:

APPLICANT: May be either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. An agent, representative, or his assigns may act for an owner provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.

BOARD: Planning Board of the Town of South Hadley.

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

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

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

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

PLAN, FINAL: A proposed plan showing more than one building to be used for dwelling purposes per building lot, to be approved by the Planning Board as a prerequisite to obtaining building permits.

PLAN, PRELIMINARY: A plan of a subdivision submitted by the applicant showing sufficient information to form a clear basis for discussion and clarification of its general contents and for the preparation of a Definitive Plan.

SUBDIVISION: “Subdivision” shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided.

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 under any of the following conditions:

1. At the time when the subdivision is made, every lot within the tract so divided has frontage on:
 - a. a public way or a way which the Clerk of the Town of South Hadley certifies is maintained and used as a public way;
 - b. a way shown on a plan previously approved and endorsed in accordance with the Subdivision Control Law, or;
 - c. a way in existence when the Subdivision Control Law became effective in the Town of South Hadley having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Such frontage shall be of at least such distance as is then required by the Zoning By-Laws of the Town of South Hadley for erection of a building on such lot, and if no distance is so required, such frontage shall be at least twenty (20) feet.

2. 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.
3. The division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town of South Hadley in which the land lies, into separate lots on each of which one of such buildings remains standing.

SUBDIVISION CONTROL LAW: Refers to Sections 81-K to 81-GG, inclusive, of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, entitled, “Subdivision Control” as last amended.

TYPE “A” SUBDIVISIONS: A subdivision for single family residential purpose only.

TYPE “B” SUBDIVISIONS: A subdivision for apartments, business or industrial purposes.

SECTION 3.00
PROCEDURE FOR SUBMISSION AND ENDORSEMENT OF
NON-SUBDIVISION PLANS
(PLANS BELIEVED NOT TO REQUIRE APPROVAL)

3.01 GENERAL

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 in the Town of South Hadley who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan as hereinafter provided, to the Planning Board for such determination.

3.02 SUBMISSION

The applicant shall submit to the Planning Board two (2) original mylars and two (2) prints of the plan accompanied with an application Form A (see Appendix), together with any necessary evidence to show that the plan does not require approval.

The applicant may submit a non-subdivision plan to the Planning Board office during working hours, or to the Planning Board either by delivery at a regular or special meeting of said Board, or by delivery or registered mail, postage prepaid, in care of the Town Clerk. In either case, written notice (a copy of Form A) shall be filed, by delivery or registered mail, postage prepaid, with the Town Clerk stating the date of submission for such determinations. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.

Receipt by the Planning Board, or date of mailing of such notice, plans and necessary documentation as may be required in these Rules and Regulations shall constitute the effective date of submission.

3.03 CONTENTS

The Plan shall be prepared by a registered Civil Engineer and/or Land Surveyor and shall be clearly and legibly drawn with waterproof ink upon tracing cloth or mylar at a scale not smaller than one (1) inch equals one hundred (100) feet. The plan shall contain the following information:

1. True North arrow, date, scale, legend and title, "Subdivision Approval Not Required".

2. The names and addresses of the owners of record, the applicant, and the Civil Engineer and/or Land Surveyor and official seal(s).
3. Location, names, lines and widths of all existing streets with distances and bearings and any common or public areas.
4. Location, distances and bearings and purpose of all easements, both existing and proposed, within and adjacent to the land in question.
5. The plan shall show boundary lines, distances and bearings of all lots, sites or divisions, lot areas in square feet, with all lots designated numerically and in sequence.
6. Location of all monuments properly described and identified as to whether existing or proposed.
7. Suitable space to record the action of the Planning Board and the signature of members.
8. A locus plan at a scale of one (1) inch equals four hundred (400) feet showing the exact location of the plan of land in relation to two (2) or more existing streets.
9. Location of all existing structures on the plan of land.
10. The names of all abutters as determined from the most recent tax list, and book and page from the Registry of Deeds.

3.04 ENDORSEMENT

If the Planning Board determines that the plan does not require approval, it shall, forthwith, without a public hearing endorse on the plan the words, "APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED", with the appropriate name(s) of the Planning Board member(s) signed thereto. After such endorsement, the applicant shall file, forthwith, one (1) print of such endorsement with the Planning Board.

If the Planning Board determines that in its opinion the plan requires approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission give written notice of its determination to the Town Clerk and applicant and return the plan to the applicant.

If the Board fails to act upon a submitted plan within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

SECTION 4.00
PROCEDURE FOR SUBMISSION AND APPROVAL OF
PRELIMINARY PLANS

4.01 GENERAL

A Preliminary Plan of a subdivision should be submitted by the subdivider to the Planning Board, Board of Health, and Water District for approval. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, and other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case.

4.02 SUBMISSION

If the applicant decides to submit a Preliminary Plan, he shall submit nine (9) prints of his plan and application Form B (see Appendix) to the Planning Board, accompanied with a fee for handling, in accordance with the Fee Schedule (see Appendix), together with all other information and documentation as required in these Rules and Regulations. The applicant should simultaneously, file one (1) print with the Board of Health and the Water District along with other necessary information and documentation.

The applicant may submit a Preliminary Plan to the Planning Board office during working hours, or to the Planning Board either by delivery at a regular or special meeting of said Board, or by delivery or registered mail, postage prepaid, in care of the Town Clerk. In either case, written notice (a copy of Form B) shall be filed, by delivery, or registered mail, postage prepaid, with the Town Clerk stating the date of submission for such approval. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.

Receipt by the Planning Board, or date of mailing of such notice, plans and such documentation as may be required in these Rules and Regulations shall constitute the effective date of submission.

4.03 CONTENTS

The Preliminary Plan may be drawn in pencil on tracing paper, preferably at a scale of one (1) inch equals forty (40) feet on a sheet size of 24 inches by 36 inches, and shall show at least the following information:

1. The subdivision name, boundaries, zoning district, true North arrow, date, scale, legend and title, "Preliminary Plan".
2. The names and addresses of the owners of record, the applicant and the registered Civil Engineer and/or Land Surveyor.
3. The names of all abutters as determined from the most recent tax list, and book and page from the Registry of Deeds.
4. Existing and proposed lines of streets, right-of-way, easements and any public or common areas within the subdivision.
5. Location, names and present widths of adjacent streets.
6. Location of natural waterways and water bodies within and adjacent to the subdivision.
7. Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.
8. The existing and proposed topography in a general manner.
9. Proposed storm drainage and sanitary sewerage systems including location, size, direction of flow of existing and proposed sewers, culverts, and storm drains, in a general manner.
10. Proposed water systems in a general manner.
11. Profiles of proposed streets, on a horizontal scale of one (1) inch equals forty (40) feet and a vertical scale of one (1) inch equals four (4) feet, showing existing and proposed grades along the center lines.
12. A sketch plan of the applicant's contiguous unsubdivided land, showing possible or contemplated development and street layout.

4.04 APPROVAL OF THE PRELIMINARY PLAN

After submission, the Preliminary Plan will be reviewed by the Planning Board, Board of Health and other municipal agencies and departments to determine whether it is in compliance with the design standards as set forth in these Rules and Regulations and with those additional requirements of other municipal agencies and departments.

Within forty-five (45) days after submission of the Preliminary Plan, both the Planning Board and the Board of Health shall approve, or approve with modifications suggested by the Board or agreed upon by the applicant, or

disapprove said Preliminary Plan, and in the case of disapproval, the Board shall state in detail the reasons for its disapproval.

The Planning Board shall file a certificate of its action with the Town Clerk, and shall send notice of its action by certified mail to the applicant. Failure of the Planning Board to act upon a Preliminary Plan within forty-five (45) days after submission shall be deemed to constitute approval of such plan.

Except as is otherwise expressly provided, the provisions of the Subdivision Control Law relating to a Definitive Plan shall not be applicable to a Preliminary Plan, and no register of deeds shall record a Preliminary Plan. Furthermore, approval of a Preliminary Plan does not, in any way, constitute such approval as to authorize the owner to proceed with construction of streets or other work in the subdivision.

SECTION 5.00

PROCEDURE FOR SUBMISSION AND APPROVAL OF

DEFINITIVE PLANS

5.01 GENERAL

A Definitive Plan of a subdivision must be submitted to the Planning Board, Board of Health and Water District for approval.

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

A Definitive Plan shall also be governed by the zoning in effect at the time of submission of such plan or a Preliminary Plan from which a Definitive Plan is evolved in accordance with the provisions of Section 6 of Chapter 40A of the General Laws as amended.

5.02 SUBMISSION

The applicant shall submit the original mylar and nine (9) prints of the plan, and application Form C (see Appendix). If the subdivision is five (5) lots or more or five (5) acres or more, the applicant shall also submit eight (8) copies of a Development Impact Statement (DIS) (see Appendix) to the Planning Board. The applicant shall also submit the application for a sewer system extension or connection permit, when connecting to the public sewer system is proposed, as well as submit calculations for drainage to the Board. The Town Planner shall distribute copies of the plans and the DIS to: DPW Superintendent, Conservation Commission, Building Commissioner, Electric Light Department, Tree Warden, Fire Chief, Police Chief and Planning Board. The applicant shall also submit one set of plans and a DIS to the Board of Health and Water District.

At the time of submission, a fee, in accordance with the Fee Schedule (see Appendix), shall be paid by the applicant to cover costs of handling, reviews and public hearings. Any additional expenses for advertising, plans, surveys or inspections in excess of this amount shall also be paid by the applicant.

