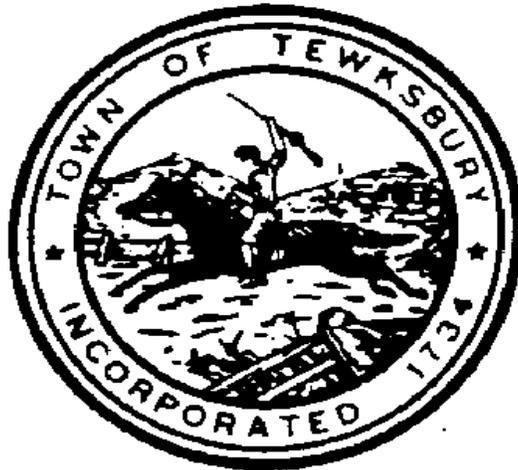


SUBDIVISION RULES AND REGULATIONS



PLANNING BOARD TOWN OF TEWKSBURY

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PURPOSES OF SUBDIVISION CONTROL

(Section 81-M of Chapter 41-G.L.)

“The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for all travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provisions for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to subdivision of land; provided, however, that such Board may, when appropriate, waive, as provided for in Section 81-R, such portions of the rules and regulations as is deemed advisable.”

SECTION 1

AUTHORITY

Under the authority vested in the Planning Board of the Town of Tewksbury, Massachusetts by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of the land in the Town of Tewksbury.

SECTION 2

GENERAL

2.1 DEFINITIONS

The definitions of the Subdivision Control Law are incorporated herein (MGL, Ch. 41, S.81-L), unless expanded or clarified in the following

ABUTTER - Shall mean abutters and property owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the. property line all as they appear on the most recent applicable tax list.

BOARD - The Planning Board of the Town of Tewksbury.

COMMON DRIVEWAYS -. A private way providing access to two or more lots. Common driveways shall not provide frontage to lots and are prohibited in the Town of Tewksbury.

CUL-DE-SAC STREETS - Local streets open at one end only with special provisions for turning around.

DEAD-END STREETS - Local streets open at one end only without turnaround.

EASEMENT - A right acquired by public authority to use or control property for a utility or other designated purpose.

EMERGENCY ACCESS WAY - A public or private way for secondary emergency access that is not generally available for vehicular travel, with a minimum twenty (20) foot right-of-way, a minimum ten (10) foot wide paved or gravel surface, three (3) foot shoulders, and posts or gates installed at all entrances. Emergency access ways do not provide frontage.

LOT - An area of land, undivided by any street, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan which is: (1) a deed recorded in Middlesex County South District Registry of Deeds; or (2) a Certificate of Title issued by the Land Court and registered in the Land Court section of such Registry; or (3) title of record disclosed by any and all pertinent public documents.

MUNICIPAL SERVICES - Sewers, storm water drains, water mains, gas pipes, electrical lines, telephone lines, TV cables, fire alarm system, street lights, similar service installations and their respective appurtenances.

RESTRICTIVE COVENANT - Contract between the sub-divider and the Board or other public authority concerning the use of the land inscribed on the definitive plan, or contained in a separate document referred to on the definitive plan.

RULES - The Tewksbury Subdivision Rules and Regulations as set forth herein.

SINGLE ACCESS STREET - A cul-de-sac street, a dead-end street, or other street having only one terminus onto a through street and providing access to other cul-de-sac streets, dead-end streets, or streets forming a closed loop or circle.

STREET OR ROAD - A general term denoting a public or private street for purposes of public vehicular and pedestrian travel, including the entire area within the right-of-way.

SUBDIVISION - Shall mean the division of a tract of land into two or more lots and shall include re-subdivision and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on:

- a. a public street accepted by the Town of Tewksbury, the Commonwealth of Massachusetts, or Middlesex County under MGL Ch. 82, or a street which the Town Clerk certifies is maintained and used as a public street, or
- b. a street shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or
- c. A street in existence when the Subdivision Control Law became effective in the Town of Tewksbury, having, in the opinion of the Planning Board, sufficient width, suitable grade 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 thereon. Such frontage shall be of at least such distance as is required by the Town of Tewksbury Zoning By-Law.

Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town of Tewksbury, into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

SUBDIVISION CONTROL LAW - Shall mean Sections 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws and any acts in amendment thereof, on addition thereto or in substitution therefor.

WAY, PATH - A general term denoting a public or private way for purposes of public non-vehicular travel, including the entire area within the right-of-way. Such ways or paths do not provide frontage.

2.2 COMPLIANCE OF RULES WITH SUBDIVISION CONTROL LAW

These rules contain for the reader's convenience, either verbatim or in slightly modified form relevant statutory provisions of MGL Ch. 41, the Subdivision Control Law. These rules are intended to comply with the Subdivision Control Law and should be read to incorporate future changes in the Subdivision Control Law. However, many aspects of the subdivision of land are not completely covered by the Subdivision Control Law and these rules contain definitions, procedural requirements, and design standards that are intended to be specific to the Town of Tewksbury.

2.3 UNAPPROVED SUBDIVISION PROHIBITED

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

2.4 COMPLIANCE OF LOTS WITH ZONING BY-LAW

All proposed lots within a subdivision shall comply with the Zoning By-Law of the Town of Tewksbury, Massachusetts.

SECTION 3

PLANS BELIEVED NOT TO REQUIRE APPROVAL

3.1 FILING

Any person or persons who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believe that the plan does not require approval under the Subdivision Control Law may submit the plan, six copies, application (Form A), and \$50.00 (fifty dollars) per lot to the Board. The applicant(s) must provide the necessary evidence to show that the plan does not require approval. If the plan affects two or more parcels of land not under common ownership, the Planning Board requires that the application (Form A) bear the signature of all affected property owners. The plan will only be accepted at a regularly scheduled meeting of the Planning Board.

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

If the Board determines that the plan does not require approval, it shall forthwith without a public hearing endorse on the plan the words "Approval Under Subdivision Control Law Not required".

The Board may add to such endorsement a statement of the reason approval is not required. The plan will be returned to the applicant and the Board shall notify the Town Clerk of its action.

If the Board fails to act upon a plan submitted under this section 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.

3.2 FORM OF PLAN

Each plan which is submitted under Article 3.0 of these Rules and Regulations shall be clearly and legibly drawn in black india ink on polyester drafting film. The plan shall show all details clearly and be drawn to a scale of one-inch (1") equals forty feet (40'). The plan shall be accompanied by a Form A (see Appendix A) ' and a statement advising the Board as to the particular provision of law under which he believes that his plan does not require approval, evidence of such immunity satisfactory to the Board, together with evidence that no violation of the zoning law will occur.

3.3 CONTENT OF PLAN

Each plan shall show the:

- a. Owner of the land;

- b. Name of the person who has prepared the plan;
- c. Person for -whom the plan was prepared;
- d. Date of the plan; and
- e. Locus plan.

Each plan shall also contain such information as necessary to identify the land involved and show that the land involved meets one or more of the following requirements:

- a. Each lot therein has the required minimum frontage on a way which meets one or more of the criteria enumerated in Section 81L of the M.G.L., Chapter 41, quoted herein the Section 1.5.1 (see also Section 1.5.11). This required minimum frontage shall be determined by the Zoning By-Law then in effect.
- b. Each lot has standing on it a building or buildings having been standing at the time of inception of Subdivision Control Laws in the Town.
- c. The plan is of an already existing lot, parcel or tract and shows no division thereof, or the plan does show a division, but each lot or parcel not conforming to the Zoning By-Law or the Rules of the Board Governing the Subdivision of Land shall be marked "Not a Buildable Lot".

3.4 NUMBER OF COPIES

In addition to the polyester drafting film submitted to the Board for signature, seven (7) prints of the plan shall be filed with the Board.

3.5 FEES

A per lot fee from the most recent Planning Board Subdivision Fee Schedule shall be required with all Subdivision Approval Not Required Plans (Form A) submitted to the Planning Board for a determination.

3.6 REQUIREMENTS

- 1. Plan of Land for which endorsement is requested must show entire parcel from which a lot is being subdivided. The parcel of property shown must include the entire area of land affected by the creation of the lots as shown on said plan of land.
- 2. In addition to Planning Board application form, applicant must also submit a copy of the prior plan(s) of record from which the surveyor has obtained information for the new plan together with certification by the surveyor that he/she has utilized the most recent plan(s) of record.

3. A determination shall be made regarding which of the following categories the request for ANR Endorsement falls under and the appropriate criteria shall be applied accordingly.
 - A. Endorsement request under M.G.L. 41 § 81P. In order to qualify for endorsement under this provision of the general laws, the following criteria must be met:
 - (1) Every lot within the tract divided has sufficient frontage on a way. A lot shall be deemed to have sufficient frontage if it has the frontage specified by the Zoning By-Law dimensional requirements for the district in which said lot is situated.
 - (2) It must be determined that the way is either:
 - a) A public way or a way which the Town Clerk certifies is maintained and used as a public way, or
 - b) A way shown on the plan theretofore approved and endorsed in accordance with the subdivision control law; or
 - c) A way in existence when the Subdivision Control Law became effective in the town 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 there on.
 - B. Endorsement pursuant to Planning Board determination that the plan conforms to an exclusion set forth in the definition of “Subdivision” in M.G.L.c. 41 § 81L which does not, however, fall under the provisions of Section 81P. Two such exclusions are as follows:
 - (1) A division of tract of land on which two or more buildings were standing when the subdivision control law went into effect in the town into separate lots on each of which one of such buildings remains standing.
 - a) Planning Board must act as finder of fact and, therefore, all testimony utilized in making a determination of fact shall be in form of sworn Affidavit and/or sworn testimony before the Board.
 - b) Board must make a determination that each structure is of a substantial nature and has been used for the purpose existing at the time of the passing of the Zoning By-Law's continuously through the date of application.

- c) Planning Board must agree upon a proper line of division to comply with the requirements set forth in paragraph B(1).
 - (2) Plans, 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 required frontage.
 - a) The Board should require that a plan -be submitted showing all parcels of land affected and, where appropriate, specify “Not a Buildable Lot”.
- 4. All ANR plans shall contain a legend that “Endorsement of this plan does not imply the plan complies with the Zoning By-Laws of the Town of Tewksbury”.

SECTION 4

PROCEDURE FOR THE SUBMISSION OF A PRELIMINARY SUBDIVISION PLAN

4.1 PRELIMINARY PLAN

4.1.1 GENERAL

A preliminary plan for a subdivision may be submitted by the subdivider for discussion, modification, approval or disapproval by the Board. The submission of such a preliminary plan will provide the means for the subdivider, and the Board, to discuss and clarify any of the problems of such a subdivision before a definitive plan is prepared.

4.2.2 APPLICATION

Any person who wishes to apply for approval of a preliminary subdivision plan shall:

4.2.2.1 Seven (7) copies of a properly executed Application for Approval of Preliminary Plan (see Form B). Said plan and application shall be submitted fourteen (14) days prior to a meeting date.

4.2.2.2 Submit a preliminary plan filing fee from the most recent Planning Board Subdivision Fee Schedule to cover the expenses, incurred by the Town in reviewing the application. The filing fee shall be submitted in check form and made payable to the "Town of Tewksbury". The filing fee is mandatory and not refundable.

4.2.2.3 File, by delivery or by registered mail the preliminary plan and application to the Town Clerk.

4.2.3 FORM AND CONTENTS OF PRELIMINARY PLAN

The preliminary plans shall be drawn by a registered engineer or land surveyor in dark lines on white background, at a suitable scale to fit on a single sheet and it should be properly identified as a preliminary plan. It should show sufficient information about the subdivision to form a clear basis for discussion and for the preparation of the definitive plan. During the discussion of the preliminary plan, the complete information required by the definitive plan, will be developed. The preliminary plan shall contain the following information.

4.2.3.1 The subdivision name, north point, date, scale, boundaries, legend and title, "Preliminary Plan".

- 4.2.3.2 The names and addresses of the record owners, the applicant, and the name of the engineer or surveyor, and their appropriate seal.
- 4.2.3.3 Existing and proposed lines of streets, ways, easements wetlands as defined by the Wetlands Protection Act (MGL Ch. 131, S.40) and the Tewksbury Wetlands Protection By-Law, and any public area within the subdivision in a general manner.
- 4.2.3.4 Existing and proposed drainage system, including existing adjacent natural waterways, in a general manner.
- 4.2.3.5 The approximate boundary lines of proposed lots, with approximate areas and dimensions.
- 4.2.3.6 Names, locations and widths of bounding streets approaching or within 500 feet of the subdivision.
- 4.2.3.7 Existing topography of the land, in a general manner.
- 4.2.3.8 Site features, such as, but not limited to, existing stone walls, fences, buildings, historic sites, rock ridges and outcroppings, swamps, wetlands and water bodies. Special attention should be given to noting physical features which define the boundaries of the subdivision.
- 4.2.3.9 The proposed names of the proposed streets and number on each lot.
- 4.2.3.10 A locus map showing the entire subdivision and any abutting property, flood plain district, adjacent streets, as well as the existing zoning of the area and any zoning boundary lines that lie within the area.

4.2.4 PLANNING BOARD ACTION

The Board may give such preliminary plan its approval with or without modification, or disapproval. Approval does not constitute a waiver of the board's right to require further changes in the plan, nor approval of a subdivision.

SECTION 5

PROCEDURE FOR THE SUBMISSION AND APPROVAL OF DEFINITIVE SUBDIVISION PLAN

5.1 PRE-APPLICATION CONSULTATIONS

Pre-application consultations between an applicant and the professional staff of the Town is recommended. The following rules apply for pre-application consultations:

5.1.2 The Town staff will review applications in an attempt to avoid unnecessary technical deficiencies in the application and promote efficiency in the formal review and hearing process. Staff may also be requested to review an application for its thoroughness and completeness; however, staff will not be responsible for assuring the accuracy, completeness or thoroughness of any application submitted for review. It is the responsibility of the applicant to assure that the application to be submitted to the Board for its review is thorough, complete and accurate.

5.2 SUBMISSION OF DEFINITIVE PLAN

Any person submitting a definitive plan of a subdivision or a petition for modification, amendment, or rescission of a subdivision, shall file with the Board, by delivery or registered mail, the following:

5.2.1 Fifteen (15) copies of an Application (Form C) seeking Approval of Definitive Plan.

5.2.2 Filing Fees - Submit a definitive plan filing fee from the most recent Planning Board Subdivision Fee Schedule. The subdivider shall be responsible for all fees incurred by the Board as they pertain to an independent professional engineering review of plans submitted for approval. The filing fees shall be submitted in check form and (exclusive of the engineering review fees) made payable to the "Town of Tewksbury". The filing fee is mandatory and not refundable. The applicant shall be responsible for all advertising related costs as required by the Board.

5.2.3 Ten (10) contact prints of the definitive plan prepared by a registered engineer and land surveyor and drawn clearly and legibly in dark lines on white background in the form and with the contents as stated below, and five photocopies of the definitive plan on 11"x 17" sized paper.

5.2.4 A complete abutters list certified by the Board of Assessors.

5.2.5 A statement from the developer that he/she will retain the fee in the streets shown on the plan and upon construction of the streets and installation of services will, at the request of the Town of Tewksbury, grant to the Town the fee (or an easement for all purposes for

- 5.2.6 Fifteen (15) copies of a written list of any requested waivers with reasons why those waivers would permit a superior design, that would be in the public interest and not inconsistent with the purpose and intent of the Subdivision Control Law.
- 5.2.7 A letter authorizing Town representatives to enter on the subdivision to complete the streets and services if the developer does not complete them according to his obligations.
- 5.2.8 A letter documenting authorizing vote if the developer is acting in the name of a trust, corporation or company.
- 5.2.9 A copy of the deed.
- 5.2.10 A list of mortgage holders which shall be kept current during the period of subdivision development.
- 5.2.11 A draft restrictive covenant if changes are proposed from the standard form shown in Appendix - Form E, with reasons for the changes.

