
Section 3. SUBDIVISIONS

Sub-Section 3.1 PRELIMINARY SUBDIVISION PLANS

3.1.1 Preliminary plans may be submitted when desired by the applicant. When submitted, preliminary subdivision plans shall be in triplicate and shall be accompanied by a completed application form of the type provided by the Planning Board for this purpose. Applications for Preliminary Plan approval shall be accompanied by a filing fee of \$50.00 plus \$25.00 per lot, such fee to be credited towards the filing fee for a Definitive Plan if the Preliminary Plan is approved. The plans submitted shall show the following information:

Subdivision boundaries, north point, date, scale, legend and title, "Preliminary Plan", the names of owners, applicant and engineer.

The names of all abutters as determined from the most recent Assessors' list; the names, approximate locations and widths of adjacent streets.

The existing and proposed lines of streets, ways, easements, and of any public areas within the subdivision, in a general manner.

The approximate boundary lines of existing and proposed lots with approximate areas and dimensions.

The proposed system of drainage, including adjacent existing natural waterways, showing the approximate locations of all inlets, outlets, pipes and drains and other appurtenances to the proposed drainage system; the proposed locations and depths of other municipal service and utility installations where possible; the topography of the land in its present state and as proposed by contour lines drawn at a sufficiently small interval to indicate clearly the natural and proposed drainage areas; and any zone or district boundary established by the Town of Needham Zoning By-Law which divides or bounds the area to be subdivided.

If a connection is proposed to public water or sewerage, then a general description of the connection from the point of the existing water or sewerage system to the property line of the proposed subdivision, including water and sewer lines, pump and booster stations, force mains, etc., shall be provided.

Major features of the land such as existing walls, fences, trails, monuments, buildings, large trees or wooded areas, rock ridges and outcropping, ditches, water bodies, water courses and any land areas subject to the Wetlands Protection Act and the Inland Wetlands Act, M.G.L., Ch. 131, S. 40 and 40A (including any area defined as buffer area under said statutes). Where available, aerial photographs may be required. Proposals for all site features to be retained, demolished or removed should be so noted.

Soil types based on the latest applicable report of the United States Department of Agriculture, Soil Conservation Service.

3.1.2 The scale of a preliminary plan shall be 1 inch = 40 feet and the elevation shall be on Needham Sewer Base or on USC&GS Datum of 1929 (Mean Sea Level), unless prior approval is granted by the Planning Board to deviate from the foregoing standards.

Plans submitted under these provisions shall measure not less than eighteen inches by twenty-four inches and not more than twenty-four inches by thirty-six inches, provided that the Board may vote to accept any plan of greater dimensions if such dimensions are warranted by the size or shape of the area to be subdivided. Each plan submitted under this section shall have a title block of the size, style and contents set out in these Rules and Regulations. Such title block shall be located in the lower right hand corner of each sheet in the set of plans submitted.

3.1.3 The Planning Board may invite the developer to discuss proposed modifications or corrections of the preliminary plan and may then approve, disapprove or approve with modifications such preliminary plan. The Planning Board shall within forty-five days after submission of the preliminary notify the applicant and the Town Clerk, either that the plan has been approved, or that the plan has been approved with modifications suggested by the Planning Board or agreed upon by the person submitting the plan, or that the plan has been disapproved. In case of disapproval, the Planning Board shall advise the developer of the specific reasons for which the plan is disapproved, thus enabling the developer to resubmit the plan, provided the plan is corrected to comply with the requirements of the Planning Board and with the Zoning By-Law in effect at the time of the resubmission. If the preliminary plan is not disapproved, the Rules and Regulations of the Planning Board in effect at the time of the submission of such preliminary plan shall govern the definitive subdivision plan evolved from such preliminary plan, provided such definitive plan is submitted within seven months of the submission of the preliminary plan.

3.1.4 Any person submitting a preliminary plan to the Planning Board shall, at the same time, submit a copy of that plan to the Board of Health and shall give written notice to the Town Clerk, by delivery or by registered mail, that he has submitted such a plan. Both the Board of Health and the Planning Board shall comply with the requirements of Section 81-S of Chapter 41 of the General Laws, as amended, in notifying the applicant and the Town Clerk of their decisions.

Sub-Section 3.2 SUBMISSION OF DEFINITIVE PLANS

3.2.1 Applications for approval of a subdivision, or for approval of a street profile, or for a revision of a subdivision previously approved, where such revision requires a public hearing, shall be made in duplicate on forms provided by the Planning Board and shall be accompanied by a filing fee, by the original tracings and three full size copies of each definitive subdivision plan, including all profiles, municipal service and utility plan, area locus plan, an existing contour plan, a proposed contour plan, and any details required. A legal description of the boundaries of the entire land to be subdivided showing the names and addresses of all abutters as they appear in the most recent Needham Assessors' records shall also be submitted.

The definitive plan shall not be deemed to have been submitted unless the above items have been delivered to the Planning Board office and a dated receipt as to such delivery obtained by the developer from the Planning Board Clerk or have been sent by registered mail to the Planning Board, care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan. Simultaneously, a complete set of copies of such definitive plans must be submitted to the Board of Health and the Department of Public Works. The developer shall

notify the Town Clerk in writing of the date of submission of such definitive plan to the Planning Board, as provided for in Section 81-T of the Subdivision Control Law, as amended.

3.2.2 There shall be a filing fee of \$500.00 plus \$100.00 per lot for each lot in the subdivision. In addition to the filing fee, the cost incurred for legal advertising and mailing of notices to abutters shall be borne by the applicant and shall be payable prior to the public hearing.