The applicant shall submit the Definitive Plan to the Planning Board either by delivery or registered mail, postage prepaid, in care of the Town Clerk.

In either case, written notice (a copy of Form C) shall be filed, by delivery or registered mail postage prepaid, with the Town Clerk stating the date of submission for such approval. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.

Receipt by the Planning Board, or date of mailing of such notice, plans and such documentation as may be required in these Rules and Regulations shall constitute the effective date of submission.

At the time of submission the applicant shall have visibly staked out and identified station points every one hundred (100) feet along the center line of the proposed roadways that correspond to the stations set forth on the definitive plan.

5.03 CONTENTS

The Definitive Plan shall be prepared by a registered Civil Engineer and/or Land Surveyor and shall be clearly and legibly drawn in black waterproof ink on tracing cloth or mylar. The plan shall be at a scale of one (1) inch equals forty (40) feet, unless otherwise specified by the Planning Board, and of a sheet size not to exceed 24 inches by 36 inches outside dimensions. If multiple sheet are used, they shall be accompanied by an index sheet showing the entire subdivision, and all plans, layouts, profiles, cross-sections and application shall be deemed to constitute the Definitive Plan.

The Definitive Plan shall contain the following information:

1. The subdivision name, boundaries, zoning district, true North arrow, date, scale, legend and title, "Definitive Plan".
2. The names and addresses of the owners of record, the applicant and the registered Civil Engineer and/or Land Surveyor and official seal(s).
3. The names of all abutters as determined from the most recent tax list, and book and page from the Registry of Deeds.
4. Existing and proposed lines of streets, rights-of-way, lots, easements and any public or common areas within the subdivision. (Proposed names of new streets shall be shown in pencil until they have been approved by the Planning Board.)
5. Location, names and present widths of adjacent streets, approaching, or within reasonable proximity of the subdivision.
6. The location, dimensions, bearings and purpose of all existing or proposed easements, within and abutting the subdivision.

7. Location of natural waterways and water bodies within and adjacent to the subdivision.
8. Boundary lines, dimensions and bearings of all proposed lots, with lot areas in square feet, and all lots numbered numerically and in sequence. (Proposed street addresses shall be shown in pencil until they have been approved by the Planning Board.)
9. Significant site features such as existing stone walls, fences, buildings, wetlands, floodplains, large trees and rock out-croppings.
10. Sufficient data to determine readily the location, direction, width and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.
11. Location of all permanent monuments and bench marks, properly identified as to whether existing or proposed. Bounds are required at all intersections of street lines, angle points and changes in curvature of street line.
12. Suitable space to record the action of the Planning Board and the signatures of the members of the Board.
13. A locus plan of the subdivision at a scale of one (1) inch equals four hundred (400) feet showing the exterior lines of proposed streets in the subdivision and their exact location in relation to two or more existing streets, and of such accuracy to register as close as possible with the one (1) inch equals four hundred (400) foot Town street map.
14. A sketch plan of the applicant's contiguous unsubdivided land, showing possible or contemplated development and street layout.
15. Where a storm drainage line discharges into a brook, stream or drainage area, a profile will be shown of the brook, stream or drainage area to determine condition, and proposed method of stabilization.
16. A topographic plan of the entire subdivision at two (2) foot contour intervals showing existing (solid line) and proposed (broken line) topography with proposed spot elevations at the intersection of all proposed lot lines and other pertinent points to show the proposed finished grading of the subdivision. Indicate the volume of earth to be removed from the site.
17. A Street Layout Plan on a separate 36" x 24" sheet for each street in the subdivision showing exterior lines, roadway lines, partial lot lines, curb lines, intersection angles, points of tangency, and radii of curves.

Also included on the Street Layout Plan shall be location, size, type of construction, elevations and invert of all pipes and conduits of the:

- a. WATER SUPPLY SYSTEM, including wells, pumps, valves, stubs, gates, hydrants, and similar equipment;
- b. STORM DRAINAGE SYSTEM, including manholes, culverts, catchbasins and appurtenant structures;
- c. SANITARY SEWERAGE SYSTEM, including manholes, pumps, septic tanks and appurtenant equipment;
- d. ELECTRICAL SUPPLY EQUIPMENT, including poles, transformers, primary and secondary cables, lighting fixtures and other electrical equipment;
- e. OTHER UNDERLINE UTILITY SYSTEMS IN THE RIGHT-OF-WAY, such as gas, telephone and cable TV facilities.

18. A Profile Plan on the same sheet located directly below or above and coordinated with the Street Layout Plan indicating existing profiles on the exterior lines (using light weight lines) and proposed profile on the center line (using heavy weight lines) of each proposed street, at a maximum stationing of fifty (50) foot intervals, and at a horizontal scale of one (1) inch equals forty (40) feet and a vertical scale of one (1) inch equals four (4) feet. All elevations shall refer to Town Datum. Profiles shall show existing and proposed street grades, rates of gradient in percentages, ground elevations at center line of each fifty (50) foot station, and intersecting streets and ways shall be clearly indicated.

The Profile Plan shall show vertical location of existing and proposed storm drainage and sanitary sewer lines, slopes and quantities and velocities of all storm and sanitary sewer lines, invert and rim elevations of each manhole or catchbasin and such structures to be properly identified by number. (For identification purposes, if necessary, water distribution system shall be in blue, sanitary sewer lines in red, and storm drainage system in orange colors.)

19. A typical cross-section for the full width of the proposed street shall be shown in accordance with the "Typical Cross-Section" illustrated in the Appendix, showing foundation material, wearing surface, crown and width of traveled way, curbing, grass strips, sidewalks, utility locations, etc.

20. Construction details for catchbasins, manholes, endwalls, etc.
21. Proposed layout and design of any and all parks, pools, or similar community improvements, including all water, drainage and electrical layouts, if any, designed to service such community improvements.
22. Where private, individual on-site sewage disposal systems are proposed to serve lots in a subdivision, a Feasibility Report of the Proposed Sanitary Sewage Systems, shall be required. See item 5.04-1 under this section for further requirements and details.
23. Any other pertinent information the Planning Board may request.

5.04 ADDITIONAL SUBDIVISION REQUIREMENTS

1. Design Plan of Proposed On-Site Sanitary Sewage System

Where sewage disposal is to be by individual on-site sewage disposal systems, the Definitive Plan shall be accompanied by a Design Plan of the Proposed Sanitary Sewage Systems pursuant to Title V of the State Sanitary Code, approved and signed by the Board of Health.

The Plan should take into consideration the following factors:

- a. Results of percolation tests. Such tests shall be executed in accordance with Regulation 14.2, "Percolation Test Procedures", of Article XI of the Massachusetts Sanitary Code and the regulations of the South Hadley Board of Health (as amended).
- b. A map showing locations of tests on each lot and other pertinent data as deemed necessary.
- c. Topographic and ground level conditions, natural drainage pattern and flood heights of nearby waterways.
- d. From subsurface investigation and analysis, a determination of underlying soil characteristics, absorption qualities, maximum ground-water elevations and distance to bedrock.
- e. Location and dimensions of each proposed on-site sewage disposal system, together with computations used in determining sewage leaching fields.
- f. An evaluation of the suitability of the proposed disposal system(s) to function properly in the given lots, and any

modifications to the proposed system(s) or precautions that may be necessary.

2. Sewer Extension Permits

Under the provisions of Section 43, of Chapter 21 of the General Laws, an application (Form WPC-P-1) must be submitted by the Town to the Massachusetts Water Resources Commission, Division of Water Pollution Control, for a permit to allow construction of any sewer extensions of a public sewerage system, including construction plans for pumping stations, forced mains, siphons and other appurtenances (see Appendix).

It shall be the responsibility of the applicant to furnish the Planning Board and Town Engineer, at time of submission of the Definitive Plan, preferably with the Preliminary Plan, or Plan for More Than One Building for Dwelling Purposes Per Lot, with the necessary data, specifications and construction plans of the proposed sewer extension project, as required on Form WPC-P-1, and said application form to be subsequently completed and signed by the Selectmen for submittal to the Division of Water Pollution Control.

3. Wetlands Protection Act

In accordance with Chapter 131, Section 40 of the General Laws, no person shall remove, fill, dredge or alter any bank, beach, dune, flat, marsh, meadow or swamp bordering on any existing creek, river, stream, pond, lake or any land under said waters or subject to flooding without filing written notice of intention to perform said work with the local Conservation Commission and State Departments of Natural Resources and Public Works.

In order to determine if certain proposed subdivisions, or parts thereof, are subject to the provisions of the Wetlands Protection Act, the Planning Board will, where it deems necessary, submit a copy of the Definitive Plan or Plan for More Than One Building for Dwelling Purposes Per Lot to the Conservation Commission.

The Conservation Commission shall, to the extent practicable, file a report with the Planning Board not later than forty-five (45) days after receipt of the plan stating that the proposed plan: 1) is not subject to the provisions of the Wetlands Protection Act, or 2) the Wetlands Protection Act applies to certain designated areas. In the event the Conservation Commission indicates that the plan shall be governed by said Act, the Planning Board shall include in its decision for approval, a condition that the applicant shall obtain approval from the Conservation Commission prior to any construction activity in the affected areas.