5.3 CONTENTS OF DEFINITIVE PLAN

The definitive plan shall be prepared by a registered engineer and land surveyor, clearly and legibly drawn in dark lines on white background. The plan shall be at a scale of 1"=40'. It must be plainly marked "Definitive Plan". Sheet size shall not exceed 24" x 36". If more than one sheet is needed, the sheets shall be accompanied by a single keyed sheet drawn to a 1"=200' scale showing the entire subdivision. The definitive plan shall contain, at a minimum, the following information:

- 5.3.1 Subdivision name, street names, boundaries, north point, date, scale and legend.
- 5.3.2 Names and addresses of the owner of record, the subdivider, the engineer and land surveyor, the book and page number of the recording of deed or the Land Court Certificate.
- 5.3.3 Location of abutting property lines with ownership indicated.
- 5.3.4 Existing and proposed lines of sidewalks, streets, ways, lots, easements, public and common areas, flood plain boundaries, zoning and zone lines including all overlay districts within and abutting the subdivision.

- 5.3.5 Sufficient data to easily determine the location, direction, width and length of every street, easement, walk and way line, lot line, and boundary line and to reproduce these lines on the ground. All bearings shall be true, magnetic or grid and the needle used on the plan shall clearly indicate this.
- 5.3.6 Location of all permanent monuments, properly identified as to whether existing or proposed, including natural features and surfaces, and wetlands as defined by the Wetlands Protection Act (MGL Ch. 131, S.40) and the Tewksbury Wetlands Protection By-Law.
- 5.3.7 A locus map (or location map) at a scale of 1"= 1200' showing the relationship of the proposed subdivision to the community and its facilities for a ½ mile radius around the proposed subdivision.
- 5.3.8 Location, names and present width of streets or ways and sidewalks bounding, approaching or within reasonable proximity of the subdivision, showing both roadway widths and right-of-way widths.
- 5.3.9 House numbers on each lot as determined by the Board of Assessors, clearly distinguishable from the lot numbers.
- 5.3.10 Site features such as, but not limited to, waterways, swamps, drainage courses, stone walls, fences, buildings, historic sites, ridges, outcroppings, water bodies, and the delineation of all wetlands, as approved by the Conservation Commission, if available, or from the Town of Tewksbury Topographical Maps.
- 5.3.11 Suitable space to inscribe the signatures of the members of the Board and to record or make reference to the decision or Certificate of Action of the Board, any restrictive covenants given under MGL Chapter 41, Section 81-U, or any amendments thereto, and any conditions required by the Board of Health.
- 5.3.12 A clear indication, by proper symbols, markings, dates or other notes, after a thorough search has been made, of such points or boundary markers as were found in the traverses and/or perimeter surveys.
- 5.3.13 Existing and proposed topography for the entire subdivision at 2 foot contour intervals as required by the Board and existing 2 foot contours 100 feet off the property for the entire subdivision.
- 5.3.14 Existing profiles on the exterior lines and centerlines (to be determined by field survey) and proposed street profile at 50 foot stations (25 foot stations for vertical curves) and with centerline elevations tied to a stationed base line, at a horizontal scale of 1"=40' and at a vertical scale of 1"=1', or such other scales required by the Board. All elevations shall refer to a bench mark (or bench marks) using Massachusetts Coast and Geodetic Survey Vertical Control for base data and the location and elevation of the bench mark, plus at least one more bench mark.

- 5.3.15 All elevations shall refer to a bench mark (or benchmarks) using the National Geodetic Vertical Datum (NGVD) of 1929 for base data. The location and elevation of the benchmark shall be shown on the plan, plus the location and elevation of at least one more benchmark.
- 5.3.16 Proposed layout of storm drainage system, water supply system, fire hydrants, sewer mains and all other utilities. These layouts should be checked with the appropriate boards and agencies. Their final approval should be in writing and on file with the Board prior to approval of the definitive plan. The locations, inverts, slopes, grades, stations, sizes and all other dimensions including type of pipe and materials to be used, of all utilities and appurtenances shall be clearly shown.
- 5.3.17 Storm drainage runoff calculations used for storm water drainage system design shall be prepared by and display the seal of a registered professional engineer. Drainage calculations shall be provided for the subdivision for the two (2), ten (10), twenty-five (25), fifty (50) and one hundred (100) year storm events using one of the following methods: 1) SCS TR55 or 2) SCS TR 20. The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity to the site in question. Furthermore, the calculations should be fully documented including copies of charts or other reference sources to make review easier. The use of computer generated reports is acceptable, however, the source of the software should be identified. These calculations shall be used to determine all drainage structure and pipe sizes. All drainpipes shall be sized for a 25-year storm using the rational method.
- 5.3.18 A zero percent increase in runoff shall be required of all drainage design.
- 5.3.19 Detail of typical cross-section of roadway showing all features; detail of a catchbasin, manhole, headwall, sidewalk, subdrain, and all other appurtenances, structures and utilities.
- 5.3.20 If surface water drains onto adjacent streets, or onto adjacent properties now owned by the abutters, in such a manner as to create drainage problems, suitable provisions for handling this drainage shall be submitted to the Board. Point discharges to other properties are prohibited.
- 5.3.21 Indication of all easements, covenants or restrictions applying to the land and their purpose.
- 5.3.22 An erosion and sedimentation control plan following the “Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts”, USDA-SCS, and “Erosion & Sediment Control in Site Development”, USDA-SCS, latest edition.
- 5.3.23 Location of all existing and proposed underground structures, including but not limited to, foundations, wells, septic systems, and underground storage tanks, within the

subdivision and within one hundred and fifty (150) feet of the perimeter of the subdivision.

5.3.24 Location of all proposed stump dumps and other locations where construction debris is to be buried.

5.3.25 All structures (dwellings) shall be shown on each lot within 10 feet of the final location. Any changes in structure location will require approval from the Planning Board. Proposed elevations for the entire subdivision land area including all streets and lots shall, upon completion, conform exactly with the elevations as shown on the approved definitive subdivision plan.

5.4 NOTICE TO TOWN CLERK

Every person submitting a definitive plan of land to the Board for its approval shall, pursuant to MGL, Ch. 41, S.81-T, file written notice that they have submitted such a plan with the Town Clerk, by delivery or by registered mail, postage prepaid. If the notice is given by delivery, the clerk shall, if requested, give a written receipt to the person who delivered such notice. The date of filing with the Board shall be certified on such notice as time stamped by the Town Clerk.

5.5 NOTICE TO BOARD OF HEALTH AND REVIEW BY BOARD OF HEALTH

When a definitive plan of a subdivision is submitted to the Planning Board, as provided in MGL Chapter 41, S.81-O, a copy thereof shall also be filed with the Board of Health. The Board of Health, or its authorized representative, shall within forty-five (45) days after the plan is so filed, report to the Board in writing, approval or disapproval of said plan, and in the event of disapproval, shall make specific findings as to which, if any, areas shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible, shall make recommendations for the adjustment thereof.

Failure of the Board of Health to report shall be deemed approval by the Board of Health. If the report of the Board of Health so requires, the approval of the Board shall be on condition that no building or structure shall be built or placed upon the areas designated without consent by such Board of Health or authorized representative. In the event that approval by the Board of Health is by failure to make a report, the Board shall note on the plan that health approval is by failure to report. If public sewer is available and will be utilized, the Board of Health shall so advise the Planning Board.

5.6 PUBLIC HEARING

Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Board, notice of the time and place of which and of the

subject matter, sufficient for identification, shall be given by the Board or its designee at the expense of the applicant by advertisement in a newspaper of general circulation in Tewksbury once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing, and by mailing a copy of such advertisement by certified mail to the applicant and to all abutters.

5.7 PLANNING BOARD ACTION ON DEFINITIVE PLAN

The action of the Board on a definitive plan shall be by vote of a simple majority of the Board within 90 days of the date of submission, if the application for approval of the definitive plan was preceded by a preliminary plan in accordance with these rules. If no such preliminary plan was filed, the Board shall act within 135 days from date of submission.

5.7.1 The action shall be accompanied by a decision that shall serve as the “Certificate of Action”, and copies of said decision shall be certified and filed with the Town Clerk and sent by delivery or by registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its decision the reasons for its action.

5.7.2 Final approval, if granted, shall be endorsed on the original drawing of the definitive plan as amended by the Board's action by the signatures of a majority of the Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action with the Town Clerk and said Clerk has notified the Board that no appeal has been filed.

5.7.2.1 If the definitive plan is prepared using a computer aided drafting program, an electronic copy of the final definitive plan shall be kept on file by the design engineer or surveyor for a period of not less than five (5) years.

5.7.3 Approval of a definitive subdivision plan shall remain valid two years from the date of endorsement, on the plan of a majority of the Planning Board.

5.7.3.1 Any request for an extension of the specified time limitation set forth in the decision shall be made in writing to the Board at least thirty (30) days prior to the expiration date. The Board reserves its rights to grant or deny such extension if good cause for such extension is not shown.

SECTION 6

PERFORMANCE GUARANTEE

6.1 TYPES OF PERFORMANCE GUARANTEES

Before endorsement of its approval of a plan, the Board shall require that the construction of streets and the installation of municipal services be secured by one, or in part by one and, in part by another, of the methods described in the following clauses 6.1.1, 6.1.2, 6.1.3 and 6.1.4 which method or combination of methods may be selected and from time to time varied by the applicant:

- 6.1.1 By a restrictive covenant, executed and duly recorded by the owner of record, running with the land, whereby such streets and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the restrictive covenant which provides that no lot shall be built upon until such streets and services have been provided to serve such lot; and provided, further, that noting herein shall be deemed to prohibit a conveyance by a single deed, subject to such restrictive covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Board. A deed of any part of the subdivision in violation thereof shall be voidable by the grantee prior to the release of the restrictive covenant but not later than three (3) years from the date of such deed.
- 6.1.2 By a proper bond, sufficient in the opinion of the Board to secure performance of the construction of streets and installation of municipal services required for lots in the subdivision shown on the plan.
- 6.1.3 By a deposit of money, negotiable securities, or a letter of credit, sufficient in the opinion of the Board to secure performance of the construction of streets and the installation of municipal services required for lots in the subdivision shown on the plan. Negotiable securities and letters of credit shall be from an institution which, in the opinion of the Town Treasurer, is in sound financial condition.
- 6.1.4 By delivery to the Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Board and otherwise due the applicant, to secure the construction of streets and the installation of municipal services. Unless the lender executing such agreement is considered by the Town Treasurer to be in sound financial condition, the Board may reject such agreement as insufficient to serve as a performance guarantee. Said agreement shall also provide for a schedule of disbursements which may

be made from time to time to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available to the Board for completion.

6.2 FORM OF PERFORMANCE GUARANTEES

Performance guarantees shall be filed with the Planning Department and shall be subject to the following requirements:

6.2.1 If performance is guaranteed by means of a restrictive covenant pursuant to Section 6.1.1, such restrictive covenant shall be in the form and contain the language as shown in the form entitled Approval with restrictive covenant (see Appendix - Form E), or as otherwise required or approved by the Board.

6.2.2 If performance is guaranteed by means of a bond (Section 6.1.2), a deposit of money or negotiable securities (Section 6.1.3) or an agreement whereby the construction lender retains loan funds (Section 6.1.4), the performance guarantee shall comply with the following:

6.2.2.1 It shall define the developers' obligation as "the construction of streets and ways, the installation of municipal services and the construction of certain other improvements for lots as shown in the subdivision plan entitled _____, dated _____, and approved by the Board on _____ including without limitation the work described in attached Schedule "A" (Section 6.2.2.6).

6.2.2.2 It shall specify a scheduled completion date on which the construction of the approved subdivision streets and improvements shall be completed by the developer. The Board may extend such time as it deems appropriate after receipt of a written request received by the Board forty-five (45) days prior to the scheduled date of completion.

6.2.2.3 It shall state that it shall not expire until the Board upon request certifies that all road work and improvements have been completed according to the approved plan and that the performance guarantee is released, or, until 45 days have lapsed from the date the Board received, by certified mail, a request for such certification and release, whichever comes first.

6.2.2.4 It shall state that it applies in full to all successors of the applicant/developer whose performance is guaranteed.

6.2.2.5 It shall state that the full amount of the guarantee shall be due immediately to the Town of Tewksbury in case of the default of the developer or his/her successor in constructing the streets and ways, municipal services and other improvements in accordance with the approved subdivision plan. Default of the

- a) failure to complete all improvements as shown on the approved subdivision plan by the scheduled completion
- b) date (as specified in accordance with Section 6.2.2.2), or bankruptcy of the developer or the foreclosure of any mortgage on all or part of the land of the approved subdivision before the scheduled completion date, or
- c) notice to the Board of the withdrawal or termination of any performance guarantee given hereunder, or of a request to substitute performance guarantee hereunder, prior to the scheduled completion date of the work, unless it is given 45 days prior to the anticipated date of such withdrawal, termination or substitution, or
- d) any other condition or circumstance that constitutes default, in the opinion of the Board.

6.2.2.6 The performance guarantee shall include a detailed scope of work to be completed under the performance guarantee and a schedule of partial and final releases of the performance guarantee, in accordance with Section 6.3 and 6.4. (Schedule A)

6.2.3 The performance guarantee shall not contain any language which contradicts the above stated requirements.

6.2.4 A bond estimate may be requested from the Board once prior to the establishment of the performance guarantee and once with each subsequent full or partial bond release. The estimate will remain effective for ninety days. The penal sum of any such bond held under Section 6.1.2 or any deposit held under Section 6.1.3 or any amount of funds retained pursuant to an agreement under Section 6.1.4 shall bear a direct and reasonable relationship to the expected cost necessary to complete the subject work plus a contingency amount of no more than 50% of the expected cost to guard against unexpected costs and the effects of inflation. However, the estimate shall reflect the cost for the town to complete the work as a public works project which may necessitate engineering, inspection, legal and administrative fees, additional staff time and public bidding procedures.

6.3 PARTIAL RELEASES

Prior to final release of a performance guarantee, the Board may grant up to two partial releases from the required performance guarantee for partial completion of improvements (or three partial releases in the event the original performance guarantee exceeds the sum of \$1,000,000.00 or 50 lots) provided that:

- 6.3.1 No lots shall be released from a restrictive covenant unless construction of streets and ways, and installation of municipal services and other improvements in accordance with the approved subdivision plan for said lots has been completed or another form of security has been substituted, sufficient to complete said streets and ways, municipal services and other improvements.
- 6.3.2 No reduction in the amount of the performance guarantee shall reduce the performance guarantee to a value below the estimated cost of completing the unfinished portions of the improvements as set forth in 6.2.4.
- 6.3.3 Prior to partial release of a performance guarantee, an interim as-built plan shall be submitted for that portion of improvements for which the partial release is sought. The interim as-built plan may consist of a blueprint copy of the approved plan(s) with the as-built locations and/or elevations of the completed improvements shown in red pen or marker. The interim as-built plan shall be dated and signed by the preparer (contractor/engineer/surveyor) and submitted to the Board for review by the Board's consultant, along with the release request.

TABLE I
HORIZONTAL DESIGN STANDARDS

| | <u>STREETS</u> | | <u>OUTSIDE DIAMETER OF TURNAROUND</u> | | <u>TRAVELED WAY</u> |
|---------------------------|----------------------------|-----------------------------|--|-----------------------------|----------------------------|
| | <u>Right of Way</u> | <u>Paved Surface</u> | <u>Right of Way</u> | <u>Paved Surface</u> | |
| Industrial/ Commercial | 60' | 34' | 120' | 100' | 32' |
| Local | 50' | 32' | 120' | 100' | 30' |
| Dead End (cul-de-sac) | | | | | |
| 1-4 lots | 40' | 24' | 110' | 90' | 22' |
| 5-9 lots | 50' | 26' | 110' | 90' | 24' |

| | | | | | |
|------------|-----|-----|------|------|-----|
| 10-14 lots | 50' | 28' | 120' | 100' | 26' |
| 15-19 lots | 50' | 30' | 120' | 100' | 28' |
| 20 or more | 50' | 32' | 120' | 100' | 30' |

Minimum centerline radius shall be 150 feet for local and dead-end streets; 300 feet for industrial/commercial streets

Minimum tangent between reverse curves shall be 100 feet for all streets.