5.05 APPROVAL OF DEFINITIVE PLAN

1. Review by Board of Health as to Suitability of the Land.

At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health one (1) print of the Definitive Plan, together with other necessary documentation and reports. The Board of Health shall report to the Planning Board, in writing, its 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 thereof in such report, and, where possible, shall make recommendations for the adjustment thereof. Any approval of the plan by the Planning Board shall only be given on condition that the designated lots or land shall not be built upon or served with any utilities such as septic tanks, cesspools, and drainage without prior consent of the Board of Health. The Planning Board shall endorse on the plan such conditions as set forth by the Board of Health and the lots and land affected by such conditions.

If a proposed subdivision is to be served by a municipal sewerage system, the Board of Health shall have forty-five (45) days after the plan is filed with its office to make a report, and failure to report shall be deemed approval by the Board of Health.

All subdivisions shall connect to the Town sanitary sewerage system where feasible and where this system is available, and every lot not served by the Town sanitary sewerage system shall have an adequate and approved sewage disposal system, satisfactory to the Board of Health, in accordance with Article XI of the State Sanitary Code.

All subdivisions shall connect to a public or quasi-public water supply system where such a system is available and where feasible, and every lot not served by a public system shall have an adequate supply of potable water approved by the Board of Health. A laboratory test of the water quality shall be required and submitted to the Board of Health.

2. Public Hearing

Before approval, modification and approval, or disapproval of a Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of the time and place of the hearing, and of the subject matter, sufficient for identification, shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of South Hadley once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing. A copy

of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing on the most recent tax list.

The applicant or his representative should be present at the hearing.

3. Approval, Modification or Disapproval

Prior to action by the Planning Board on the Definitive Plan, a joint meeting shall be held with the developer, Planning Board, the DPW Superintendent, Conservation Commission, Building Commissioner, Water Department, Electric Light Department, Fire Chief, Tree Warden, and Board of Health to conduct a complete review of the proposed improvements.

After the required hearing, but within ninety (90) days if a preliminary subdivision plan was filed or 135 days if no preliminary subdivision plan was filed, from the date of submission, the Planning Board shall approve, modify and approve, or disapprove the Definitive Plan. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by registered mail to the applicant.

If the Planning Board modifies or disapproves such plan, it shall state with its vote the reasons for its actions.

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, but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk, and said Clerk has notified the Planning Board that no appeal has been filed, or if an appeal has been taken, that a final decree has been entered by the court sustaining the approval of the plan.

4. Endorsement

An approved plan shall not be endorsed until after the mandatory twenty (20) day appeal period has elapsed, and not until the applicant has: 1) posted the necessary performance guarantee, 2) made the necessary corrections on the plan, if conditional approval was given, to the satisfaction of the Planning Board, 3) delivered two (2) originals (one for recording and one for the Board's file) and two (2) prints of the Definitive Plan if no corrections to the same were necessary. Note: If corrections were required, ten (10) prints shall be delivered, 4) paid the necessary street inspection fee to the Town Treasurer, 5) caused to be executed in a form acceptable to the Town Counsel all deeds of easements as shown on the plan and submission of such deeds and documents to the Planning Board, and 6) paid the Special Municipal Account review fee if required by the Board.

Failure of the applicant to meet the above requirements shall be full and sufficient reason to withhold endorsement. If the applicant fails to submit the required performance guarantees, easements and other documentations and the endorsement of the plan by the Planning Board is delayed more than six (6) months, the Planning Board, on its own motion, shall exercise its power to modify, amend, or rescind its approval of the subdivision plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.

5. Performance Guarantee

Before endorsement of the Planning Board's approval of the Definitive Plan or approval of a Special Permit for condominium/cluster development, the applicant shall agree to complete the required improvements as specified in Sections 7.00 and 8.00, for all lots in the subdivision, and such construction and installation shall be secured by one, or in part by one and in part by the other, of the following two methods, "a" and "b", which may be varied from time to time:

a. Approval with Bond or Surety

The applicant shall either file a performance bond with surety, or file a bond without surety but with other negotiable securities approved by the Town Counsel, or a deposit of money in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the required improvements, plus a contingency factor. Such bond shall be approved as to form and manner of execution as shown on the bond agreement, and such money if deposited shall be deposited in a local bank in the joint names of the applicant and the Town of South Hadley, and said deposit book shall remain in the trust of the Town Treasurer (see Appendix, Form D).

b. Approval with Covenant

Instead of filing a bond or depositing money, the applicant may fulfill the performance guarantee requirements by filing a covenant, (see Appendix, Form E) executed and duly recorded by the owner of record, running with the land, that no lot in the subdivision shall be sold and no building erected thereon until the required improvements, in accordance with these Rules and Regulations, are constructed and installed so as to adequately serve the lots, and approved to the satisfaction of the Planning Board as provided hereafter.

Such covenant shall be inscribed on the Definitive Plan or on a separate document referred to on the Plan, and recorded in the Hampshire County Registry of Deeds, or Land Court.

When improvements have been completed to the satisfaction of the Planning Board, the Board will then authorize in writing, on the appropriate form, a Release of Conditions for recording in the Registry of Deeds, and the conditions relating to such lots shall terminate.

6. Completion Time Schedule

Release of the performance guarantee, whether by bond, deposit of money or covenant, as previously described herein, shall be contingent upon the completion of such improvements as required in these Rules and Regulations within one (1) year of the date of such bond, deposit of money, or covenant.

Upon written request from the applicant, the Planning Board may, at its discretion, grant an extension of time, and such agreement shall be executed and affixed to the bond or covenant.

In the case of a surety company bond, such an agreement shall not be effective until the surety delivers to the Board a written statement that the surety agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company.

In the case of a covenant, the Board may grant final approval of the Definitive Plan conditional upon the completion of the construction of all ways and installation of utilities within a specified time period from the date of said covenant. Failure to complete such improvements shall automatically rescind approval of the plan.

7. Increase of Performance Guarantee

If the specified subdivision improvements in accordance with Section 7.00 and 8.00 are not completed within one (1) year of the date of bond, deposit of money, or covenant, the Planning Board may require an estimate of the costs of the remaining work, change the amount of the performance guarantee proportionately, and establish a new date for the completion of said required improvements.

Failure of the developer to complete the improvements within said one (1) year period, or any extension thereof, shall not relieve the developer from his obligation to pay for increased costs for completing the improvements in excess of his performance guarantee.

8. Recording of Plan

Within six (6) months from the date of the Planning Board's endorsement of the Definitive Plan, the applicant shall cause said plan to be recorded in the Hampshire County Registry of Deeds, or the Land Court. If the applicant delays recording of such plan beyond the six (6) month period, such plan shall not be accepted for recording by the Registry of Deeds or Land Court unless and until it has endorsed thereon or recorded herewith and referred thereon, a certificate of the Planning Board, or Town Clerk, dated within thirty (30) days of such recording, that the approval has not been modified, amended, or rescinded, nor the plan changed. Such certificate shall, upon application, be made by the Planning Board, or Town Clerk unless the records of the Planning Board or Town Clerk receiving the application show that there has been such modification, amendment, rescission, or change.

Within ten (10) days after the Definitive Plan, as approved and endorsed, has been recorded at the Hampshire County Registry of Deeds and, in case of registered land, with the recorder of the Land Court, the applicant shall notify the Board in writing of the date of such recording.

At the time of such recording, all public easements and covenants shall be duly documented and originals thereof transmitted to the Planning Board for filing with the Town Clerk.

Following receipt of notification of recording, the Planning Board shall file one print with the Building Commissioner. In accordance with the Subdivision Control Law, the Building Commissioner, if approval with covenant is noted on or affixed to the plan, shall not issue any permit for the construction of a building on any lot within the subdivision without receipt from the Planning Board of a copy of Form F or certified statement releasing the lot(s) in question.

5.06 RELEASE OF PERFORMANCE GUARANTEE

1. Partial Release

The subdivider may, upon partial completion and installation of required improvements in a subdivision as specified in Sections 7.00 and 8.00 of these Rules and Regulations, the security for the performance of which was given by bond, deposit of money, or covenant, make formal application to the Planning Board for partial release of his performance guarantee, provided that the main line sewer be televised prior to occupancy permit sign-off, if occupancy is requested prior to subdivision completion, and in accordance with the procedures set forth herein:

a. Bond or Surety

The penal sum of any such bond, or the amount of any deposit held may, from time to time, be reduced by the Planning Board, upon formal application in the manner prescribed herein, and the obligations of the parties thereto released by said Board in whole or in part.

b. Covenant

The subdivider may request a Release of Conditions (see Appendix, Form F) for designated lots where the required improvements have been completed for said lots to one quarter of the total lots in the subdivision or a minimum of ten (10), whichever is larger; or one-half of the total number of lots.

A new plan of the portion to be subject to the covenant may be required.

2. Procedures for Full or Partial Release

Upon the completion of construction and installation of required improvements in a subdivision, the security of which was given by bond, deposit of money, or covenant, the subdivider may request a release of conditions of the performance guarantee by: 1) sending by registered mail or by delivery to the Planning Board and Town Clerk a written statement that he has completed the construction and installation of ways and utilities covered by said performance guarantee in accordance with Section 7.00 and 8.00 of these Rules and Regulations, 2) attaching to the written statement a Certificate of Performance (see Appendix, Form G) prepared by a registered Civil Engineer and/or Land Surveyor, at the applicant's expense, stating that the necessary streets, sewers, storm drains, water lines, together with their appurtenances and all other necessary requirements have been constructed and installed as specified in these Rules and Regulations and in accordance with the approved plans. Requests for final release of conditions shall be accompanied by an "As-Built Plan", as required in Section 8.00.