TABLE II
VERTICAL DESIGN STANDARDS

| <u>Street Type</u> | <u>Local & Cul-de-Sac</u> | <u>Industrial/ Commercial</u> |
|---|--------------------------------------|--------------------------------------|
| Minimum Grade | 1% | 1% |
| Maximum Grade | 10% | 8% |
| Crest Vertical Curve | K=30 | K=55 |
| Sag Vertical Curve | K=35 | K=55 |
| Transition Areas - Maximum Grade within 50 feet of an intersection: | | |
| Intersecting Street | 2% | 2% |
| Main Street | 6% | 6% |

6.4 FINAL RELEASE

Upon the completion of the construction of streets and ways, and the installation of municipal services and other improvements in accordance with the approved subdivision plan, the applicant may request release of the bond, deposit of money or securities, or funds retained by lender by sending a statement of completion and a request for release to the Board.

6.4.1 Such statement shall be accompanied by the following:

6.4.1.1 Two copies plus one original mylar of an as-built plan of the streets and ways as required in Section 10.7.1.1.

6.4.1.2 A written certification by a Registered Land Surveyor indicating that such as-built plan accurately reflects the conditions in the completed subdivision in compliance with the approved Definitive Plan.

- 6.4.1.3 A written certification by a registered professional engineer that the streets, drainage and utilities conform to the Board's requirements in accordance with the approved Definitive Plan.
 - 6.4.1.4 A street acceptance mylar plan sufficient for recording, along with seven (7) prints shall be submitted to the Board prior to final release of posted bond monies.
 - 6.4.1.5 The address of the applicant.
- 6.4.2 If the Board determines that said construction or installation has not been completed in accordance with the approved subdivision plan, it shall specify in a notice sent to the Town Clerk and, by registered mail, to the applicant, the details wherein said construction or installation fails to comply with the approved subdivision plan. Upon failure to do so within forty-five (45) days after the receipt by said clerk of the statement requesting release of the Town's interests, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such restrictive covenant shall become void. In the event that said forty-five (45) day period expires without such specification by the Board, or without the release and return of the bond or return of the deposit or release of the restrictive covenant as aforesaid, the Town Clerk shall, upon request, issue a certificate to such effect, duly acknowledged, which may be recorded.
- 6.4.3 However, even though all improvements covered by a performance guarantee may have been completed, the Board may delay the release of the performance guarantee if completion of construction of any remaining undeveloped or partially developed lot or lots poses a substantial risk of damage to the subdivision improvements.

SECTION 7

ENDORSEMENT AND RECORDING OF APPROVED PLAN

7.1 ENDORSEMENT OF APPROVED PLAN

The approved definitive subdivision plan is intended to be used as a contract document for the construction and inspection of the streets and utilities within the subdivision in conformity with these rules. The approved plan shall also contain the “Record Plan” for purposes of filing with the Registry of Deeds or the Land Court. The following information and form is required for submission of the “Record Plan” for endorsement by the Board:

- 7.1.1 The entire approved definitive plan of the subdivision as amended by the Board in its decision of approval.
- 7.1.2 Two copies of the plan drawn in compatible black drawing ink on polyester drafting film or other medium acceptable to the Registry of Deeds or Land Court, and three two contact prints thereof.
- 7.1.3 Reference to any required documents such as the vote and decision of the Board, restrictive covenant, easements deeded to the Town, conditions of the Board of Health or reference of Board of Health failure to report, etc. shall be inscribed on the “Record Plan” with a note that such documents shall be recorded with the “Record Plan”.

7.2 RECORDING PLANS

The approved “Record Plan”, the decision of the Board, any restrictive covenant, and any other supplementary documentation as required by the Board shall be recorded by the subdivider or his qualified agent at the Registry of Deeds or the Land Court with proof of said plan recordation such as the Registry receipt transmitted to the Board.

SECTION 8

DESIGN STANDARDS

8.1 STREETS

All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide for safe vehicular and pedestrian travel. The design shall comply with these rules. The Board may waive any design requirement or impose additional design requirements if the Board finds, based upon the conditions of the site, that such waivers or additional requirements are necessary or desirable to provide for safe and convenient vehicular and pedestrian travel.

- 8.1.1 The proposed streets shall conform in width and alignment to provide for adequate circulation and to maximize connections with existing, proposed and potential future streets and ways.
- 8.1.2 Provisions shall be made for proper projection of streets and ways to ensure adequate future access to any adjoining property. If suitable easements or other connections from existing streets are already established providing potential access to the proposed subdivision, the streets and ways shall be constructed to connect the proposed subdivision streets via said easements and connections. Pavements or other improvements in any turnarounds in existing streets which, in the opinion of the Board, have been rendered superfluous due to the connection shall be removed.
- 8.1.3 As nearly as practicable, subdivision streets shall be contiguous and in alignment with existing streets or proposed streets on abutting lots.
- 8.1.4 There shall be no reserved strips controlling access to existing or proposed streets or adjoining property.
- 8.1.5 The proposed streets and ways shall compose a system that ensures safe and adequate circulation of vehicular and pedestrian traffic within the proposed subdivision and in coordination with adjacent streets and ways. The Board may require appropriate and reasonable improvements in adjacent streets and ways to minimize congestion, to insure safe and adequate access to the proposed subdivision, and to insure safe and adequate vehicular and pedestrian travel in a coordinated system of streets and ways in Tewksbury.
- 8.1.6 Intersections with more than four or more legs are not permitted.
- 8.1.7 Street lines at intersections shall be cut back to provide for sideline radii of not less than 25 feet.
- 8.1.8 Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees. Curves of street sidelines at

street intersections must have a radius of not less than 25 feet, except where the angle of intersection varies more than 10 degrees from a right angle, in which case the radius of the curve connecting the acute angle may be less and the opposite radius must be correspondingly greater.

8.1.9 The minimum centerline radius shall be as shown in Table I “Horizontal Design Standards”.

8.1.10 Superelevation of curves, sight distances, tangents between reverse curves, R.O.W. widths, grades, transition areas, crest vertical curves, sag vertical curves, stopping sight distances and correction for stopping distances will be determined by using the following: Table I “Horizontal Design Standards” and Table II “Vertical Design Standards”.

8.1.11 Grades of streets shall be as shown on Table II “Vertical Design Standards”.

8.1.12 Street right-of-way widths shall be as shown on Table I “Horizontal Design Standards”.

8.1.13 Dead-end streets shall not exceed 1,000 feet in length.

8.1.14 Residential single access streets other than dead-end streets, whether temporary or permanent, shall not be longer than 1,000 feet. No waiver will be granted unless the following condition is met, in which case single access streets can be as long as 1,500 feet:

8.1.14.1 The subdivision is a cluster Development, as defined in the Tewksbury Zoning By-Law. In such case, the 1,000 foot single access street limit shall not apply to a conceptual plan drawn for the purpose of determining the maximum number of building lots as required in the Tewksbury Zoning By-Law.

8.1.15 A cul-de-sac street turnaround shall be designed in the following way:

8.1.15.1 A loop turnaround which shall be offset in relation to the street to form a ‘q’ whereby the street intersects with itself in a 90-degree angle. (A “lollipop” configuration is also allowed).

- a) The centerline diameter in the loop turnaround shall be at least 100 feet.
- b) The sideline diameter of the loop turnaround shall be selected to provide a constant shoulder width throughout the entire street, except that at the intersection the shoulder width may vary to meet other requirements of these rules.
- c) A loop turnaround shall feature a landscaped center island encircled by a sloped granite curb. The topography of the center island shall be convex

in shape to prevent pooling of water and shall be landscaped in the following manner:

- I) Within a distance of 6-8 feet from the edge of the curb the area should be smooth, loamed to a depth of six (6) inches, and planted with perennial turf grasses.
- II) The cul-de-sac island shall be suitably landscaped as determined by the Board.

8.1.16 There shall be no more than 40 residential dwelling units on a single access street or series of streets having only one terminus onto a through street. To construct more than 40 dwelling units a secondary means of access, adequate in the opinion of the Board, shall be provided.

8.1.17 Where a proposed residential subdivision will increase any number of existing dwelling units on an existing single access street to more than 40, the Board may require alternate means of access to a through street or improvements on the existing single access street or within the adjacent street network, in order to ensure adequate safety and access to all dwellings in the proposed subdivision.

8.1.18 In a non-residential subdivision, there shall be no more than 250,000 square feet of floor area on a single access street or series of streets having only one terminus onto a through street. To construct more than 250,000 square feet of floor space, a secondary means of access, adequate in the opinion of the Board, shall be provided.

8.1.18.1 Where a proposed non-residential subdivision will increase any number of existing square feet of floor area on a single access street to more than 250,000 square feet, the Board may require alternate means of access to a through street or improvements on the existing single access street or within the adjacent street network, in order to ensure adequate safety and access to all buildings in the proposed subdivision. In determining the floor area to be built in a non-residential subdivision, the maximum potential build-out shall be assumed.

8.1.19 In laying out the subdivision and in locating streets, ways, municipal services and other improvements, due regard shall be shown for all natural features, such as large trees, (18 inch diameter or more), water courses, historic sites, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

8.1.20 Whenever possible, streets shall be laid out to minimize cutting and filling. If the construction of the street would require filling or disruption of a wetlands such filling or disruption shall be made in compliance with the Wetlands Protection Act, MGL Ch. 131, S.40, any Rules and Regulations issued thereunder, and with any Order of Conditions issued by the Tewksbury Conservation Commission.

8.1.20.1 Filling or disruption of a wetland shall be avoided wherever possible by utilizing alternative upland access over the parcel to be subdivided or over an adjacent parcel which is also owned by the owner of the land to be subdivided either in person or through a separate realty trust or similar form of ownership. Where no such alternative upland access is available, the filling and disruption of wetlands shall be minimized.

8.1.20.2 The Board may grant appropriate waivers from these rules in order to minimize the filling and disruption of wetlands, provided that such waivers are in the public interest to protect wetlands, address the requirements of the Tewksbury Conservation Commission, and are not inconsistent with the purpose and intent of the subdivision control law.

8.1.21 The subdivider shall give due consideration to the attractiveness of the street layout in order to obtain maximum livability and amenities of the subdivision.

8.1.22 Roads or roadways in subdivision shall not provide access to land in an adjoining town unless there is also adequate access over streets in the adjoining town.

8.2 DRAINAGE

8.2.1 Adequate drainage shall be designed to take care of the surface and subsurface water of roadway and adjoining land. Street drainage designs shall be of the type known as a “manhole system”. The “manhole system” is one in which the water collected in the catch basins empties into an intermediate manhole in a main drain laid in the street as shown on the “Typical Street Cross Sections as required by the Regulations of the Planning Board; Town of Tewksbury, Massachusetts”.

8.2.2 The main drain shall also have additional manholes installed at points where changes in direction and/or grade make such manholes necessary to ensure an uninterrupted flow of water to its final outlet. If it is felt that a variation or modification of the required drainage system is advisable, then the subdivider shall present such varied or modified design to the Board for the adjudication.

8.2.2.1 The design shall include the size, quality, and type of pipe; design and size of structures such as catch basins, drop inlets, manholes, etc., the percent of grade and depth at which the pipe is to be laid and the depth of any such structure aforementioned.

8.2.2.2 All necessary drains or roadway surface water to be carried across private lands shall be with easements obtained by the subdivider and approved by the Board.

8.2.2.3 At the request of the Board a drainage design to eliminate or remove any other water or waters within the subdivision limits and not designated as roadway or subsurface water, and which is otherwise not taken care of, shall be drawn in a manner approved by the Board.

- 8.2.3 The peak rate of storm water runoff from the subdivision shall not exceed the rate existing prior to the new construction based on a 2, 10, 25, 50, 100 year design storm.
- 8.2.4 Street drainage shall not be channeled into a wetland or water body without first going into a vegetated detention basin in accordance with DEP stormwater management regulations.

8.3 EROSION AND SEDIMENT CONTROL

- 8.3.1 During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
- 8.3.2 Land shall be developed in increments of workable size which can be completed during a single construction season. Erosion and sediment control measures shall be coordinated with the sequence of grading, development and construction operations. Control measures such as hydroseeding, berms, interceptor ditches, terraces and sediment traps shall be put into effect prior to the commencement of each increment of the development/construction process. This shall require periodic inspections by the Board. The applicant shall request inspections at these intervals.
- 8.3.3 Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters draining from land undergoing development.
- 8.3.4 Erosion Clean Up - A note on the Plan shall state that the developer is required to clean up any sand, dirt, or debris which erodes from subdivision onto any public street or private property, and to remove silt or debris that enters any existing drainage system including catch basin sumps, pipe lines, manholes and ditches.
- 8.3.5 Velocity Check Dams - Hay bales will be used around the catch basins on the proposed streets to protect them from the eroding soils and provide a check dam to slow the runoff during the construction. The developer shall provide velocity check dams in all unpaved street areas at the intervals indicated below:

| <u>Grade of the Street</u> | <u>Intervals between Check Dams</u> |
|----------------------------|-------------------------------------|
| Less than 4% | 100 feet |
| 4% to 10% | 50 feet |
| over 10% | 25 feet |

The developer shall provide velocity check dams* in all unvegetated or unpaved channels at the intervals indicated below:

Grade of the Street

Intervals between Check Dams

| | |
|--------------|----------|
| Less than 3% | 100 feet |
| 3% to 6% | 50 feet |
| over 6% | 25 feet |

*Check dams in unpaved streets and unvegetated or unpaved graded channels may be constructed of staked hay bales or other erosion resistant materials. The check dams shall be installed at the end of each working day, and in the event of rainfall being predicted. The hay bales should be securely staked to prevent overturning, floatation or displacement. They shall extend completely across the street or channel at right angles to the centerline. Also, a velocity check dam shall be provided along the entrance of the lot to protect the public streets and adjacent properties from the hazards of erosion. All check dams shall be cleaned out of all debris and silt periodically.

8.4 SUBDIVISION STANDARDS IN THE FLOOD PLAIN DISTRICT

Whenever possible, streets shall be laid out so that filling or construction within the Flood Plain District will not be required. If any part of subdivision is located within the Flood Plain District, the subdivision shall comply with the following:

- 8.4.1 The design shall be consistent with the need to minimize flood damage.
- 8.4.2 All municipal service installations shall be located and constructed to minimize or eliminate the possibility of flood damage.
- 8.4.3 Adequate drainage system shall be provided to reduce exposure to flood hazards.
- 8.4.4 Base flood elevations (the level of the 100-year flood) shall be shown on the plan along with one foot contour intervals for the portion located within the Flood Plain District.

8.5 SEWERAGE

Where applicable, sewers shall be designed in accordance with the Master Sewer Plan, in accordance with good engineering standards as approved by the Town Engineer and the Board of Health. Should the project occur prior to the installation phase of the Master Sewer Plan, the developer is responsible for installing a dry sewer service that can be activated once the Town's sewer system reaches the development.