3. Approval of Release

Before the Planning Board will release the interest of the Town in a performance guarantee, the Planning Board shall: 1) obtain in writing from the DPW Superintendent a certificate or statement that the roadway and all underground utilities in the subdivision shall have passed one (1) winter season, and that all work required by these Rules and Regulations under the jurisdiction of the Town has been inspected by him and completed in each street or streets in the subdivision serving the lots in question, including streets, storm drainage, bridges, sewers, shoulders, sidewalks, curbs, etc., and that the method of construction and materials used in the performance of such

work meets with his approval, 2) obtain in writing a certificate from the appropriate Board of Water Commissioners certifying that the water supply system was installed in accordance with its rules and regulations, 3) obtain in writing a certificate from the South Hadley Electric Light Department that the electrical supply system was installed in accordance with its rules and regulations.

If the Planning Board determines that said construction or installation has been completed satisfactorily, it shall release the interest of the Town in such performance guarantee and return the bond or deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded. If the Planning Board determines after inspection that said construction or installation has not been completed or wherein said construction or installation fails to comply with these Rules and Regulations, the Planning Board shall send by registered mail to the applicant and to the Town Clerk the details wherein said construction or installation fails to comply with its rules.

Failure of the Planning Board to act on such an application for release of conditions within forty-five (45) days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any such covenant shall become void.

Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town of South Hadley, as provided in Section 81-Y, upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

5.07 DEVIATION FROM APPROVED PLAN

1. After approval of any Definitive Plan, the location and width of ways shown thereon, or any street or way subject to the Subdivision Control Law, shall not be changed unless the plan is amended in accordance with the provisions set forth in Section 81-W of Chapter 41 of the General Laws, and approved by the Planning Board.
2. In the event the applicant desires to alter or change the grade of a street, or the size, location or layout of a storm or sanitary line or appurtenant structure, he shall: a) provide the Board with a written statement requesting such alteration or change, and b) provide the Board with three (3) prints of the original Definitive Plan with the proposed changes drawn on said prints in red.
3. No change, alteration or deviation shall be permitted unless such change, alteration or deviation has been approved by the Planning Board.

4. After approval of an alteration or modification, the applicant shall cause such approved changes to be corrected on the original drawings of the Definitive Plan.
5. Deviations from material and construction specifications shall not be allowed except as specifically authorized by the DPW Superintendent or appropriate agency having jurisdiction over a particular utility system.

5.08 STREET ACCEPTANCE

Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of any street or other public improvement shown on the plan.

Procedures for the laying out and acceptance of Town streets and ways are under the administration of the Board of Selectmen in accordance with Chapter 82, Sections 22 to 24 of the General Laws, and such procedural steps as enumerated in the statute including approval at town meeting, are mandatory for a valid acceptance of a street.

SECTION 6.00

PROCEDURE FOR SUBMISSION AND APPROVAL

OF PLANS FOR MORE THAN ONE BUILDING

FOR DWELLING PURPOSES PER LOT

6.01 GENERAL

A Plan for More Than One Building for Dwelling Purposes Per Lot must be submitted by the applicant to the Planning Board for consent.

6.02 SUBMISSION

The applicant shall submit nine (9) prints of his plan and application Form H (see Appendix), to the Planning Board together with all other information and documentation, such as plans, reports, maps and cross-sections as required in these Rules and Regulations. The applicant shall, simultaneously, file one (1) print with the Board of Health along with other necessary information and documentation.

At the time of submission, a fee, in accordance with the Fee Schedule, (see Appendix), shall be paid by the applicant to cover the cost of handling and reviewing; any additional expenses for advertising, plans, surveys or inspections in excess of this amount shall also be paid by the applicant.

The applicant shall submit the Plan for More Than One Building for Dwelling Purposes Per Lot to the Planning Board office during working hours, or to the Planning Board either by delivery at a regular or special meeting of said Board, or by delivery or registered mail, postage prepaid in care of the Town Clerk. In either case, written notice (a copy of Form H) shall be filed, by delivery or registered mail postage prepaid, with the Town Clerk stating the date of submission for such approval. If the notice is given by delivery, the Town Clerk, if requested, shall give a written receipt thereof.

Receipt by the Planning Board, or date of mailing of such notice, plans and such documentation as may be required in these Rules and Regulations shall constitute the effective date of submission.

6.03 CONTENTS

The Plan for More Than One Building for Dwelling Purposes Per Lot shall be prepared by a registered Civil Engineer and/or Land Surveyor and shall be clearly and legibly drawn in black waterproof ink on tracing cloth or mylar. The Plan

shall be at a scale on one (1) inch equals forty (40) feet, unless otherwise specified by the Planning Board, and of a sheet size not to exceed 24 inches by 36 inches outside dimensions. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire tract of land, and all plans, layouts, profiles, cross-sections and application shall constitute the Plan.

The Plan shall contain the following information:

1. The name of the development, boundaries, zoning district, true North arrow, date, scale, legend and title, "More Than One Building For Dwelling Purposes Per Lot".
2. The names and addresses of the owners of record, the applicant and the registered Civil Engineer and/or Land Surveyor and official seal(s).
3. Existing and proposed lines of streets, rights-of-way, lots, easements and any public or common areas within and adjacent to such tract.
4. Location, names and present widths of adjacent streets, approaching, or within reasonable proximity to the development.
5. The location, dimensions and purpose of all existing or proposed easements, within and abutting the development.
6. Location of natural waterways and water bodies within and adjacent to the development.
7. Significant site features such as existing stone walls, fences, buildings, swamps, flood plains, large trees and rock outcroppings.
8. Sufficient data to determine readily the location, direction, width and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.
9. Location of all permanent monuments and bench marks, properly identified as to whether existing or proposed. Bounds are required at all intersections of street lines, angle points and changes in curvature of street lines.
10. Suitable space to record the action of the Planning Board and the signatures of the members of the Board.
11. A locus plan of the tract at a scale of one (1) inch equals four hundred (400) feet showing the exterior lines of proposed streets in the development and their exact location in relation to two or more

existing streets, and of such accuracy to register as close as possible with the one (1) inch equals four hundred (400) foot Town street map.

12. A sketch plan of the applicant's contiguous unsubdivided land, showing possible or contemplated development and street layout.
13. Where a storm drainage line discharges into a brook, stream or drainage area, a profile will be shown of the brook, stream or drainage area to determine condition and proposed method of stabilization.
14. A topographic plan of the entire development at two (2) foot contour intervals showing existing (solid line) and proposed (broken line) topography with proposed spot elevations at pertinent points to show the proposed finished grading of the development.
15. A Street Layout Plan on a separate 36" x 24" sheet for each street in the development showing exterior lines, roadway lines, curb lines, walks, parking areas, intersection angles, points of tangency, and radii of curves. Also included on the Street Layout Plan shall be location, size, type of construction, elevation, and invert of all pipes and conduits of the:
 - a. WATER SUPPLY SYSTEM, including wells, pumps, valves, stubs, gates, hydrants, and similar equipment;
 - b. STORM DRAINAGE SYSTEM, including manholes, catchbasins and appurtenant structures;
 - c. SANITARY SEWERAGE SYSTEM, including manholes, pumps, septic tanks and appurtenant equipment;
 - d. ELECTRICAL SUPPLY EQUIPMENT, including transformers, primary and secondary cables, lighting fixtures and other electrical equipment;
 - e. OTHER UNDERGROUND UTILITY SYSTEMS IN THE RIGHT-OF-WAY, such as gas, telephone and cable T.V. facilities.
16. A Profile Plan on the same sheet located directly below and coordinated with the Street Layout Plan indicating existing profiles on the exterior lines (using light weight lines) and proposed profile on the center line (using heavy weight lines) of each proposed street, at a maximum stationing of fifty (50) foot intervals and at a horizontal scale of one (1) inch equals forty (40) feet and a vertical scale of one (1) inch equals four (4) feet. All elevations shall refer to Town datum.

Profiles shall show existing and proposed street grades, rates of gradient in percentages, ground elevations at center line of each fifty (50) foot station, and intersecting streets and ways shall be clearly indicated.

The Profile Plan shall show vertical location of existing and proposed storm drainage and sanitary sewer lines, slopes of all storm and sanitary sewer lines, invert and rim elevations of each manhole or catchbasin. Such structures are to be properly identified by number. (For identification purposes, if necessary, water distribution system shall be in blue, sanitary sewer system in red, and storm drainage system in orange colors.)

17. A typical cross-section for the full width of the proposed street shall be shown in accordance with the "Typical Cross-Section" illustrated in the Appendix, showing foundation material, wearing surface, crown and width of traveled way, curbing, grass strips, sidewalks, utility locations, etc.
18. Construction details for catchbasins, manholes, endwalls, etc.
19. Proposed layout and design of any and all parks, pools, or similar community improvements, including all water, drainage and electrical layouts, if any, designed to service such community improvements.
20. Where applicable, the plan of the proposed development shall be subject to the additional requirements set forth under Section 5.04.

6.04 APPROVAL, MODIFICATION OR DISAPPROVAL

Within sixty days from date of submission, the Planning Board shall approve, modify and approve, or disapprove the Plan for More Than One Building for Dwelling Purposes Per Lot. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by registered or certified mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state with its vote the reasons for its actions.

If the consent of the Planning Board is granted, it shall be deemed conditional until such time as the applicant submits a written statement guaranteeing that adequate ways furnishing access to all buildings will be provided in accordance with Sections 7.00 and 8.00 of these Rules and Regulations. Final consent shall be endorsed on the original drawing of the Final Plan by the signatures of a majority of the Planning Board.