8.6 EASEMENTS

- 8.6.1 Easements for utilities across lots or along rear or side lot lines shall be provided where necessary, and shall be at least 20 feet wide.
- 8.6.2 Easements for drainage across lots, usually along rear or side lot lines, shall be provided where necessary and shall be at least 20 feet wide. Such easements shall be of an adequate width to provide for the construction of such drainage and for the proper maintenance thereof.
- 8.6.3 Where a subdivision is traversed by a water course, drainage course, channel or stream, a storm water easement or drainage right-of-way shall be provided of adequate width to conform substantially to the lines of such water course, drainage course, channel or stream and to provide for construction and repair. In the absence of engineering evidence of the extent of the drainage course, an easement shall be required consisting of 30 feet from either side of the center line of any major stream and 15 feet from either side of the center line of a minor stream.
- 8.6.4 In order to secure adequate provision for water, sewerage, drainage and other requirements where necessary in the subdivision, a water courses, drainage courses, channels, streams and other water bodies shall not be obstructed and remain free of debris.
- 8.6.5 All lines of all easements shall be calculated and described on the subdivision plan with a bearing and distance.

SECTION 9

IMPROVEMENTS

9.1 STREET AND ROADWAY

- 9.1.1 The construction of all streets and ways shall comply with the applicable standard cross-section, illustrated in the Design and Construction Standards, Town of Tewksbury (see Appendix B). The Board may authorize or require changes from these standards as it deems appropriate.
- 9.1.2 The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.
- 9.1.3 All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material. Provisions shall be made for dust control.
- 9.1.4 All roadways shall be brought to finish grade as shown on the profiles of the definitive plan with at least the top 12 inches consisting of two six-inch layers of well-compacted binding gravel one foot wider on each side than required pavement and to be located in the right-of-way, as shown on the appropriate Typical Cross Section.
- 9.1.5 The completed gravel surface shall be treated for the full width of the roadway with 2 inches of Class I, Type 1, bituminous concrete pavement applied as a binder course. The binder course shall be exposed to one winter season (Nov. 15 - April 30) prior to the application of the wearing course.
- 9.1.6 The binder course shall be treated for the full width of the roadway with a wearing surface of 1.5 inches of Class I, type 1, bituminous concrete pavement applied in one course. Prior to installation of the wearing surface, the binder shall be swept clean, dried if necessary, and treated with an asphalt emulsion or tack coat to ensure a satisfactory bond between pavement courses. In order to minimize damage to the wearing surface, the wearing course shall not be applied until construction on a majority lots served by the subdivision streets is in the opinion of the Board completed or substantially completed.
- 9.1.7 Following the installation of the wearing surface, no excavations shall be permitted in the road surface for a period of five (5) years except in emergency cases. Any such excavation shall be repaired with infrared patching equipment.
- 9.1.8 Street width, as designated on the definitive plan, shall conform to the "Street Cross Sections" and all streets shall be constructed in conformity to the "Design and Construction Standards", established by the Tewksbury Planning Board. All side slopes of any road shall provide for a maximum of 3:1.

- 9.1.9 No paving may take place after November 15th of any year.
- 9.1.10 Any fill material used shall be free of hazardous materials and free of construction debris. The Board may approve recycled crushed pavement or concrete for use in the subsurface during street construction and recycled granite.

9.2 UTILITIES

- 9.2.1 Drain pipes, sewer pipes (if applicable) and related equipment, such as manholes and catch basins, shall be constructed in conformity with specifications of the “Standard Specifications for Highways and Bridges”, Department of Public Works, Commonwealth of Massachusetts, 1988, as amended.
- 9.2.2 Adequate disposal of surface water shall be provided. Catch basins and drain manholes shall be built in conformance with the “Standard Specifications for Highways and Bridges”, Mass. Highway Dept., on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets as necessary.
- 9.2.3 Sub-drains, constructed as shown in the Mass. Highway Dept. Construction Standards, shall be installed at the edge of the area to be paved when deemed necessary by the Board.
- 9.2.4 Open drainage trenches may be used 100 feet or more from the traveled street or way only in cases of extreme hardship owing to conditions especially affecting the parcel and under the following conditions:
- 9.2.4.1 Depth shall not be more than four (4) feet below adjacent areas;
 - 9.2.4.2 Sides of trench shall not be steeper than one (1) foot of rise per two (2) feet of horizontal distance;
 - 9.2.4.3 Twenty (20) foot wide calculated easements shall be provided with the main channel of flow centered on this easement.
- 9.2.5 Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve all lots on each street in the subdivision in conformity with specifications of the Tewksbury Water Department (or its successor). Hydrants shall be provided and placed at intervals of not more than 500 feet along each street and painted with luminous paint as specified by the Tewksbury Fire Chief. All locations must be shown on the definitive plan and must be approved by the Fire Chief.
- 9.2.6 Water mains within subdivision limits shall be eight (8) inches in diameter or larger, as determined by the Tewksbury DPW.

- 9.2.7 Sanitary sewers and related equipment, if and when required, shall be constructed to serve all lots on each street in the subdivision in accordance with the Master Sewer Plan and the specifications of the Town of Tewksbury DPW.
- 9.2.8 MGL Ch. 82, S.40 as amended, requires that contractors notify public utility companies, in writing, at least 72 hours before digging or excavating on public or private property. One phone call to the Massachusetts Public Utilities Underground Plant Damage Prevention System, called “DIGSAFE” will satisfy the law, the telephone number is 1-800-322-4844. This is to permit the companies to cooperate in protecting underground cables and mains from accidental damage.
- 9.2.9 All utility lines shall be installed underground, design and location must be approved by each pertinent utility company.
- 9.2.10 The Board shall determine the location of above ground utility cabinets (associated with the function of underground utility service) and further determine suitable landscaping so as to shield these cabinets from view. Proposed utility cabinets shall be shown on all definitive subdivision plans.

9.3 MONUMENTS

- 9.3.1 Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets, and at the center point of cul-de-sac street turnarounds. Such monuments shall be of granite six (6) inches square by four (4) feet long and shall be set flush with the finished grade. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.
 - 9.3.1.1 The centerline of all streets shall be monumented at all points of curvature and tangency and at the centerline intersection of intersecting streets using magnetized masonry nails in the final course of pavement.
- 9.3.2 The board shall require a certificate by a registered land surveyor to be obtained at the subdivider's expense, indicating that these permanent monuments are in place and are accurately located, including evidence that the bound traverse had an “error of closure” of 1:15,000 or better.
 - 9.3.2.1 The certificate is to be submitted to the Board prior to acceptance of the road by the Town.

9.4 CURBS

- 9.4.1 A continuous, low-profile, Cape Cod berm shall be provided as an integral part of all new streets. The Board may require alternate curb materials depending on local conditions and the location and purpose of the curb.

- 9.4.2 Sloped granite curbs, type SA as defined in section M9.04.2 of the Mass. Standard Specifications for Highways and Bridges shall be required as follows: at intersections with existing streets and at intersections within the subdivision for the distance of the arcs of the intersection radii plus a straight section at each end of the arc at least eight (8) feet in length; surrounding any islands within the street including landscaped islands in loop turnarounds of cul-de-sac streets.
- 9.4.3 Curb radii at intersections and in turnarounds shall be sufficiently large to allow for the turning of SU-30 design vehicles (typical size of fire engines and school buses). In determining the adequacy of a radius it shall be assumed that on all streets the entire pavement width is available for turns.

9.5 SIDEWALKS, PEDESTRIAN WAYS, CROSS WALKS AND BICYCLE PATHS

- 9.5.1 To provide for safe pedestrian travel, sidewalks shall be required in all subdivisions on both sides of every street. The Board may grant a waiver for sidewalk installation on one side of the roadway with the cost of construction of such waived sidewalk being deposited by the subdivider into the Board's sidewalk account.

Upon findings, the Board may waive the construction of sidewalks, in locations where the cost of construction (fee) or the rehabilitation of off site sidewalks by the applicant is more beneficial to the public.

Cost of the construction (fee) and standards of rehabilitation of off site sidewalks to be determined by the Planning Board, upon advice of the Town Engineer or Planning Board consulting engineer.

- 9.5.2 A sidewalk shall be required along that portion of any existing public street upon which the subdivision has frontage.
- 9.5.3 In general, sidewalks shall be constructed within the street layout at a line that is one (1) foot away from the sideline of the street layout. The sidewalks shall be a minimum of five (5) feet wide and constructed in accordance with the requirements of the Massachusetts Architectural Access Board, the typical structural cross section (see Appendix) and with Sections 701.20, 701.40, 701.60, 701.62 of the Mass. Highway Department "Standard Specifications for Highways and Bridges", unless the Board authorizes different design to respond to local topography or other circumstances.
- 9.5.4 A green strip shall be provided between the edge of the pavement and the sidewalk. The green strip may vary in width but shall generally be not less than five (5) feet wide (4 feet in low intensity local streets). The green strip shall consist of six (6) inches of bank run gravel (or equivalent) covered with three (3) inches of processed grading gravel. The gravel base shall be covered with six (6) inches compacted depth of good quality loam and shall be seeded with turf grass seed or sodded and planted with street trees where appropriate in the opinion of the Board.

9.5.5 Sidewalks shall consist of six (6) inches of bank run gravel (or equivalent) covered with three (3) inches of processed grading gravel. The gravel base shall be covered with a wearing surface of 2.5 inches of Class I, Type 1, bituminous concrete applied in two courses.

9.5.6 Handicapped ramps shall be installed at all cross walks and driveways in accordance with the requirements of the Massachusetts Architectural Access Board. In the location of crosswalks, the Board may require a reduction in the standard pavement width in order to shorten the crossing distance and a raised pavement to reduce vehicle speed.

9.6 STREET SIGNS & LAMP POSTS

9.6.1 Street signs shall be erected at all intersections. These signs shall be of the same type now existing in the town and shall meet the specifications of the Tewksbury DPW. They shall be erected prior to the construction of the first house on the street.

9.6.2 Street signposts shall be seated in concrete.

9.6.3 Every lot within the subdivision shall be required to have a lighted lamp post installed. The type shall be determined by the Board.

9.7 TREES AND OTHER VEGETATION

9.7.1 Deciduous shade street trees shall be planted on lots approximately 15 feet from the street sideline where trees are lacking. Trees shall be planted at not more than 50-foot intervals.

9.7.2 Trees shall be a minimum of ten (10) feet in height, with a caliper size of two (2) inches and shall be nursery grown stock.

9.7.3 All cut and fill slopes within or contiguous to the street right-of-way shall be planted with suitable, well-rooted, low growing plant materials as determined by the Board. Wood chips, mulch, seeding or sodding shall be used to eliminate erosion. The Board may require alternative measures for slopes equal to or greater than 3:1.

9.7.4 All cleared areas of the street right-of-way, not to be planted with ground cover, and all disturbed areas within public easements, shall be loamed with not less than six (6) inches compacted depth of good quality loam and seeded with turf grass seed in accordance with good planting practice, including application of lime and fertilizer. Such areas shall be raked smoothly to allow mowing without equipment damage.

9.8 EXISTING ADJACENT STREETS AND WAYS

In order to ensure vehicular and pedestrian safety, the Board will consider the adequacy of streets and ways adjacent to or providing access to a proposed subdivision. It is the Board's intent that a proposed subdivision not overly strain the capacity of existing or planned streets and ways so as to result in traffic congestion and safety problems.

9.8.1 When, in the opinion of the Board, a subdivision is deemed to have a detrimental effect on existing or proposed streets, ways and intersections or where a subdivision borders on an existing but inadequately constructed street or way, the Board may require appropriate and reasonable improvements in streets and ways bordering or providing access to the subdivision to minimize congestion and to insure safe and adequate vehicular and pedestrian travel in a coordinated system of streets and ways.

9.8.2 Improvements that the Board may require in adjacent and nearby streets and ways shall include, but shall not be limited to, grade adjustments and realignments of horizontal and vertical curves, corrections of drainage deficiencies, improvements of bridges and culverts, widenings and additions of travel lanes, installation of traffic control signage and traffic signals and construction of sidewalks and bikeways.

9.8.3 A traffic impact study will be required with all definitive plan submissions where deemed necessary by the Board, but in any case where the proposed or potential uses, in the opinion of the Board, will be likely to produce an additional 30 trip ends per peak hour (AM, PM or weekend, whichever is highest) or an average of 400 additional trip ends per weekday based on the most recent edition of the Institute of Transportation Engineer' (ITE) publication "Trip Generation".

9.8.3.1 If the proposed or potential uses are not listed in said publication, the Board may approve the use of trip generation rates for another listed use that is similar, in terms of traffic generation, to the proposed or potential uses. If no such use is sufficiently similar, a detailed traffic generation estimate, along with the methodology used, shall be prepared by a person or firm who is a member of the ITE and has documented experience and qualifications in traffic planning and traffic engineering and shall be submitted to the Board.

9.8.4 To avoid lengthy delays in the processing of the definitive plan submission, the applicant shall consult with the Board or its designee during the preliminary plan review to determine whether a traffic study will be required.

9.8.4.1 If a traffic impact study is deemed necessary, it shall be prepared by a person or firm who is a member of the ITE and has documented experience and qualifications in traffic planning and traffic engineering and it shall examine the following:

9.8.4.2 Existing Traffic Conditions including street geometries, traffic volumes, safety, delays and levels of service for adjacent streets, ways and intersections potentially affected by the proposed subdivision.

9.8.4.3 Future Traffic Conditions including trip generation, trip distribution, volume to capacity ratios and levels of service for adjacent streets, ways and intersections affected by the proposed subdivision and for the proposed streets, ways and intersections, at the time of completion and 5 years beyond anticipated completion taking into account background growth projections.

- a) Approach and departure route assignments shall be based on existing traffic patterns, minimum time paths and market studies.
- b) Trip generation for the proposed or potential uses shall be based on ITE Trip Generation (latest edition) averages and must include weekday AM, weekday PM and weekend peak hour trips, as well as average weekday daily trips.
- c) Any anticipated reduction in trips due to special characteristics of the subdivision (i.e. mixture of uses, internal capture) must be fully explained and documented.
- d) Sight distances for turning movements to and from the subdivision and within the subdivision must be analyzed using AASHTO standards.
- e) The adequacy of vehicular queuing storage at the subdivision entrance shall be demonstrated.
- f) The impact and mechanics of any proposed phasing shall be outlined.

9.8.4.4 Mitigation Measures that could be taken to reduce the impacts of the proposed subdivision and their estimated costs.

- a) These should include demand management strategies (i.e. staggered work hours, car and van pooling, facilities for pedestrians and bicyclists) and capacity enhancements (i.e. lane additions, signalization).
- b) The study shall take into account any improvements that may be planned by the Town of Tewksbury or the State within the study area.

SECTION 10

ADMINISTRATION

10.1 TOWN OF TEWKSBURY MASSACHUSETTS DIGITAL DATA SUBMISSION REQUIREMENTS

The Town of Tewksbury Digital Data Submission Requirements apply to any site or subdivision plan and infrastructure projects (water/sewer/drainage installation or repair, road rehabilitation and other capital improvements). The applicant, person or entity performing the work shall provide the Town with a digital copy of the final approved plans no earlier than one (1) month before the work is scheduled to commence. A digital copy of the as-built drawings will also be required and these will be submitted no later than six (6) months after project completion. The digital copy of the final set of approved plans must follow the requirements listed below:

1. All plans and specifications must be submitted on electronic media. Acceptable file formats include: AutoCAD *.dwg, AutoCAD *.dxf, ArcView *.shp, or ArcGIS Geodatabase. The files must be identical to the printed plan and contain all information included on the “as-built” plan.. If plans and specifications are not “Tewksbury GIS Ready” data, as defined below, a \$200.00 fee per submission shall apply.

“Tewksbury GIS Ready” data is defined as:

- Data delivered digitally in GIS shapefile or geodatabase format.
 - The data shall be in the NAD 1983 MA State Plane Coordinate System.
 - The data shall be delivered in a way that would create minimal work for the Town staff when they update the GIS system as determined by the Engineering Division.
2. All digital mapping must be delivered in the Massachusetts State Plan Coordinate System with a horizontal datum of NAD83 and a vertical datum of 1927 NGVD. Each plan must include a minimum of one (1) survey-derived (bearings and distances listed) reference to a permanent in-ground feature such as: catch basin, manholes, stone bound, municipal benchmark or other readily identifiable marker. The latitude and longitude of the in-ground feature must be provided with accuracy of plus or minus centimeter.
 3. Each feature must be organized in the CAD or GIS data structure as a separate layer. For example, there must be separate CAD layers for buildings, roads, road centerlines, surface water, wetlands, sewer, water, stormwater, etc. Having all these features in a single CAD layer or GIS file will not be accepted.

4. All data will be topologically clean, meaning that polygons are closed (no overshoots or undershoots) and lines connect at nodes. Features that naturally connect such as driveways to roads must connect seamlessly. Features under text should not be erased or 'broken' in order to make text clearer.
5. Documentation of the data format must be provided with a description of the CAD layer and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.

The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.

10.2 WAIVERS OF RULES AND REGULATIONS

Strict compliance with the requirements of these rules may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the intent and purpose of the subdivision control law.

10.3 EARTH REMOVAL

10.3.1 Where earth removal is associated with the construction of subdivision streets and drainage, the developer shall provide the following information:

10.3.1.1 Amount of earth to be removed;

10.3.1.2 Proposed disposition of such earth.

10.3.1.3 Method of removal, including the means proposed to prevent erosion and sedimentation and to protect adjacent areas.

The Board may prescribe conditions of operation. Such conditions will become part of the subdivision approval.

10.4 MANDATORY NOTICE PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK

Written notice shall be provided to the Board advising the Board that construction within an approved subdivision shall commence not sooner than seven (7) days from the date that such notice is mailed to the Board. Such notice shall be signed by the applicant, subdivider, developer or other authorized representative of the record owner of the subdivision.

10.5 INSPECTION

The Board will provide inspection by an authorized inspector of all construction phases in an approved subdivision to ensure full compliance with the rules and the subdivision approval. This inspector shall not authorize any changes from these regulations or from the approved record plan for the subdivision without specific approval of the Board.

10.5.1 He/she will inspect the work in progress during reasonable hours as he/she will see fit; but in any case it will be the subdivider's responsibility to request his/her inspection at the following progress steps:

10.5.1.1 After excavation and/or filling has been completed, but before the gravel placement operations is started.

10.5.1.2 After drainage system (pipe, manholes, catchbasins and other drainage structures) is installed, but before it is covered. Inspector shall enter each catchbasin to sight drainage pipe runs to adjacent basins. Any defective runs shall be corrected before approval is given.

10.5.1.3 After surface gravel is installed and compacted, but before bituminous concrete pavement is applied. The Inspector shall also inspect pipe runs from catchbasins as above.

10.5.1.4 After bituminous concrete/sloped granite curbing, if required, are installed.

10.5.1.5 Before acceptance by the Town of Tewksbury at an Annual or Special Town meeting.

10.5.1.6 At other specific times deemed necessary by the Board.

10.5.1.7 Inspections of the water system, including the placement of hydrants, valves, etc. is normally carried out by the Tewksbury DPW. Duplicate inspections by an inspector as designed by the Board will not normally be required.

10.5.1.8 The subdivider shall give 48 hours notice to the Director of Planning and Conservation whenever an inspection is indicated.

10.5.1.9 The subdivider must furnish all data relative to baselines and grade stakes on the ground, stake sheets, ties and any other information which is needed in the opinion of the Board or those designated by the Board to accomplish such checking as is required for the requested approval and certification.

10.5.1.10 Failure of the subdivider to notify the Board as required herein shall result in the Board requiring any work not inspected as a result of such failure to be exposed in order that the proper inspection may be made.

10.6 TOWN BY-LAWS

10.6.1 The Zoning By-Law of the Town of Tewksbury.

10.6.2 Sewage disposal Rules and Regulations

10.6.3 Plumbing Rules and Regulations.

10.6.4 Wetlands Protection By-Law

10.7 COMPLETION WITHIN TWO YEARS

The Board shall impose as a condition of its approval of a definitive plan that the construction of all streets and all installation of municipal services shown on the plan be completed with two (2) years of the date of approval. If the construction and installation is not completed within the two year period, the approval shall automatically lapse and no street shall be laid out, constructed or opened for public use unless and until a new Definitive Plan application has been filed in accordance with the rules then in effect and the new plan has been approved by the Board, or unless a written extension is granted by the Board.

10.8 ACCEPTANCE OF ROADS

When a road or street in a subdivision has been completed in a manner fulfilling the requirements of the Board and there are no outstanding performance guarantees remaining in effect that were required as security to ensure completion of improvements within the subdivision, the subdivider may request the Board to inspect the road in order to give a recommendation to the Board of Selectmen who will consider the question of laying out said street or road under MGL Ch. 82. Street acceptances within subdivision are the financial and legal responsibility of the subdivider.

10.8.1 The Board shall require submission of the following information at least ninety (90) days prior to Annual Town Meeting before making a recommendation to the Board of Selectmen.

10.8.1.1 Two (2) copies plus the original mylar of the plan of the road or street “as built”, at a scale of 40 feet to the inch at size 24” x 36”. Said plan to show a centerline profile (4 feet per inch on the vertical scale and 40 feet per inch on the horizontal scale) taken at 50-foot intervals along the street (25-foot intervals at vertical curves) as it has been completed.

- a) All utilities, public and private, above and below grade, shall be shown on the plan as they exist.
- b) The “as built” plan shall show the monuments (road bounds) with the dates they were set and the traverse and fixed points on the subdivision perimeter used to establish the bound locations, all with bearings, distances or coordinate values sufficient to re-establish these points.

- c) All elevations shall refer to the National Geodetic Vertical Datum (NGVD) of 1929.
- 10.8.1.2 The plan shall be accompanied by a letter from the registered engineer certifying that all work, as required by the rules and the approved subdivision plan, has been completed.
- 10.8.1.3 A certificate by a registered land surveyor indicating that all permanent monuments are in place and are accurately located, including evidence that the bound traverse had an “error of closure” of 1:15,000 or better.
- 10.8.1.4 Two (2) typewritten copies of a legal description by metes and bounds of each road and easement considered for acceptance by the Town, and a copy of said document on an electronic medium and in a format as directed by the Director of Planning and Conservation.
- 10.8.1.5 Two (2) copies of the proposed deed conveying the fee in the street plus the associated easements to the Town, and legal evidence that the fee in the street has not been inadvertently conveyed to abutting lot owners.
- 10.8.1.6 Two (2) typewritten copies of the proposed article for the Town Meeting generally describing the location and length of the road or street to be considered for acceptance by the Town.
- 10.8.1.7 Written certification by from the Water Division that the water supply system has been approved as installed and from the Town Engineer that the sewer system has been approved as installed.
- 10.8.1.8 Written certification by the Tewksbury Fire Department that the fire hydrants have been approved by the Fire Department.
- 10.8.1.9 Written certification by Registered Professional Engineer that the binder course was exposed to one winter season (Nov. 15 - April 30) prior to the application of the wearing course, and that all subdivision improvements have been exposed to one winter season (Nov. 15 - April 30) without substantial damage, or that damage, if incurred, has been repaired.
- 10.8.1.10 Certificate of Compliance with conditions imposed on the parcel(s) contained within the subdivision by the Conservation Commission under MGL Ch. 151, S.40 and the Tewksbury Wetlands Protection By-Law, as applicable.
- 10.8.1.11 Copy of recorded deed(s) and other instruments for any Common Land or public open space, park or other such parcels contained within the subdivision.

10.8.1.12 Written evidence from the Town Treasurer that all property taxes owed to the Town for land contained within the subdivision owned by the applicant or by the original developer, or his/her successors in interest have been paid to the Town.

10.8.1.13 If the “as built” definitive plan is prepared using a computer aided drafting program an electronic copy of the “as built” definitive plan (on a medium and in a format as directed by the Director of Planning & Conservation) shall be filed with the Tewksbury Planning Department.

10.9 ENFORCEMENT

No building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provision of these rules.

No building permit shall be issued for the construction of any building or structure on a lot within the subdivision until the applicant has provided evidence to the Building Commissioner of the recording with the Registry of Deeds (or filing with the Land Court, as the case may be) of the Board's decision granting approval of the definitive plan and of all deeds, easements, covenants and lot releases pertinent thereto, and of the definitive plan.

10.10 AMENDMENTS

The Board may, from time to time, amend these rules by appropriate action taken at a public hearing, as provided by the MGL, Ch. 41, S.81Q, as amended.

10.11 VALIDITY

If any provision or provisions of these rules are finally adjudged invalid by a court of competent jurisdiction, such action shall not affect the validity of any other provision nor of the rules and regulations as a whole.

SECTION 11

APPENDIX

This Appendix consists of the following:

APPENDIX A

Appendix A which contains forms, application forms, and other such materials. These forms and other materials are used by the Board in the orderly and reasonable administration of its duties under the subdivision control law and are included herein as a convenience to the applicant. Appendix A may, from time to time, be added to or diminished in number by the Board without a public hearing, and any item now or hereafter a part of Appendix A may be modified, amended or changed, also without a public hearing.

And

APPENDIX B

Appendix B which contains illustrations, details, and charts, pertaining to the design of subdivisions and their required improvements.

Street Cross Section
Sloped Granite Curb
Stone/Masonry Retaining Wall
Catch Basin
Drain Manhole
Cape Cod Berm

Underdrain
Drainage Swale
Precast Reinforced Concrete End Section
Tree Planting
Evergreen Tree

APPENDIX C

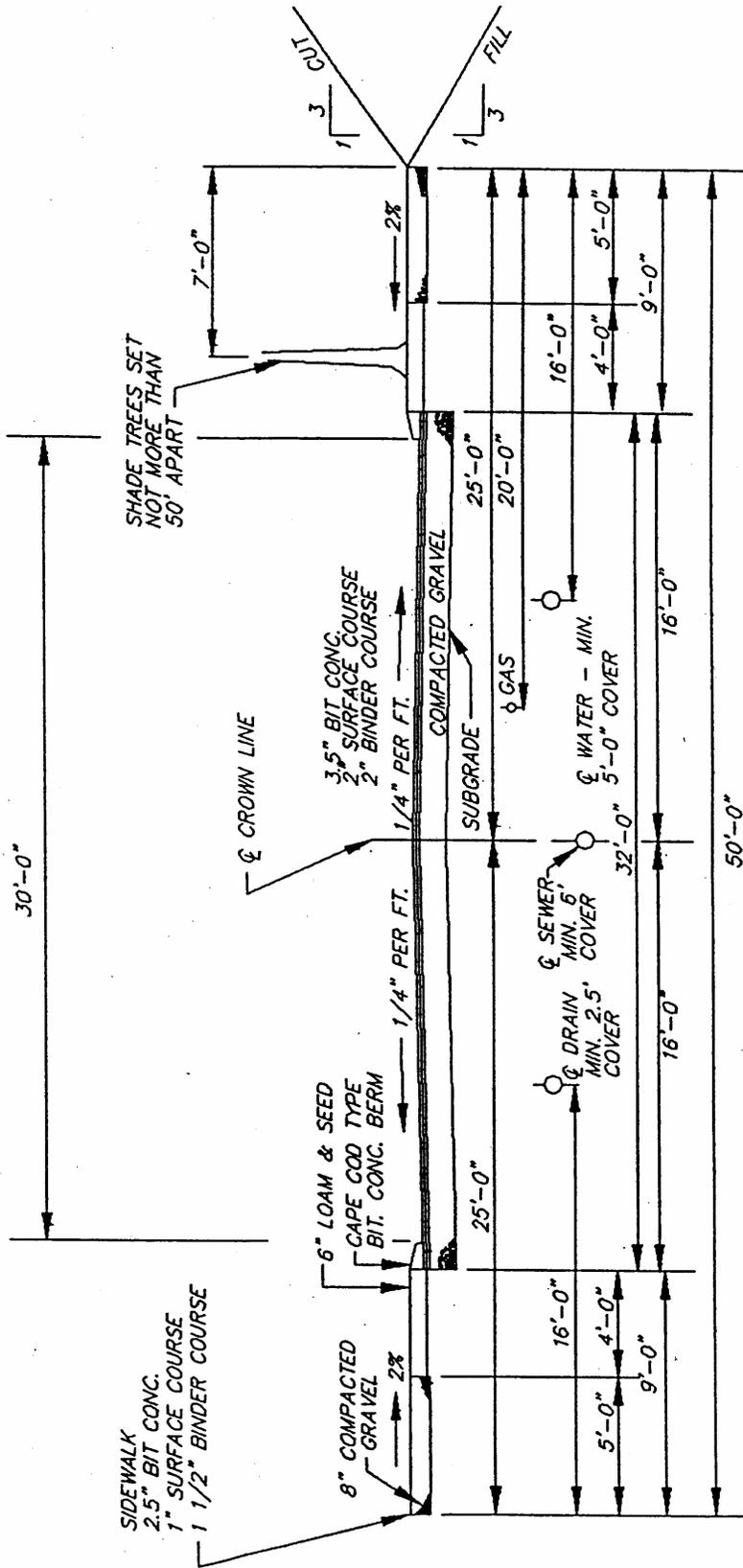
Appendix C, subdivision Fee Schedule.

SUBDIVISION FEE SCHEDULE

| | |
|---------------------------|-----------------------------------|
| Preliminary Plan | \$500.00 |
| Definitive Plan | |
| Initial Application | \$1,000.00 + \$5.00/foot of road |
| Modification or Amendment | \$2,000.00 + \$5.00/foot of road |
| Rescission | \$500.00 |
| ANR Plan | \$50.00 per lot shown on the plan |

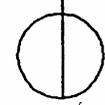
ENGINEERING REVIEW

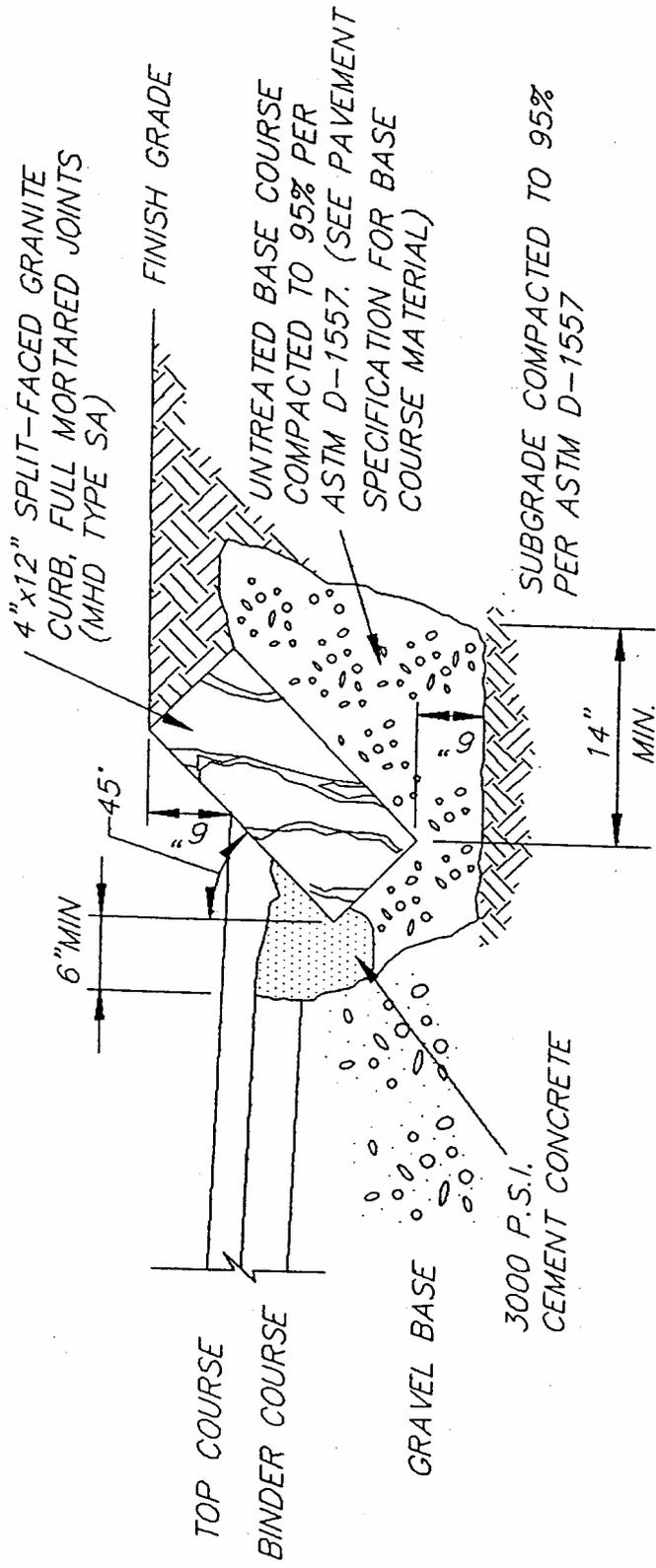
The subdivider is also responsible for all engineering review fees encumbered during the professional review of all subdivision plans submitted. All fees are mandatory and are not refundable.