In the event that ways are not constructed in accordance with the applicant's written guarantee, then, the Planning Board on its own motion, shall have the power to modify, amend or rescind its approval of a plan. Written notice of any such action will be transmitted to the Selectmen and Building Commissioner for appropriate disposition.

Final consent does not constitute the laying out or acceptance by the Town of any way or other public improvement shown on the Plan.

SECTION 7.00

DESIGN STANDARDS

7.01 STREETS AND WAYS

Streets and ways shown on the subdivision plan or plan for more than one building for dwelling purposes per lot must comply with the following requirements:

1. Location and alignment

- a. All streets and ways shall be designed so that in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness and design of the street layout in order to obtain the maximum livability and amenity of the subdivision. As far as practicable, streets should follow natural contours.
- b. The proposed streets shall conform, so far as practicable, to the Master Plan as adopted in whole or in part by the Planning Board.
- c. Provision shall be made, to the satisfaction of the Planning Board, for the proper projection of streets, or for access to adjoining property which is not yet subdivided or developed.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- e. Streets and ways shall be continuous and in alignment with existing streets, as far as practicable, to insure free and safe movement of vehicular traffic. Where a subdivision borders an existing but inadequately constructed public street, the subdivider will be required to improve the street bordering the subdivision tract or provide the land necessary for future improvements for that portion bordering the subdivision. The Center line of a new road running parallel to an existing road shall be a minimum of four hundred fifty (450) feet from the center line of an existing road.
- f. Temporary dead-end or cul-de-sac streets shall conform to the provisions of alignment, width, and grade that would be applicable to such streets if extended.

- g. In all instances, the paved roadway, sidewalks, grass strips and curbsings shall be required as shown on the Typical Street Cross-Section drawing (see Appendix).
- h. The vertical alignment at grade changes or minimum stopping sight distance at three and one half (3.5) feet above the pavement shall be two hundred (200) feet.

2. Width

The minimum widths of street rights-of-way, and paved roadways (traveled way) shall be:

a. Type “A” Subdivisions *

Right-of-way width	50 feet
Paved roadway width	24-32 feet

b. Type “B” Subdivisions *

Right-of-way width	60 feet
Paved roadway width	28-36 feet

- c. The paved roadway width shall be measured from front to front of berms. All berms shall be set on the roadway pavement.
- d. The center line of the roadway shall coincide with the center line of the right-of-way, unless otherwise approved by the Board.
- e. Greater widths may be required by the Planning Board when deemed necessary for present and future vehicular traffic.

*NOTE: See Section 2.00 for definition of Subdivision Types.

3. Grades

The minimum grades of all streets and ways shall be:

a. Type “A” Subdivisions

- 1) No grade shall be greater than nine (9) percent.
- 2) No grade shall be less than one-half of one (0.5) percent.

b. Type “B” Subdivisions

- 1) No grade shall be greater than six (6) percent.
- 2) No grade shall be less than one-half of one (0.5) percent.

4. Horizontal Alignment

The minimum center line radii of horizontal street curves shall be:

- a. Type “A” Subdivisions – One Hundred (100) feet.
- b. Type “B” Subdivisions – Three Hundred (300) feet.

5. Intersections

- a. Streets and ways shall be laid out so as to intersect as nearly as possible at right angles. In no case shall street and way intersections be less than sixty (60) degrees.
- b. Street and way lines at all intersections shall be rounded with a curve at each corner which has a radius of not less than thirty (30) feet. When the intersection of two (2) streets varies more than ten (10) degrees from a right angle, the radius of the curve at the obtuse angle may be less, and at the acute angle shall be greater than thirty (30) feet.
- c. Intersections of streets and ways shall have center line off-sets of not less than two hundred (200) feet.
- d. On any street where the grade exceeds six (6) percent on the approach of the 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.

6. Cul-de-Sac or Dead-End Street

- a. A permanent cul-de-sac or dead-end street shall be no longer than eight hundred (800) feet in length, unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.

- b. Permanent cul-de-sac streets shall be provided with a turnaround at the end of the street, having a minimum curb radius of fifty (50) feet and a property line radius of at least fifty-five (55) feet.
- c. In lieu of paving the entire area of the turnaround, a permanent cul-de-sac turnaround meeting the dimensional design standards as in “b.” above may be designed or required by the Planning Board to have a pavement width of twenty-four (24) to thirty-two (32) feet, beginning at the inner circle graded, seeded and/or appropriately planted with acceptable trees or shrubs, provided there is proper assurance such as a deed covenant stating that lot owners are responsible for ongoing maintenance, and that maintenance of such planted areas will not be the responsibility of the Town.
- d. Design of a turnaround is, in some situations, optional depending on topographical conditions and natural features, but must be acceptable and approved by the Planning Board and Town Engineer. The “Y” or “T” back-arounds may be used on temporary or short cul-de-sac streets, or those with steep slopes, but should not be used on streets greater in length than four hundred (400) feet.
- e. A temporary cul-de-sac shall be allowed only where, in the opinion of the Planning Board, it is essential to the reasonable development of the subdivision and where it is part of the street or way that eventually will be extended into adjoining property. The design of a temporary turnaround shall be satisfactory to the Planning Board, and clearly shown on the plan as temporary in nature and such property lines shall be those which would normally have been required or used without the turnaround.

Layout of the turnaround beyond the normal street right-of-way lines shall be in the form of an easement to the Town of South Hadley covering said premises included in the turnaround. When the street is extended into adjoining property, the easement shall become null and void.

7.02 EASEMENTS

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty-five (25) feet in width, except that wider easements may be required by the Board where deemed necessary.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.
3. The subdivider shall cause to be recorded in the Hampshire County Registry of Deeds, by appropriate instrument (deed) any necessary easements in the name of the Town of South Hadley for utilities, water courses or drainage channels, temporary turnarounds or other purpose, and to provide for the construction and installation of such utilities before the final bond is released. A copy of the appropriately executed instrument shall be submitted to the Planning Board after approval of the Definitive Plan, but before final endorsement.

7.03 OPEN SPACES AND PROTECTION OF NATURAL FEATURES

Before approval of a plan, the Planning Board may also, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks for a period of not more than three (3) years without its approval.

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

7.04 COMPLIANCE WITH ZONING BY-LAW

No plan of a subdivision shall be approved unless all of the lots shown of the plan comply with the Zoning By-Law.

7.05 LOTS OF ABNORMAL SIZE AND SHAPE

Any lots of abnormal configuration and size which are detrimental to the purposes and intent of the Subdivision Control Law shall not be allowed even though they may meet the dimensional requirements of the Zoning By-Law.

Side lot lines should be substantially at a right angle to the street lines or to its tangent at point of intersection of the side lot line, but in no case shall the side lot line form an angle of less than seventy-five (75) degrees with the street line or its tangent at point of intersection.

SECTION 8.00

REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND DEVELOPMENTS FOR MORE THAN ONE BUILDING FOR DWELLING PURPOSES PER LOT

8.01 STREET AND ROADWAY CONSTRUCTION

1. Clearing and Grubbing

- a. No clearing or excavating shall be started on any part of the street until the Tree Warden has designated in writing those trees which are to remain in the tree belt. Such trees to be preserved shall be protected during construction by fenders or boxes.
- b. The entire area within the right-of-way of each street shall be cleared of all stumps, brush, roots, boulders and like material, except those trees that are intended for preservation.
- c. No perishable matter such as stumps, trunks, or limbs of trees or brush shall be buried within the limits of the right-of-way lines.
- d. All loam, peat, muck and other yielding material shall be removed from the roadway, side slopes, driveway aprons and sidewalks.

2. Gravel Foundations

a. Subgrade

- 1) Within the roadway area including driveway aprons, sidewalks, and grass strips, all material shall be removed to subgrade and any unsuitable material, in the opinion of the DPW Superintendent below subgrade shall be removed and shall be replaced with proper bank-run gravel and brought to proper compaction. The depth of the subgrade will be governed by existing conditions and shall be as specified by the DPW Superintendent.
- 2) Where fill is required, it shall be placed in layers not deeper than eight (8) inches and shall be spread uniformly with the large stones at the bottom.

- 3) Any gravel used as fill in the sub-base shall be composed of hard, durable stone and coarse sand, practically free from loam and clay containing no stone having a dimension greater than six (6) inches, and when spread and compacted shall present a stable foundation.
- 4) Each layer shall be thoroughly compacted with a roller weighing not less than ten (10) tons and rolling shall continue until a firm, even surface true to line and grade is achieved. Any depressions shall be filled and rerolled and any soft or unsuitable areas shall be removed and replaced with suitable material and rolled.
- 5) The subgrade shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the Typical Street Cross-Section.
- 6) Inspections shall be required after completion of the subgrade (see Section 9.00).

b. Gravel Base

- 1) The gravel base course shall consist of not less than twelve (12) inches of well compacted gravel placed upon the subgrade the entire width of the roadway in layers not greater than six (6) inches deep.
- 2) When spreading the gravel, care should be taken to rake forward and distribute the largest stones so they will be at the bottom of the gravel base course and evenly distributed.
- 3) Each layer shall be thoroughly compacted with a roller weighing not less than ten (10) tons, and rolling shall continue until a firm, even surface true to line and grade is achieved. Any depression that appears during or after rolling shall be filled with gravel and rerolled.
- 4) The gravel used in the base course shall conform to the specifications of the subgrade (8.01 – 2.a.[3]), except that it shall contain no stones having a dimension greater than four (4) inches.
- 5) The gravel base surface shall be shaped and finish graded at the required depth below and parallel to the proposed

pavement surface, in conformance with the Typical Street Cross-Section.

- 6) Inspections shall be required before commencement and after completion of the gravel base (see Section 9.00).

8.02 ROADWAY SURFACING

1. The roadway and driveway aprons shall be paved the entire width, including under the berms, and the surface treatment shall be compacted bituminous concrete placed in two (2) layers.
2. The first layer or binder course shall be Class I bituminous concrete pavement, Type I-1, binder course mix, laid at a thickness of two (2) inches in accordance with Section 460 of the Massachusetts Department of Public Works Standard Specifications for Highways, Bridges and Waterways (1967). The first layer or binder course must be in place at least six (6) months and have the approval of the DPW Superintendent before the second layer or surface course is applied.
3. The second layer or surface course shall be Class I bituminous concrete pavement, Type I-1, top course mix, laid at a thickness of one and one half (1 ½) inches in accordance with Section 460 of the Massachusetts Department of Public Works Standard Specifications for Highways, Bridges and Waterways (1967).
4. The plant mix material shall be delivered to the site in a hot and easily workable condition, when weather conditions are satisfactory, so that it can be properly placed on the appropriate base. Irregularities in the existing foundation material shall be eliminated by the use of extra bituminous material.
5. All bituminous concrete shall be spread by an approved mechanical spreader in a uniformly loose layer to the full width required and to such thickness that each course when compacted shall have the required thickness and shall conform to grade and the Typical Street Cross-Section. Hand spreading of bituminous concrete material will be allowed only for special areas which do not permit mechanical spreading and finishing.
6. Each course of bituminous material shall be rolled with a self-propelled, equally balanced, tandem roller weighing not less than five (5) nor more than ten (10) tons. Places inaccessible to the power roller, shall be compacted by means of hand or vibratory tampers. Any displacement caused by the roller shall be corrected by ranking and adding fresh mixture where required.

7. Traverse joints shall be formed by laying and rolling against a form of the thickness of the compacted mixture placed across the entire width of the pavement. When the laying of the mixture is resumed, the exposed edge of the joint shall be painted with a thin coat of hot asphalt or asphalt cement thinned with naphtha. The fresh mixture shall be raked against the joint and thoroughly tamped with hot tampers and rolled.
8. The final bituminous surface shall show no deviation greater than one-quarter (1/4) inch when tested with a sixteen (16) foot straight edge placed parallel to the centerline of the surface course.
9. Finished roadway and driveway apron surface less than the required thickness or containing any soft or imperfect places will not be approved.
10. All roadways shall be brought up to the finish grade as shown on the Definitive Plan, and all manhole covers, gate boxes, gas drips and other access to underground utilities shall be set flush with the surface of the road, grass strip or sidewalk.
11. Inspections shall be required upon completion of the binder and surface courses (see Section 9.00).

8.03 CURBS AND BERMS

1. Bituminous concrete curbs of the type and dimensions as shown on the Typical Street Cross-Section, (see Appendix), shall be required along both sides of the roadway, except at curb inlets or where, in the opinion of the Planning Board, such curbs are not necessary.
2. The berms shall be constructed of Type I-1, Class I bituminous concrete, and laid with a berm forming machine.
3. The curbs shall butt against all granite curb inlets, and constructed so as to be true to line and grade after compaction. Any mixture which becomes defective in any way shall be replaced with a fresh mixture.
4. Under special conditions, specially constructed berms or gutters may be required by the Planning Board, particularly in areas of heavy slope.
5. Bituminous concrete berms shall be applied onto the binder course of roadway paving and the top course of pavement laid against the face of the berm.

8.04 DRIVEWAY APRONS

1. In Type "A" Subdivisions, the minimum driveway width within the right-of-way shall be twelve (12) feet, with at least a two (2) foot curb radius.

2. In Type “B” Subdivisions, the minimum driveway width within the right-of-way shall be thirty (30) feet, with at least a seven (7) foot curb radius.
3. The rate of change of grade from property line to the pavement line shall not be over one (1) foot per ten (10) feet of distance.
4. The nearest line of a driveway shall not be any closer than fifty (50) feet from the intersection of any two (2) streets.
5. Driveway apron construction shall consist of a twelve (12) inch rolled gravel base, and the hardened surface shall be composed of the standard one and one half (1 ½) inches of compacted binder course and one (1) inch of compacted surface course Type I-1, Class I bituminous concrete, rolled with at least an eight (8) ton roller.
6. A permit must be obtained from the State Department of Public Works for all driveway entrances to a State Highway and such driveways must conform to State standards.
7. The gutter end of the paving of any driveway shall have a lip of approximately one (1) inch to one and one half (1 ½) inches to control water flowing along the street gutters.

8.05 SIDEWALKS

1. Sidewalks of not less than four feet in width shall be constructed on one or both sides of the street starting at the property line, when in the opinion of the Planning Board such sidewalks are necessary.
2. Sidewalk construction shall consist of at least eight (8) inches of select gravel placed over a suitable subgrade, graded to a ¼ inch per foot slope and rolled with a minimum five (5) ton roller. The sidewalk surface shall be composed of the standard one and one-quarter (1 ¼) inches of compacted binder course and a three-quarter (¾) inch of compacted surface course Type I-1, Class I bituminous concrete.
3. The property side of the sidewalk shall be set at least six (6) inches to the street from the property line. (See 8.08: Monuments and Markers).
4. Wheelchair ramps will be constructed to ADA (Americans with Disabilities Act) standards.

8.06 GRASS STRIPS AND SIDE SLOPES

1. Where sidewalks are required, there shall be provided between the curb or edge of the roadway a planted grass strip (see Typical Street Cross-Section).
2. The finished grade of such grass strips shall have a slope of ¼ inch per foot toward the roadway, unless unusual topographic characteristics exist wherein greater slopes may be approved by the Board.
3. Only those trees approved by the Tree Warden or signs or poles approved by the Town Engineer shall be permitted in the grass strip.
4. Where no sidewalk is constructed, the grass strip between the lot property line and the street line shall have a slope of ¼ inch per foot toward the roadway, unless unusual topographic characteristics exist wherein greater slopes may be approved by the Board.
5. All grass strips, side slopes, and unpaved areas within the right-of-way shall contain a top of at least six (6) inches of good quality loam spread over a suitable subgrade, screened, raked and rolled with a 100 pound roller. The loam shall be fertilized at a rate of twenty (20) pounds per one hundred (100) square yards and then seeded with lawn seed at the rate of three and six tenths (3.6) pounds per hundred (100) yards and rolled. Any area which fails to show a uniform growth of grass shall be reseeded until the entire area is covered with a uniform growth of grass.

8.07 BRIDGES

1. Bridges shall be designed in accordance with the design standards of the Massachusetts Department of Public Works.

8.08 MONUMENTS AND MARKERS

1. Monuments shall be installed and centered at all street intersections at all angle points and curvature of streets at other points as shown on the Definitive Plan. Such monuments shall also be installed at intervals of two hundred and fifty (250) feet on any straight portion of a street if such portion is five hundred (500) feet in length or longer.
2. Granite or reinforced concrete monuments shall be used, being not less than four (4) feet in length, dressed to six (6) inches at the top with a three eights (3/8) inch hole drilled in the center and flared at the bottom. The hole shall be filled with lead securely rammed in place.
3. Iron rods, “rifle barrels” or other markers suitable to the Planning Board shall be installed at every corner of each lot within the subdivision. Such markers

shall be at least three (3) feet in length and their locations shall be noted on the Definitive Plan.

4. Monuments and markers shall be set vertically and suitable material thoroughly compacted around each bound, with the tops of the monuments and markers set flush with the finished grade.
5. No permanent monument or marker shall be installed until all construction which would disturb or destroy the monument or marker is completed.
6. All monuments and markers shall be installed before bond or covenant is released.

8.09 INSTALLATION OF UTILITIES

1. General Standards

The installation of utilities and underground structures shall conform to the following general standards:

- a. All public and private sewers, surface water drains, water and gas pipes, electric, telephone and cable T.V. lines, together with their appropriate underground structures, within the street right-of-way, shall be placed underground.
- b. Underground utilities shall be installed after the street has been excavated to subgrade.
- c. The location of the utilities shall conform to the Definitive Plan and the Typical Street Cross-Section, with the minimum cover as shown on the Typical Street Cross-Section.
- d. Material used surrounding and supporting pipes and conduits in the utility trenches shall be screened gravel compacted at least six (6) inches in diameter around pipes, unless the trenches are in ledge, peat or heavy clay which requires twelve (12) inches of the compacted, screened gravel.
- e. Material used in back-filling utility trenches around underground structures shall be placed in six (6) inch layers and thoroughly compacted by pneumatic or vibratory tamps.
- f. Gravity sewer lines shall be true to line and grade with no horizontal or vertical curvature permitted.

- g. No footing drains, roof drains or storm water drains shall be connected to the sanitary sewer system.
- h. All lot connections shall be installed from the main structures in the street to the exterior right-of-way line for each lot regardless of whether there is a building thereon. In the case of a lot to be used for a park or playground or any other purpose for which the Planning Board deems lot connections are not necessary, installation of such connections may be waived by the Board.
- i. Private, on-site water supply wells shall be located a minimum of one hundred (100) feet from a leaching field, seepage pit or cesspool; ten (10) feet from a sewer line; and fifty (50) feet from a septic tank.
- j. All underground utilities shall be properly inspected, tested and approval given before the back-filling of trenches and placement of gravel base courses and pavement (see Section 9.00 for inspection procedures).