STREET CROSS SECTION (50' R.O.W.)

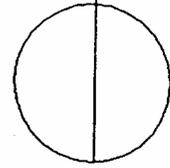
NOT TO SCALE

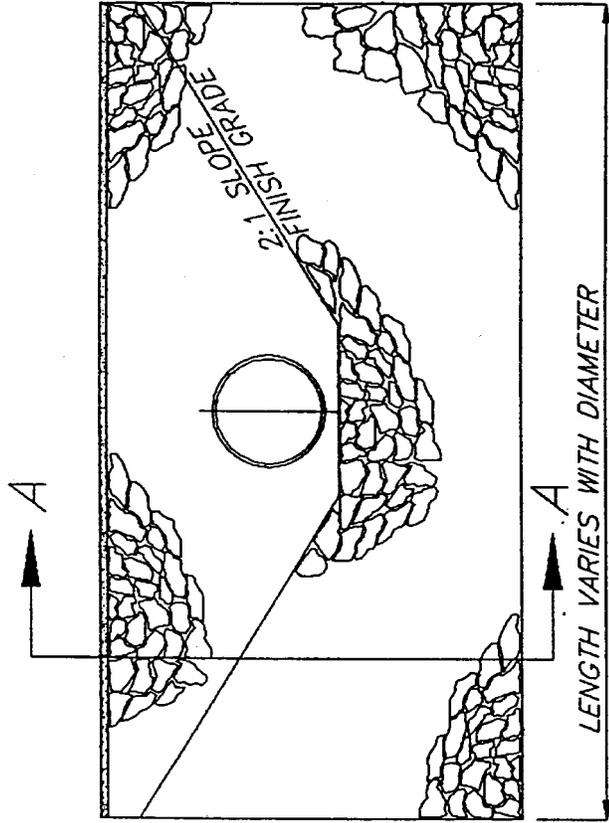
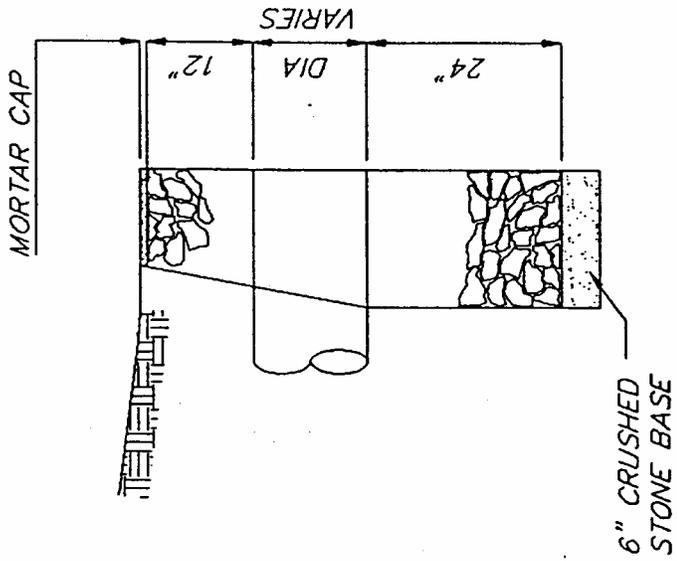




SLOPED GRANITE CURB

CROSS SECTION
NOT TO SCALE

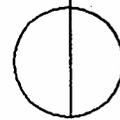




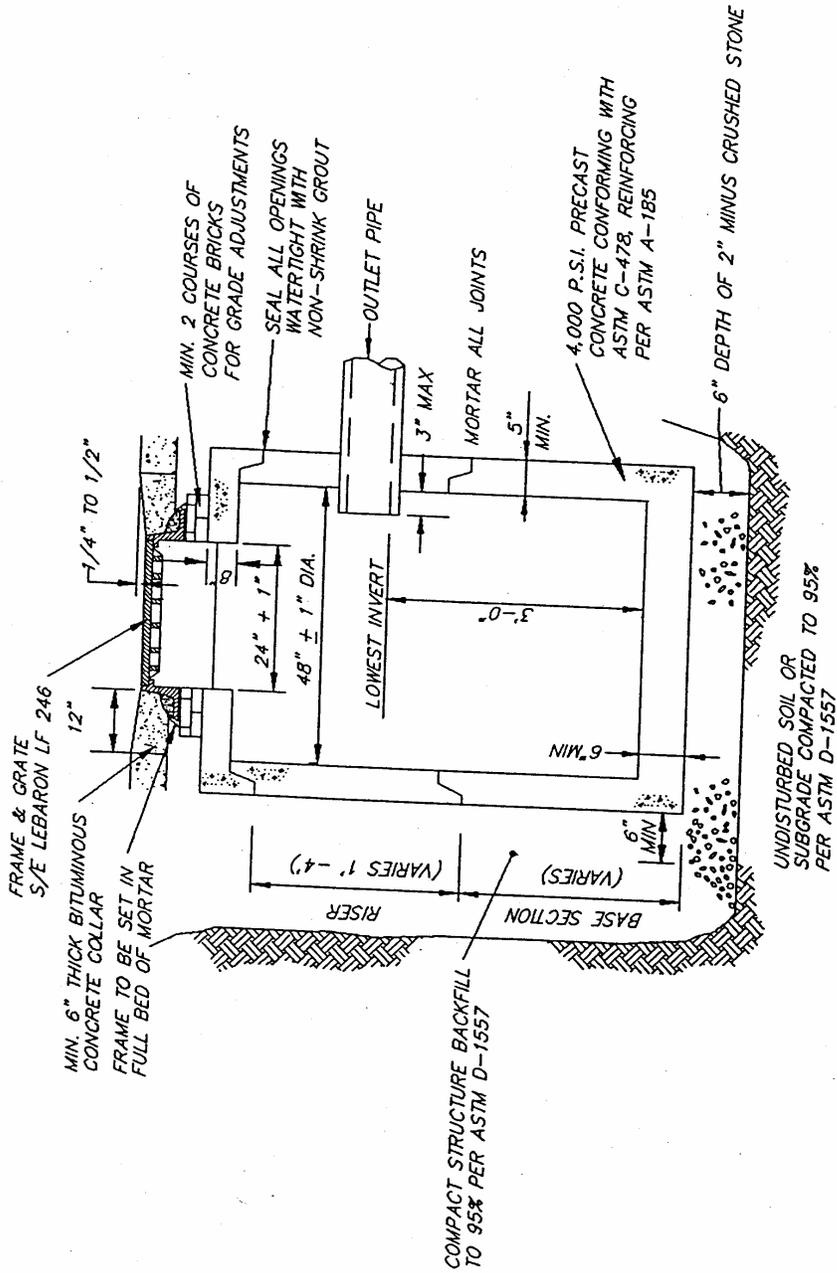
SINGLE HEADWALL FRONT ELEVATION

CONCRETE HEADWALL MAY BE USED. ALL WORK TO CONFORM TO MASS. DPW SPECS.