2. Drainage System

- a. The storm drainage system shall be so designed to intercept storm water runoff from the entire portion of the drainage basin that drains to or across the proposed subdivision, and provisions shall be made for proper and adequate storm lines, structures, and channels to accommodate up stream properties as well as affording protection from flooding and erosion to adjacent and down stream properties.
- b. In determining quantities of storm water for system design, the rational method should be used, unless another method is shown to be more appropriate in specific cases, but in any event, the system should be designed for a minimum of twenty-five (25) year storm frequency.
- c. Discharge of storm water shall be either into an existing, adequate storm system or the nearest natural water course. Where necessary, the developer shall obtain and convey to the Town drainage easements on adjacent properties, and be responsible for installation of pipe and structures or channels at his expense.
- d. Storm water shall not be permitted to cross over the roadway on the surface, and must be piped underneath the roadway.
- e. The minimum diameter of storm drains in Type "A" Subdivisions shall be twelve (12) inches and Type "B" fifteen (15) inches, excluding footing drains and subsurface connection pipes.

- f. Catchbasins shall be located on both sides of the roadway at intervals of not more than three hundred (300) feet on continuous grades, and at low points and sags in the roadway and near the corners of the roadway at intersecting streets.
- g. Maximum distance for surface runoff to flow upon the road surfaces shall be three-hundred (300) feet.
- h. The methods of construction, and type of materials used shall conform to the Massachusetts Department of Public Works Standards and Specifications, or the DPW Superintendent where applicable.
- i. Where storm water discharges into an open stream or channel, provisions shall be made for proper stabilization of the stream channel.
- j. As construction progresses, unforeseen groundwater conditions may be encountered which require additional subdrains, curtain drains and/or footing drains. These conditions include potential problems if construction is in progress at a time of low water table or other dry conditions. The Board, acting on the advice of the Department of Public Works, reserves the right to require appropriate systems, including stubs, to accommodate the problems.
- k. The owner will be responsible for the maintenance and upkeep of any detention ponds.
- l. Through every phase of construction no surface run-off will drain onto the abutting public way or abutting private property.

3. Sanitary Sewer System

- a. Wherever, in the opinion of the Planning Board, the public sewerage system is reasonably accessible and where connection to it is feasible, the applicant shall properly connect all lots in the subdivision to the public sewerage system.
- b. The minimum diameter of public sewer pipes shall be eight (8) inches, unless a smaller size is recommended by the DPW Superintendent.
- c. The methods of construction and type of materials used shall conform to the Massachusetts Department of Public Works Standards and Specifications, or the DPW Superintendent where applicable.
- d. A sewer extension permit application shall be filed by the applicant (see Section 5.04-2 for further details).

- e. Where a public sewerage system connection is infeasible or inaccessible, a private on-site sewerage system shall be designed and constructed in conformity with Article XI of the Sanitary Code of the Massachusetts Department of Public Health, and subject to approval and in conformity with the rules and regulations of the South Hadley Board of Health.
- f. If a subdivision is to be located in an area where a public sewerage system connection is infeasible, but within five (5) years from date of submission of the Definitive Plan a public sewerage system is planned to be installed by the Town, as confirmed by the Selectmen, the applicant may be required, at the request of the Planning Board, to install at his expense street sewers, structures and laterals (i.e., dry sewers).
- g. Sewer connection fees, in accordance with the Sewer Department's fee schedule, shall be paid prior to issuance of a building permit(s) for individual lot(s).

4. Water Systems

- a. Where available and feasible, all lots in a subdivision shall connect to the appropriate water service system: Water Department, Fire Districts Nos. 1 and 2.
- b. All water mains, fittings, gates and hydrants shall be installed in conformity with the specifications of the respective Water Departments, and in accordance with the Definitive Plan as approved by the Planning Board.
- c. Where connection to a water district system is infeasible, the applicant shall make provisions to serve every lot with an adequate supply of potable water approved by the Board of Health.
- d. A laboratory test of the water quality shall be required and submitted to the Board of Health for all private, on-site systems.

5. Electrical, Telephone and Other Wires

- a. All electrical, telephone, fire alarm, cable T.V. and other wires and cables shall be installed underground, unless in the opinion of the Planning Board and the appropriate utility company, such installation is impractical or not in the best interest of the Town. Installation of the underground electrical distribution system shall be in accordance with the specifications and regulations of the South Hadley Electric Light Department.

8.10 STREET TREES AND PLANTING

Planting operations and requirements for trees and plantings contained herein shall be in accordance with the standards and specifications of the American Nurseryman Association and the Associated Landscape Contractors of Massachusetts.

1. Street Trees

- a. There shall be two trees, which may be existing or newly planted, for each lot in the subdivision.
- b. If they are existing trees, they must be approved as to health and suitability by the Tree Warden, and if newly planted they must be approved by the Tree Warden as to their species, size and location.
- c. No dead, damaged or diseased tree existing as such at the time of approval of the plan, and no tree injured in the course of work shall be permitted to stand on any lot within a subdivision, and upon orders from the Tree Warden, the subdivider shall remove the same at his own expense, together with the stump and roots thereof.
- d. A partial list of acceptable types of street trees is included in the Appendix, and categorized according to growth size.
- e. Large-growing trees should be spaced at intervals of fifty (50) to sixty (60) feet, medium-growing trees at intervals of thirty (30) to forty (40) feet, and small-growing, at intervals of twenty (20) to thirty (30) feet. On the side of the street where overhead wires are present, large and medium growing trees should be planted within the front yard of the individual property owner, away from such wires.
- f. Where possible, and with the approval of the Tree Warden, the street trees should be of different varieties. Said location of trees shall be at least ten (10) feet from any underground utilities.

2. Cul-de-sac Plantings

With the approval of the Planning Board, the central radius of a cul-de-sac may be planted with perennial grass (sod or seed), ornamental shrubs, or retention of existing vegetation. Suitable mulch shall be used between plants for weed control.

3. Bank Plantings

- a. All cut and filled bankings, or portions thereof, that are susceptible to eroding or any building lots where fill or excavation has changed the contours such that drainage to adjoining parcels will be affected, shall be planted with low or very low growing plantings, herbaceous plants or sod grass (see list in Appendix).
- b. Suitable mulch shall be spread liberally for weed and erosion control.

4. Intersection Plantings

No small trees, shrubs or herbaceous plants that tend to obstruct visibility at street intersections shall be permitted within one hundred (100) feet of the point of intersection of the curb or exterior roadway lines along both sides of the corner lot at the intersection.

8.11 STREET LIGHTING

Street lighting shall be installed along all streets in accordance with the Electric Light Department's specifications.

8.12 STREET SIGNS

Street name signs shall be the standard street name signs made by the South Hadley Highway Department at the applicant's expense. Such signs shall be erected by the applicant at each street intersection near the inside edge of the curb, subject to approval by the DPW Superintendent. The posts of these signs shall be buried in concrete blocks ten (10) inches in diameter and twenty-four (24) in length.

8.13 AS-BUILT PLANS

After final approval of all the improvements in the subdivision and before final release of the performance guarantee, the applicant shall furnish the Board with two copies (one copy for the Board and the other for the DPW Superintendent) of "As-Built Plan" showing location and grades of road as built, as well as all utilities as installed including inverts of drainage and sewerage systems, and swing ties at 60 degrees and 120 degrees apart for all ends and intersections of pipes that are buried. Such plans may be mylar or linen copies of the complete set of Definitive Plans revised into "As-Built Plans".

8.14 CLEANING UP

After completion of construction and before release of the performance guarantee, the subdivider shall remove all temporary structures, debris, surplus materials and rubbish, and shall otherwise leave the area in a neat and orderly appearance.

SECTION 9.0

ADMINISTRATION

9.01 INSPECTIONS

1. At various specified stages of construction of streets and ways, utilities, and other improvements, inspections shall be mandatory and shall be made and certified in writing by the Department of Public Works Superintendent, or representative of the appropriate agency involved (e.g., Water Department, Fire District No. 1 and 2, and the Electric Light Department).
2. Construction of streets and installation of utilities may be phased provided that each section shall not be less than five hundred (500) feet.
3. The applicant shall be responsible for engaging, at his expense, a qualified Engineer to set all lines, grades and stakes to the satisfaction of the DPW Superintendent.
4. In order to make arrangements for proper inspection of street construction and installation of utilities, a seventy-two (72) hour notice shall be given by the applicant to the designated individual or agency before the following construction stages:
 - a. Before clearing and grubbing, the Tree Warden shall be notified to designate those trees which are to be preserved in the tree belt.
 - b. The roadway shall be inspected by the DPW Superintendent upon completion of each of the following construction stages:
 - 1) Subgrade (and subbase if necessary)
 - 2) Gravel Base
 - 3) Binder Course
 - 4) Surface Course
 - c. The installation of the sanitary and storm drainage systems and related structures shall be inspected by the DPW Superintendent, or Board of Health as appropriate, before the filling and compacting of the utility trenches.
 - d. After the filling and compacting of the utility trenches, the applicant shall have an inspection of installed drainage lines and sewer mains performed by means of a television camera. This inspection shall be conducted at the applicant's expense, and the results forwarded to the DPW Superintendent.