STONE MASONRY HEADWALL



NOT TO SCALE

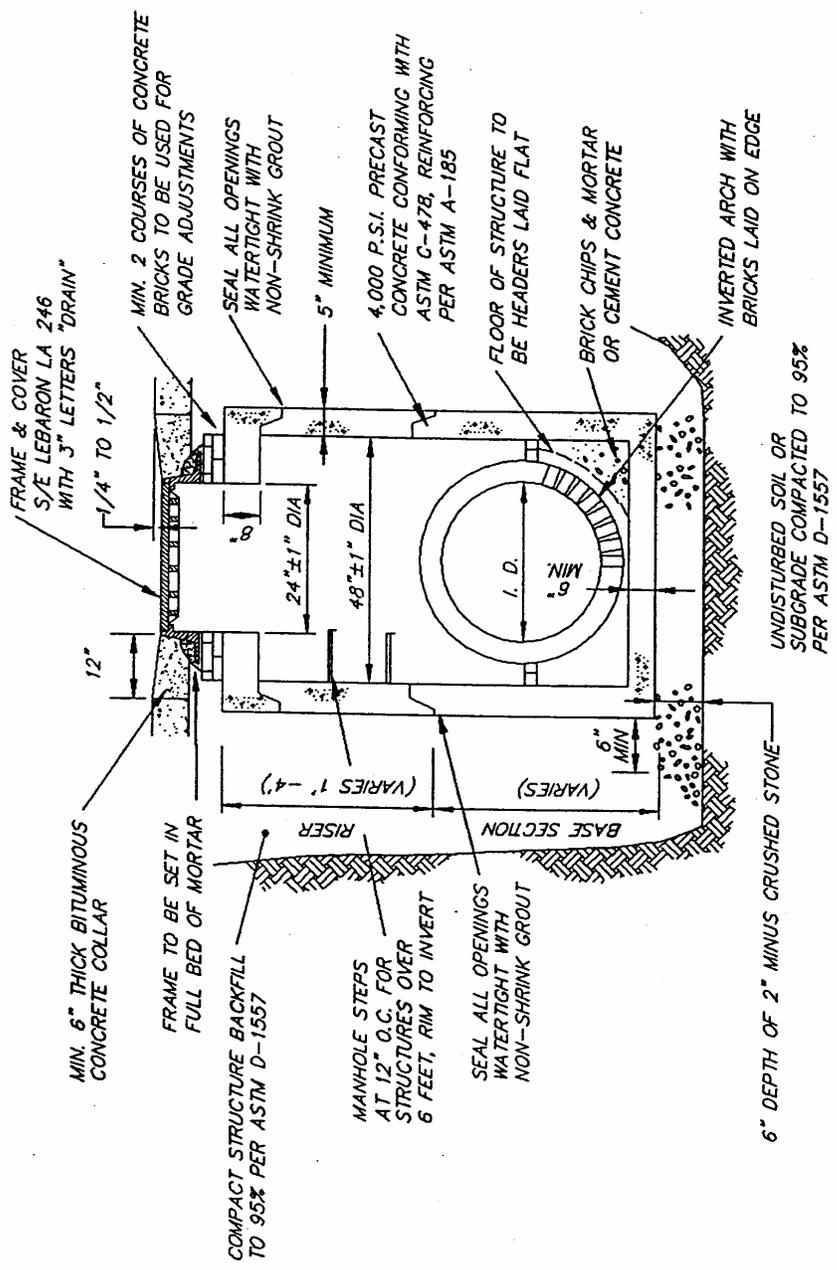


NOTE: CONICAL TOP MAY ALSO BE USED



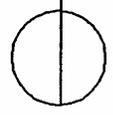
CATCH BASIN

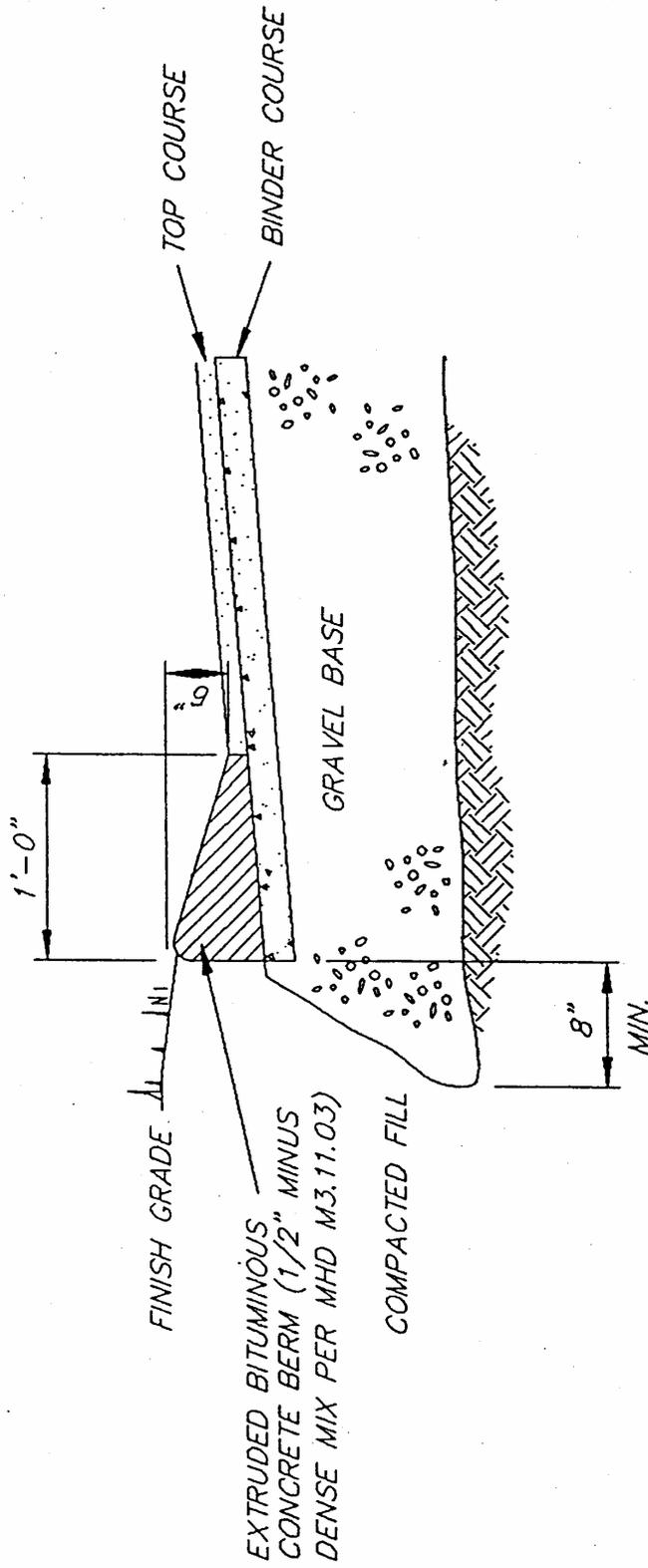
TYPICAL CROSS SECTION
 NOT TO SCALE



NOTE: CONICAL TOP MAY ALSO BE USED

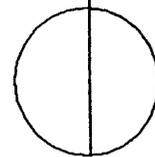
DRAIN MANHOLE
 TYPICAL CROSS SECTION
 NOT TO SCALE

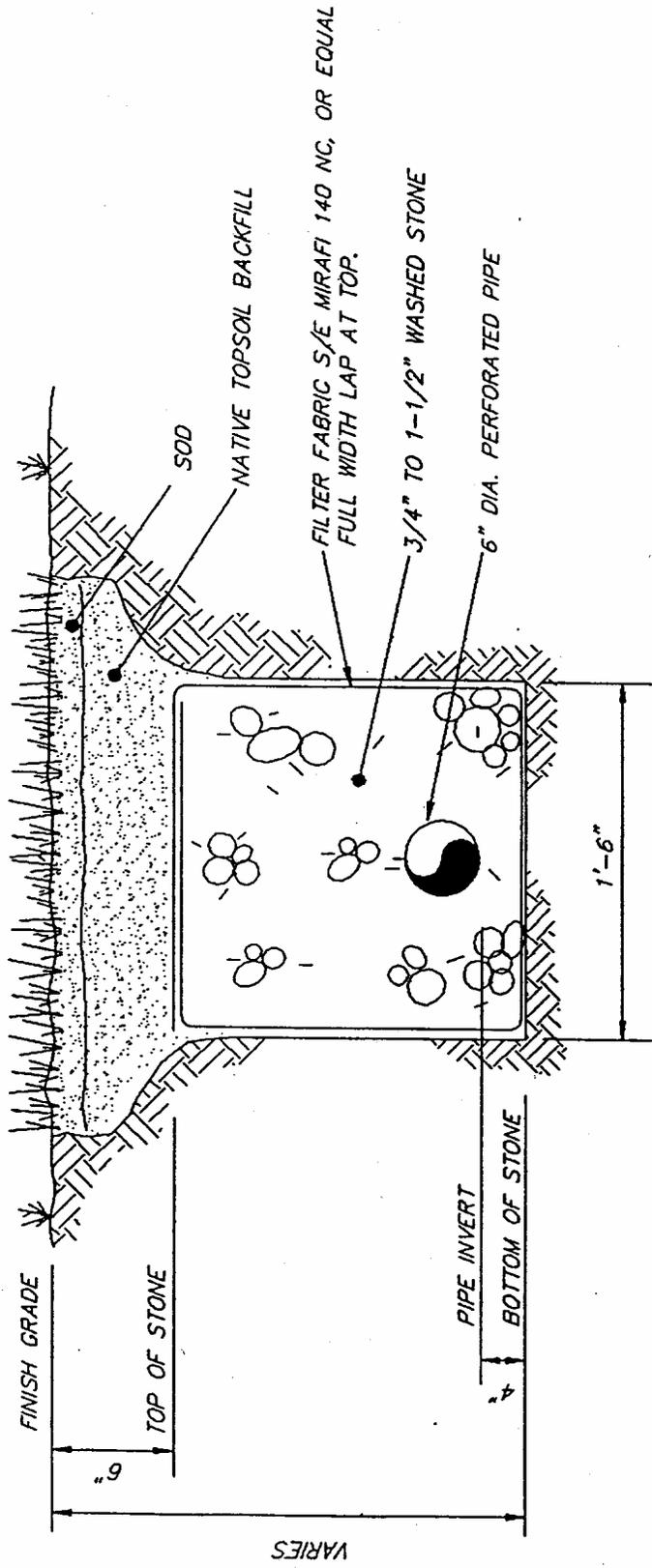




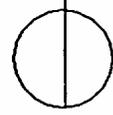
CAPE COD BERM

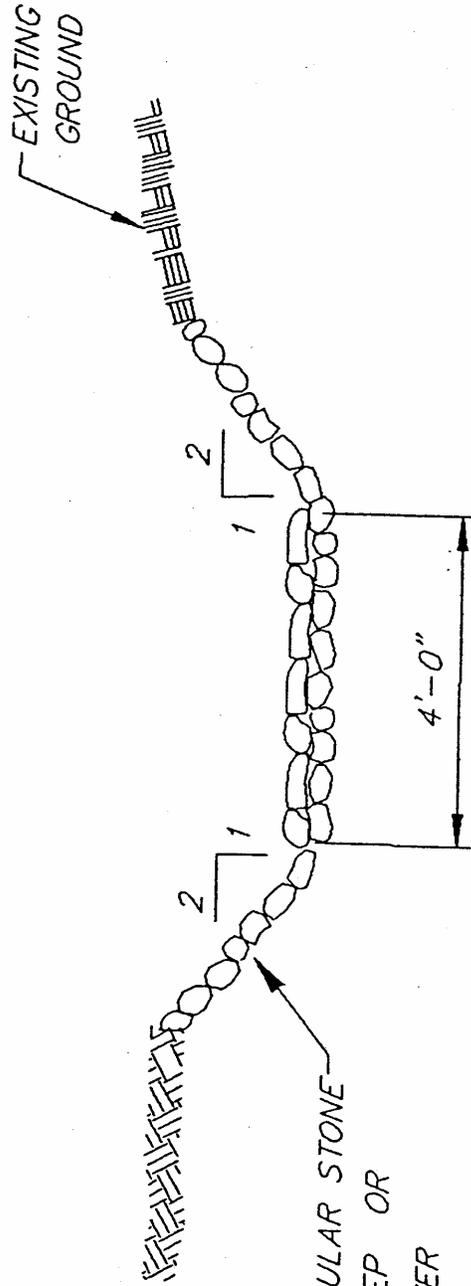
CROSS SECTION
NOT TO SCALE



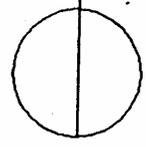


UNDERDRAIN
 NOT TO SCALE





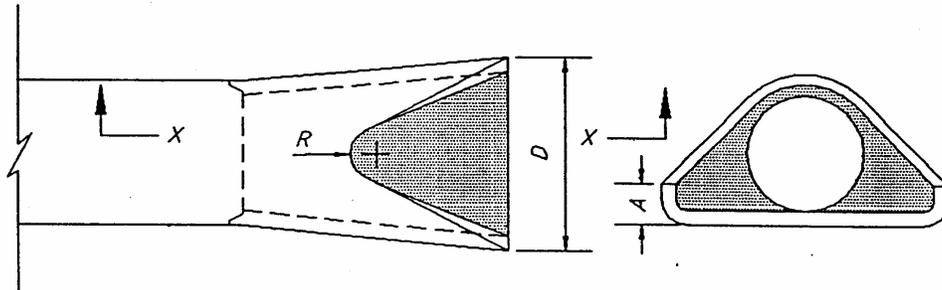
D50 = 12" ANGULAR STONE
 RIPRAP, 18" DEEP OR
 2" MIN. SOD OVER
 4" MIN. LOAM



DRAINAGE SWALE

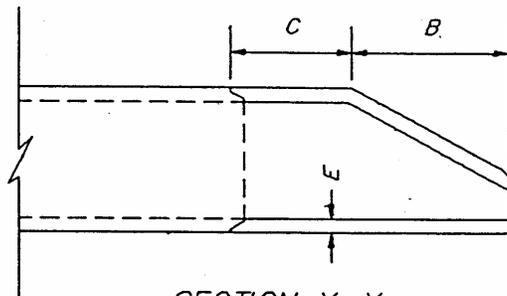
NOT TO SCALE

| DIA. | A | B | C | D | E | R |
|------|------|---------|-----------|-------|-------|-----|
| 12" | 4" | 2'-0" | 4'-0.07" | 2'-0" | 2" | 9" |
| 15" | 6" | 2'-3" | 3'-10" | 2'-6" | 2.25" | 11" |
| 18" | 9" | 2'-3" | 3'-10" | 3'-0" | 2.5" | 12" |
| 24" | 9.5" | 3'-7.5" | 2'-6" | 4'-0" | 3" | 14" |
| 30" | 12" | 4'-6" | 1'-7.75" | 5'-0" | 3.5" | 15" |
| 36" | 15" | 5'-3" | 2'-10.75" | 6'-0" | 4" | 20" |
| 42" | 21" | 5'-3" | 2'-11" | 6'-6" | 4.5" | 22" |
| 48" | 24" | 6'-0" | 2'-2" | 7'-0" | 5" | 22" |
| 54" | 27" | 5'-5" | 2'-11" | 7'-6" | 5.5" | 24" |
| 60" | 30" | 5'-0" | 3'-3" | 8'-0" | 6" | 24" |



PLAN

END VIEW

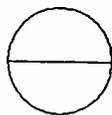
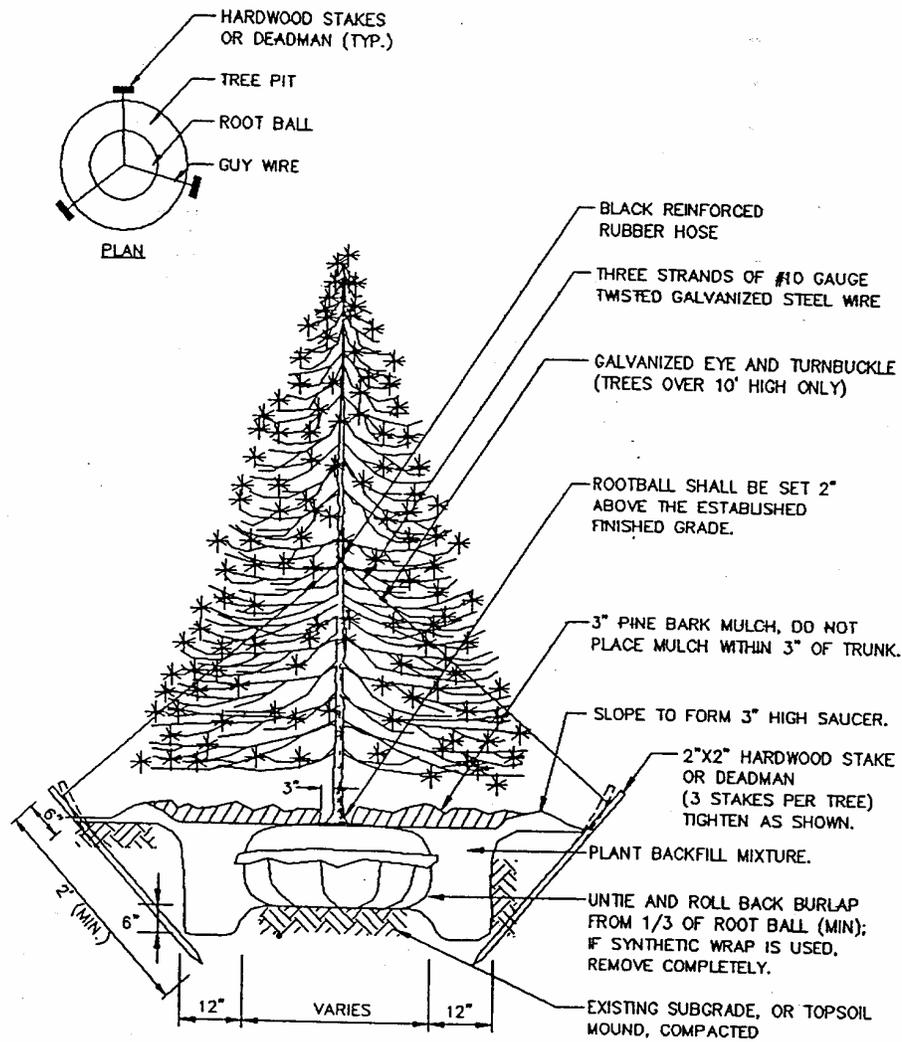


SECTION X-X

**PRECAST REINFORCED
CONCRETE END SECTION**

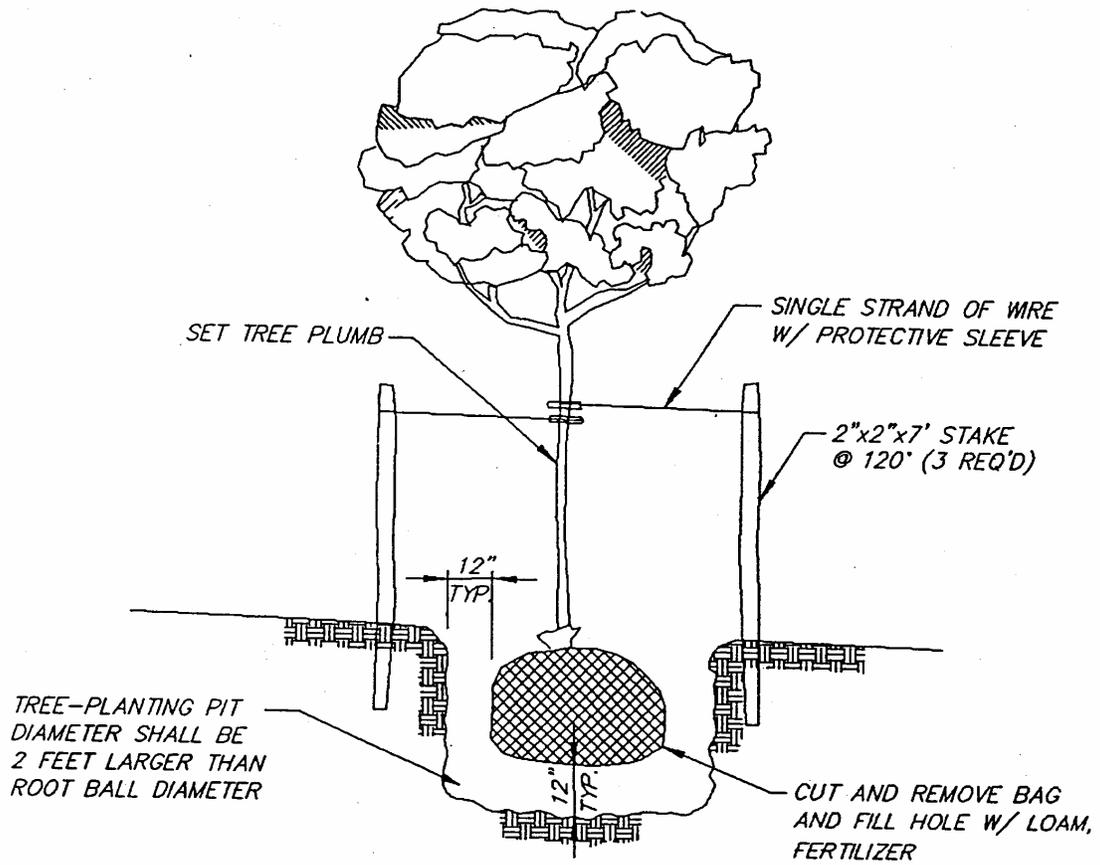


NOT TO SCALE



EVERGREEN TREE

TYPICAL CROSS SECTION
NOT TO SCALE



NOTES:

- [1.] TREES SHALL BE BE PLANTED APPROXIMATELY 50 FEET APART WITHIN TREE BELT



TREE PLANTING
 CROSS SECTION
 NOT TO SCALE

FORM A

**USUAL FORM OF APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL**

The applicant shall file one completed copy of an application in the form as shown below with the Planning Board and one copy with the Town Clerk. The tracing and six prints of the plan must be filed with the Planning Board. A print of the plan and application shall be filed with the Town Clerk:

_____, 20____

To: Tewksbury Planning Board
Department of Public Works Building
999 Whipple Road
Tewksbury, MA 01876

Board Members:

Enclosed is a plan of land owned by _____ in the Town of Tewksbury. This plan is submitted to you for your determination and endorsement that approval under the Massachusetts Subdivision Control Law is not required.

The applicant believes that Planning Board approval is not required for the following reasons:

Address of owner(s): _____

Name and address of Engineer or Land Surveyor preparing plan: _____

Date of Plan: _____, 19____

Location of Property: _____

Assessor's Map(s) _____ Lot(s) _____

Signature of applicant: _____

Address: _____ Address of 2nd property: _____

Signature of Owner: _____ Signature of 2nd property owner: _____

Application and Fee of \$50.00 per lot Received by: _____

Date: _____

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Tewksbury for Approval under the suggested procedure in the Rules and Regulations Governing the Subdivision of Land in the Town of Tewksbury, Massachusetts.

(Please type or print information in blanks below.)

1. Name of Proposed Subdivision_____
2. Name of Applicant(s)_____
- Address_____ Phone_____
3. Name of Property Owner(s)_____
- Address_____ Phone_____
4. Name of Engineer_____
- Address_____ Phone_____
5. Name of Land Surveyor_____
- Address_____ Phone_____
6. Deed of property recorded in the Middlesex South Registry of Deeds Book Number
_____,Page Number_____and/or registered in the Middlesex Registry
of Land Court, Certificate of Title Number_____.
7. Zoning District_____Map No.(s)_____Parcel No.(s)_____
8. Approximate acreage in subdivision_____Number of lots_____
9. Total length of road(s) in linear feet_____
10. Location and Description of property_____
- _____

FORM B (continued)

Signature of Applicant, Date

Signature of Applicant, Date

Signature of Owner, Date

Signature of Owner, Date

ALL owners (in case of a corporation, an authorized officer; in the case of a trust, ALL trustees) must sign.

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Tewksbury for Approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the Town of Tewksbury, Massachusetts.

(Please type or print information in blanks below.)

1. Name of Proposed Subdivision_____

2. Name of Applicant(s)_____

Address_____ Phone_____

3. Name of Property Owner(s)_____

Address_____ Phone_____

4. Name of Engineer_____

Address_____ Phone_____

5. Name of Land Surveyor_____

Address_____ Phone_____

6. Deed of property recorded in the Middlesex South Registry of Deeds Book Number _____,Page Number_____and/or registered in the Middlesex Registry of Land Court, Certificate of Title Number_____.

7. Zoning District_____Town Assessor's Map No._____Parcel No.(s)_____

Approximate acreage in subdivision_____Number of lots_____

Total length of road(s) in feet_____

Location and Description of property_____

FORM C (continued)

Checklist

- _____ Filed complete application with the Town Clerk.
- _____ Filed fifteen (15) plan copies in required format with the Planning Board. [Plans: 10 sets of plans not to exceed 24" x 26" and scale at 1"= 4'-0". Five sets of plans not to exceed 11" x 17"].
- _____ Filed all required fees with the Planning Board. Check to be made out to the Town of Tewksbury. (See fee schedule.)
- _____ Acknowledgment of applicant responsibility of engineering review fees. The engineering review estimate of \$2,000 must be paid by the applicant prior to commencement of the Public Hearing.
- _____ Filed a certified abutters list for all abutters within 300 feet of the property line. (Certification comes from the Assessor's Office located in the Town Hall Annex.)
- _____ One set of stamped envelopes. One stamped set is for the hearing in which legal abutters must be Certified Mail Return Receipt Requested and abutters to the abutters can be regular mail. Neighboring communities must also be notified by regular mail; see attached list. (Place postage on all envelopes and return address should be Planning Board 999 Whipple Road, Tewksbury, MA 01876)
- _____ Filed a letter of authorization for town officials to enter the property
- _____ Filed a complete drainage analysis as required
- _____ Filed all easement plans and recording information as required

I/we certify that I/we have complied with the Tewksbury Planning Board Subdivision Rules and Regulations including, but not limited to, the checklist information listed above.

Applicant(s) Signature, Date

Applicant(s) Signature, Date

Owner(s) Signature, Date

Owner(s) Signature, Date

ALL owners (in case of a corporation, an authorized officer; in the case of a trust, ALL trustees) must sign.

FORM D

**USUAL FORM FOR ACTION TAKEN BY BOARD ON A DEFINITIVE
SUBDIVISION PLAN**

_____, 19____

_____, Esquire

Town Clerk
Tewksbury, MA

Dear Sir:

The Tewksbury Planning Board hereby certifies that at a meeting of said Board on _____, 19____, at which a majority and quorum was present, following a public hearing by the Board on _____, 19____, pursuant to notice published in _____ on _____ 19____, and _____ on _____, 19____, a majority VOTED: That a subdivision plan and plan and profile of _____ dated _____, 19____, and drawn by _____ registered as an engineer or land surveyor in Massachusetts, submitted for the Board's approval by _____, owner, hereinafter called "the subdivider", by and hereby are approved on condition that prior to the Board's endorsement of its approval thereon the subdivider shall execute an Agreement with the Tewksbury Planning Board, on behalf of the Town of Tewksbury, that no lot depending on said _____ Road for its legal street frontage shall be sold, or buildings or structures erected or placed on, or application for building permits made with respect to, any such lot until:

- a. _____ Road as shown on said plan has been brought to subgrade in accordance with the requirements of the Board, including installation of catch basins, drains and culverts;
- b. Facilities for Town of Tewksbury water, complying with the requirements of the Rules and Regulations of the Tewksbury Planning Board, have been installed throughout in conformity with the requirements of the Tewksbury Water Commissioners;
- c. The subdivider has executed a Contract with the Tewksbury Planning Board, on behalf of the Town of Tewksbury, accompanied by appropriate security to secure performance to complete construction, including final surfacing in accordance with Rules and Regulations of the Tewksbury Planning Board, on or before a date specified in the Contract, of _____ Road and to install stone bounds or other substantial marks to permanently establish the lines of said ways;

FORM D (continued)

- d. The subdivider has recorded in the Registry of Deeds (or Land Court) a certificate executed by the Board that the above conditions, with respect to any such lot, have been performed by him (it) or have been amended, modified, revoked, waived or released by the Board.

Respectfully Submitted,
TEWKSBURY PLANNING BOARD

By: _____
Director of Planning & Conservation

Date: _____

FORM E

RESTRICTIVE COVENANT

In consideration of the approval by the Planning Board of the Town of Tewksbury, Massachusetts (hereinafter referred to as the "Board"), of a plan of land located in Tewksbury, Middlesex County, Massachusetts entitled _____, dated _____, revised _____ by _____, approved by the Board on _____ and the waiver by the Board of a bond or other security for the construction of the ways and the installation of certain services shown on said plan, in compliance with the Town of Tewksbury, Massachusetts (the "Town") Subdivision Rules and Regulations, _____ last amended _____, (the "Developee") having its usual place of business in _____, its successors and assigns, hereby covenant and agree with the Board and the Town as follows:

1. The undersigned Developer is the owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of said land, except for those described below, and that the present holders of said mortgages have assented to this covenant prior to its execution by the Developer.
2. The Developer shall not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the following:
 - a) The Subdivision Control Law and the Tewksbury Planning Board's Rules and Regulations governing this subdivision.
 - b) The certificate of approval and the conditions of approval specified therein, issued by the Planning board, dated _____.
 - c) The definitive plan as approved and as qualified by the certificate of approval.
 - d) Other document(s), namely:

FORM E (continued)

3. However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or built upon until ways and services have been provided to serve such lot.
4. The Developer will expeditiously and diligently proceed to construct the ways shown on the aforesaid plan and in the event that the Board concludes, in its sole discretion, that the Developer is not so constructing such ways, the Developer shall provide additional security other than this covenant sufficient in the Board's opinion for the construction and completion of such ways and services as shown on the aforesaid plan or for a portion thereof. Such additional securities shall comply with the requirements of the Town's Subdivision Rules and Regulations, provided, however that the Board shall determine the date by which the work, for which additional security must be posted, shall be completed.
5. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the Developer and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
6. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
7. Particular lots within the subdivision shall be released from this covenant upon the recording of a certificate of performance executed by the Planning Board and enumerating the specific lots to be released.
8. The Developer agrees to record this covenant with the Middlesex County Registry of Deeds, forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
9. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed.
10. This covenant shall be executed before endorsement of the approval of the definitive plan by the Planning Board and shall take effect upon such endorsement.

FORM E (continued)

- 11. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before _____, the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be approved by the Planning Board, shall constitute reason for rescission by the Board of the approval of the plan.

- 12. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, as long as such security, if sufficient in the opinion of the Planning Board, to secure performance of the construction and installation.

- 13. The land included in the subdivision is encumbered by and subject to the following mortgages which, however, are subordinated to this covenant:
 - a) Mortgage granted by the Developer to _____, dated _____, and recorded with the Middlesex South Registry of Deeds at Book _____, Page _____, and the Middlesex Registry of the Land Court as Document No. _____, and

 - b) Other mortgages:

IN WITNESS WHEREOF, the mortgage holder(s) assents to this covenant and agrees to subordinate said mortgage(s) to this covenant, signed under seal as of the _____ day of _____, 19_____.

FIRST MORTGAGE HOLDER _____

By _____

SECOND MORTGAGE HOLDER _____

By _____

FORM E (continued)

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 19__

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

Notary Public
My commission expires: _____

IN WITNESS WHEREOF, the Developer(s) has executed this Restrictive Covenant under seal as of the _____ day of _____, 19__.

DEVELOPER(S) _____

By _____

By _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 19__

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

Notary Public
My commission expires: _____

Approved and accepted by the Tewksbury Planning Board:

_____ Date: _____

FORM F
RELEASE OF LOTS
CERTIFICATE OF PERFORMANCE

_____, 19____

The Planning Board of the Town of Tewksbury, Massachusetts hereby certifies by means of a vote that the requirement for work on the ground called for by the Restrictive Agreement dated _____, and recorded in the Middlesex South District Registry of Deeds, Book _____, Page _____ have been completed to the satisfaction of the Planning Board as to the following designated lots shown on a Plan entitled _____ dated _____, recorded with said Registry of Deeds, Plan Book _____, Page _____m and said lots are hereby released from the restrictions as to sale and building specified thereon. The Planning Board voted to release the following lots on _____.

Lots designated on said Plan, released hereunder: _____

Director of Planning and Conservation of the Town of Tewksbury, Massachusetts

By: _____ Date _____
Director

FORM G
RELEASE OF LOTS
PROVISION OF SURETY

_____, 19____

The Planning Board of the Town of Tewksbury, Massachusetts, hereby certifies that sufficient surety, in the opinion of said Board has been provided for the cost of the completion of the ways and certain services necessary to provide access and services to certain lots, hereinafter designated, in accordance with the provisions of the Restrictive Agreement dated _____, 19____ and recorded in the Middlesex South District Registry of Deeds, Book _____, Page _____, or registered in the Middlesex South District Land Registry, as Document No. _____, Page _____ Plan No. _____ of 19____, or registered in said Land Registry District in Plan Book _____, Plan _____ and said lots are hereby released from the restrictions as to sale and building specified in the Restrictive Agreement.

Lots designated on said Plan, released hereunder: _____

By: _____ Date _____
Director of Planning & Conservation
Town of Tewksbury

FORM H

CERTIFICATION OF BOUNDS

I hereby certify that permanent monuments have been accurately installed on _____ (street) and are located as described and shown on the “As Built” plan, dated _____ of said roadway submitted to the Planning Board, Town of Tewksbury, Massachusetts as required by the Tewksbury Subdivision Rules and Regulations.

Furthermore, I certify that the bound traverses had an error of closure of 1:15,000* or better and that these bounds have been set in accordance with the “Procedural and Technical Standards for the Practice of Land Surveying”, Section 250 CMR** 5.0 between _____ (date) and _____ (date).

Signed _____
Registered Land Surveyor

Seal of Surveyor

Date _____

Address _____

Registration Number

* As described in the “1989 Manual of Instructions for the Survey of Lands and Preparation of Plans” published by the Land Court of the Commonwealth of Massachusetts, as most recently amended.

** Code of Massachusetts Regulations

FORM I

TOWN OF TEWKSBURY

**PLANNING BOARD
DPW BUILDING
999 WHIPPLE ROAD
TEWKSBURY, MA 01876
(978) 640-4370 (PHONE)
(978) 640-4365 (FAX)**

**PERFORMANCE BOND
SECURED BY BANK PASSBOOK**

Known all people by these present that _____

_____, as Principal, hereby binds and obligates him/herself and or its executors, administrators, devisees, heirs, successors and assigns jointly and severally, to the Town of Tewksbury, Massachusetts municipal corporation, in the sum of _____ Dollars, and has secured this obligation by depositing in the name of the Town of - Tewksbury the sum of _____ in _____ evidenced by Bank Book No. _____, and by depositing said bank book with the Treasurer of the Town.

The condition of this obligation is that if the Principal fully and satisfactorily observes and performs in the manner and in the time therein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application signed by the Principal and dated _____, 19____, under which approval of a definitive plan of a certain subdivision entitled _____

by _____ dated _____, 19 __, has been granted by the Planning Board of the Town of Tewksbury, with such modifications or conditions, if any, as have been imposed by the Town acting through its Planning Board then this obligation shall be void, otherwise it shall remain in full force and effect and the aforesaid sums shall be paid to the Town to satisfy and complete the Principal's obligation.

In the event the Principal shall fail to perform its obligation as above set forth, the Town of Tewksbury may, use the funds in said account, or any part thereof, to satisfy and complete the Principal's obligation on said project, without further notice to or consent by the Principal.

FORM I (continued)

Upon completion of all the work required to be completed by the Principal as above set forth, the aforesaid bankbook shall be returned to the Principal.

In witness whereof, the principal has hereunto set his/her hand and seal this _____ day of _____, 19_____.

Principal

By: _____
Title

The _____ Bank hereby acknowledges that it has received notice of the Principal's obligation under this bond, and, in the event the Principal fails to perform said obligation, agrees to pay the Town in accordance with the provisions of this bond.

Authorized Signature

To be executed in 4 copies, all of which are to be considered originals. Two (2) copies are to be forwarded to the above Bank and one (1) signed copy returned to the Planning Board. In addition to the bankbook, the Town should also receive a written assignment of the account and a withdrawal slip signed in blank.

FORM J

CONVEYANCE OF EASEMENTS AND UTILITIES

_____, a Massachusetts corporation duly organized by law and having a usual place of business in _____, Middlesex County, Massachusetts, for nominal consideration paid, hereby grants to the Town of Tewksbury a municipal corporation in Middlesex County, Massachusetts, with quit claim covenants, the following:

- a) The perpetual rights and easements to construct, inspect, repair, remove, replace, operate and forever maintain
 - 1) a sanitary sewer or sewers with any manholes, pipes, conduits and other appurtenances,
 - 2) pipes, conduits and their appurtenances for the conveyance of water, and
 - 3) if required by the Planning Board, a covered surface and ground water drain or drains with any manholes, pipes, conduits and their appurtenances, and to do all other acts incidental to the foregoing including the right to pass along and over the land for the aforesaid purposes, in through and under the whole of roadway(s) as shown on a plan

Entitled: _____

Dated: _____

Grantor: _____

Which plan is to be recorded at the Middlesex North District Registry of Deeds, to which, reference is made for a more particular bounding description.

- b) And, for the consideration of aforesaid, the said grantor does hereby give, grant, sell, transfer and deliver unto the said Town of Tewksbury and its successors and assigns, forever, all water, sewer and drain pipes, conduits, manholes, culverts and their appurtenances that have been or will be constructed in the ways and easements shown on the aforementioned plan or such other plans having reference to the affected parcels. This conveyance of easements and utilities and the title to pipes, conduits, culverts and appurtenances, however, shall not pass until such time, if ever, as the Town of Tewksbury establishes the ways shown upon said subdivision plan or plans as public ways.
- c) The perpetual right and easement to use in common with other lawfully entitled thereto the roads and ways shown on the aforementioned plans, to which reference is made for a more particular description, for all purposes for which roads and ways are commonly used in the Town of Tewksbury.

FORM J (continued)

The said grantor hereby covenants with the grantee that the undersigned is the lawful owner of the foregoing articles; that they are free from all encumbrances; the grantor has good right to sell and transfer the same as aforementioned; and that the said grantor will warrant and defend the same against claims and demands of all persons.

TO HAVE AND TO HOLD the above designated rights and easements unto the said Town of Tewksbury and its successors and assigns forever.

For grantor's title see deed of _____ Book _____ Page _____ has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by _____ hereby duly authorized this _____ day of _____ in the year _____.

By _____
Grantor

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Then personally appeared the above named _____ as aforesaid, and _____ as aforesaid, and acknowledged the foregoing instrument to be the free act and deed of _____.

Before me, _____
Notary Public

Commission Expires: _____