- e. The water system and appurtenant facilities shall be inspected by the representative of the respective Water District.
 - f. The installation of sidewalks shall be inspected by the DPW Superintendent upon completion of subgrade base course, as well as permanent binder and finish course.
 - g. The installation of curbs, where required, and loaming and seeding operations shall be inspected by the DPW Superintendent.
 - h. At the completion of all the improvements in the subdivision including loaming and seeding, curbs, monuments, plantings and signs, the DPW Superintendent shall make an inspection before final release of the performance guarantee.
5. Each specified construction stage shall be completed to the satisfaction of the DPW Superintendent or appropriate agency and given in writing, before further work shall be done. Any development which progresses beyond an inspection stage without written approval of the DPW Superintendent or appropriate agency shall be required to return the construction to the status necessary to perform the required inspection.
6. Cost of inspections shall be paid by the applicant in accordance with the Fee Schedule (see Appendix) on a per lineal foot of street basis, as measured along the street centerline of the Definitive Plan and such amounts shall be paid to the Town Treasurer in cash or official bank check prior to endorsement of the Definitive Plan.
7. It shall be the responsibility of the applicant to engage qualified individuals to provide engineering supervision during construction to ensure proper construction of improvements in accordance with the approved plan.

APPENDICES

NOTE: Forms are available in the South Hadley Town Hall at the office of either the Town Clerk or the Planning Board.

**SOUTH HADLEY PLANNING BOARD
RULES AND REGULATIONS**

**APPLICATION REVIEW FEES – SPECIAL MUNICIPAL ACCOUNT
PURSUANT TO CHAPTER 41, SECTION 81Q,
MASSACHUSETTS GENERAL LAWS**

Authority

1. Intent

When reviewing an application for permit/approval, the Board may determine that the assistance of outside professional expertise and/or 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 professional expertise and/or consultants engaged by the Board to assist in the review of an application.

Professional Fields

2. Professional Expertise/Consultants

In hiring outside professional expertise and/or consultants, the Board may engage engineers, planners, lawyers, urban designers, regional planning agencies or other appropriate professionals who are qualified and capable of assisting the Board in analyzing a project to ensure compliance with all relevant laws, by-laws, and regulations.

Minimum Qualifications

All consultants selected by the Board must meet minimum qualifications consisting of:

- a. an educational degree in, or related to the field at issue, from a recognized public or private college or university,
- or
- b. three or more years of practice in the field at issue or a related field.

Filing with Town Clerk

The selection made by the Board shall be recorded with the office of the Town Clerk within five business days of the Board's final selection(s).

Deposit of Funds

3. Establishment of Special Account

Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer who shall establish a special account for this purpose.

Minimum Fees

The fee schedule of the Planning Board under Application Review shall be adhered to in determining the review fee required for the establishment of the special account.

Additional Review Fee

If review funds charges are insufficient to cover the costs of outside professional expertise and/or consultant review, the Board may require the applicant to pay an additional review fee to cover these costs provided these costs are reasonable and directly related to the project undergoing review.

Expenditures From Fund

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 To Pay

Failure of an applicant to pay a review fee shall be considered as an incomplete application and therefore not allow the application to go forward.

Use of Funds

4. Use of Funds

Review fees may only be spent for services rendered in connection with the specific project for which they were collected. These services shall include, but

are not necessarily limited to: project reviews, document reviews, and project-related inspections. Accrued interest may also be spent for this purpose.

Special Account To Cover Review Costs

If the outside consultant review begins and expenses are generated prior to the filing of a formal administrative appeal, all such expenses, up to the time of appeal, shall be paid out of the special account for that particular project.

Excess Funds Returned

At the completion of the Board's review of a proposed project, or at a time determined at the submission of the application/permit, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest.

Report of Account

A final report of the status of said account shall be made available to the applicant or the applicant's successor in interest.

Successor In Interest

For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation that legally establishes this succession in interest.

Appeal Body

5. Method of Appeal

Any applicant may take an administrative appeal from the selection of the outside professional expert and/or consultant to the Board of Selectmen.

Grounds for Appeal

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.

Seven Days To File Appeal

Any applicant aggrieved by a selection of an outside consultant may appeal to the Board of Selectmen provided that such appeal is entered within seven days after such selection has been made as recorded in the office of the Clerk. An appeal

will not be considered valid unless it is formally filed with the office of the Town Clerk with a copy given to the Board of Selectmen.

Waiver of Appeal

The applicant should notify the Board of its intention to seek a waiver at the earliest possible time in the review and consultant selection process. If the applicant fails to sign and/or file a formal waiver of appeal, this action will be then viewed as an intention to appeal of the part of the project applicants. Failure to inform the Board of such intention of appeal may result in the delay of start-up of the town outside review services.

Action On An Appeal

In acting on an administrative appeal, the Board of Selectmen may determine that:

- a. a conflict of interest does exist, and/or the consultant does not meet the minimum qualifications, therefore, the Board must select another consultant,

or
- b. a conflict or interest does not exist, and/or the consultant does meet the minimum qualifications, therefore, the selection made by the Board stands.

Review Period Extended

The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal, beginning from the date of filing such Appeal.

No Decision On Appeal

In the event that no decision is made within one month (30 days) following the filing of the appeal, the selection made by the Board shall stand.

SOUTH HADLEY PLANNING BOARD FEE SCHEDULE

APPLICATION FEES

FORM A – Subdivision Approval Not Required (ANR)		\$125/new lot
FORM B – Preliminary Subdivision Plan	<6 lots	\$200 & \$100/lot
	6-25	\$200 & \$ 75/lot
	>25	\$ 0 & \$ 50/lot
FORM C – Definitive Subdivision After Preliminary Plan	<6 lots	\$200 & \$100/lot
	6-25	\$200 & \$100/lot
	>25	\$ 0 & \$100/lot
Definitive Plan w/o Preliminary Plan	<6 lots	\$400 & \$200/lot
	6-25	\$400 & \$175/lot
	>25	\$ 0 & \$150/lot
FORM H – More Than One Building for Dwelling Purposes per Lot		\$200 & \$ 25/unit

PUBLIC HEARING NOTICES -

In addition to the required application fee, whenever an application for Planning Board approval requires a public hearing, the following fees are to be assessed to and paid by the applicant:

- **Notices to Abutters** - \$50.00 plus actual cost of postage (certified mail with return receipts). This charge must be paid prior to beginning of public hearing.
- **Public Hearing Advertisement** – actual cost (to be billed directly to the applicant from the newspaper in which the notice is advertised)

SPECIAL PERMIT –

Two-Family (new)	\$100
Three-Family	\$150
Multi-Family	\$100 & \$ 25/unit
Mobile Home	\$ 50
Earth Removal/Fill	\$100 & \$0.05/ cu. yd.
Other	\$100 & \$0.05/ sq. ft.

SITE PLAN REVIEW - FORM SPR - \$100 & \$0.05/ sq. ft.

OTHER REVIEWS -

Chapter 40-A, Section 3 – Initial Plan Review	\$ 75 & \$0.04/ sq. ft.
Chapter 40-A, Section 3 – Revised Plan Review	\$ 50 & \$0.025/ sq. ft.
Plan Reviews Not Otherwise Specified – Initial Plan Review	\$ 75 & \$0.04/ sq. ft.
Plan Reviews Not Otherwise Specified – Revised Plan Review	\$ 50 & \$0.025/ sq. ft.

APPLICATION REVIEW –

Subdivision – Preliminary	\$ 2,500
Subdivision – Definitive	\$ 7,500
Earth/Gravel Removal	\$ 2,500
Multi-Family (under 25 units)	\$ 3,500
Multi-Family (greater than 25 units)	\$ 5,000

APPLICATION REVIEW (CONT.) -

Commercial (less than 10 acres)	\$ 3,500
Commercial (greater than 10 acres)	\$ 7,000
Industrial (less than 10 acres)	\$ 5,000
Industrial (greater than 10 acres)	\$10,000
Aquifer	\$ 3,500
Detention/Retention Basins	\$ 3,500
Hazardous Material	\$ 5,000
Other Special Use/Specific	\$ 2,500

AMENDMENTS –

Amendment to Definitive Plan	\$ 100
Amendment to Special Permit	\$ 50 & \$10/unit
Amendment to Site Plan Review	\$ 100

EASEMENT REVIEW – TOWN COUNSEL

\$100/ 8 or less easements
\$ 20/ each additional easement

INSPECTION FEES –

Sewer Mains & Appurtenances	\$ 2/lineal foot
Storm Drainage & Appurtenances	\$ 2/lineal foot
Road Construction, including curbing & paving	\$ 3/lineal foot
Sidewalk	\$ 1/lineal foot

MISCELLANEOUS –

Zoning By-Laws	\$ 25 with Zoning Map
Subdivision Regulations	\$ 20
Zoning Map	\$ 5
Special Permit Requirements	\$ 1
Site Plan Review Requirements	\$ 1
Copy Fee (8 ½ x 11) -	\$ 0.20/page
(8 ½ x 14) -	\$ 0.30/page
(11 x 17) -	\$ 0.40/page

**Town of South Hadley
GIS Mapping
Reproduction Charges**

<u>Paper Size</u>	<u>Dimensions</u>	<u>Base Map*</u>	<u>Additional Layers</u>
A	8 ½ x 11	\$ 1.00	\$ 0.50 each
B	11 x 17	2.00	1.00
C	18 x 24	5.00	3.00
D	22 x 34	8.00	3.00
E	34 x 44	15.00	3.00

* Base Map includes corporate boundary, streets and water features (3 layers)