3.2.3 The plans submitted to the Planning Board under the Subdivision Control Law shall be drawn so as to comply with the Planning Board's requirements listed below with respect to size, style, form and contents, and failure to so comply may constitute a reason for rejection or disapproval of such plans.

(a) Size: to comply with Norfolk Registry of Deeds requirements, but no plan shall be larger than twenty-four inches by thirty-six inches or smaller than eighteen inches by twenty-four inches, unless specifically authorized by the Planning Board.

(b) Style: originals to be drawn in India ink on blue tracing cloth or mylar film to a scale of 1 inch = 40 feet. The vertical scale or profiles shall be 1 inch = 4 feet and detail drawings shall be made to such larger scale as may be practical. The Planning Board may grant prior permission to deviate from the above scales, where in the Planning Board's opinion such deviation is justified by the size of the subdivision involved or by other considerations. Each sheet of any set of plans submitted under this section shall have a title block of the size, style and contents set out in these Rules and Regulations. Such title block shall be located in the lower right hand corner of the sheet.

(c) Form: subdivision plans shall include a key map showing the location of the proposed subdivision in relation to the existing streets in that part of Town, including at least one intersection of major streets, and plans showing boundaries of the proposed subdivision, lot and street dimensions and areas, street and municipal services and utilities, the existing and the proposed contours of land being subdivided and details of any structural features not covered by Town specifications. The above components of a definitive plan may be combined or shown separately on as many drawings as may be necessary for easy readability and review of the definitive subdivision plans. Any plan submitted for approval by the Planning Board shall show in its entirety any lots the boundaries of which are to be changed. Whenever any part of a subdivision is divided or bounded by a zone or a district boundary established under the Zoning By-Law of the Town of Needham, such boundary or boundaries shall be shown and identified.

(d) Contents: all plans in a set submitted for Planning Board's approval shall be serially numbered as "Sheet ____ of ____ Sheets". Each plan or sheet shall have a title including the

names and addresses of owners, developers and engineers, scale, date, dates of revisions and additions if any. Each plan or sheet shall have an imprint of the seal of a registered professional civil engineer or a registered land surveyor as may be hereinafter specified; provisions for signatures of five members of the Planning Board; provision for showing the approval dates; north point designated as to system used on all land plans; benchmarks and designation of datum plane used on all profiles; topographic plans and sectional views. Each type of drawing shall further have the following specific information:

(e) Lot plan: accurate dimensions, bearings, length of arc, tangent (or chord) distances, central angles of curves for all lot boundaries and sidelines of streets or portions thereof, also for all centerlines of easements, rights-of-way and Town boundaries; the widths of all easements, streets, rights-of-way; areas and number designations of all lots and parcels of land; any zone or district boundaries established by the Town of Needham Zoning By-Law which may pass through or affect lots; any land areas subject to the Wetlands Protection Act and the Inland Wetlands Act, M.G.L., Ch. 131, S. 40 and 40A (including any area defined as buffer area under said statutes); any land located in a Flood Plain District; all water bodies, stone walls, permanent monuments, existing structures, railroads, lot boundaries and sidelines of all streets; angle and points of curvature, marked "non-tangent" where applicable; existing street names, whether public or private; names of abutters as shown on the most recent tax lists and such other designations and descriptive notes as may be necessary to identify the items shown and evaluate their effect on the proposed subdivision. One hundred foot stations and stations at intersections shall be shown on centerlines of all streets, unless such stations are shown on a separate municipal service and utility plan. The lot plan shall bear the imprint of the seal of a registered land surveyor. The lot plan shall bear the following endorsement located above the provision for signatures of five members of the Planning Board: "Approved in accordance with Section 81-U of Chapter 41 of the General Laws, as amended. Approved _____ 19____ Needham Planning Board." in the case of registered land, the notation as indicated in Appendix D shall apply. For the purposes of this section, dimensions shall be shown to the nearest one-hundredth of one foot and bearings to the nearest five seconds of arc.

(f) Profile: there shall be shown a profile of each proposed street and also of each existing street not having an approved profile and of each street within the subdivision which will require the construction of a sanitary sewer or storm water drain. Each profile shall show the proposed or approved centerline as well as the existing centerline and sidelines of streets to be constructed. The bench marks used shall be described and their elevations given using Needham Sewer Base or the Mean Sea Level Datum of 1929 (USC&GS). Stations given every 50 feet (every 25 feet where grade is greater than 7%), at all street intersections, whenever an existing or a proposed sewer, drain or other municipal service or utility crosses the street, at the ends of a layout or at the proposed limit of construction

and at high and low points in the street. Size, grade, and material shall be given for all subsurface storm water drains and sanitary sewers. Such sewers and drains shall be shown on the profile plan and designated as existing or proposed. All manholes, catch basins, siphons and other design features shall be indicated and the stations and invert elevations thereof given. Ledge or other conditions affecting the design shall be located and designated on profiles, where known. The profile plan shall bear the imprint of the seal of a registered professional civil engineer.

(g) Municipal service and utility plans: municipal services and utilities, including sanitary sewers, storm water drains, water mains and other underground mains and conduits, where known, shall be shown on the street plan directly above or below the related profile, or on a separate municipal services and utilities plan, and shall include both the municipal services and utilities in existing and proposed streets and in easements. The location of all changes in direction, manholes, catch basins, cleanouts, siphons, hydrants, gates and other appurtenances shall be shown and designated with reference to the street centerline station or by other means. Information shall be given regarding the depth of invert elevations of sanitary sewers, storm water drains, culverts, brooks, or ditches, both proposed and existing, which are not shown on profiles, except where such information is given on a topographic or detail construction plan. Municipal service and utility plans shall show street lines and show approximate lot lines sufficient to identify the location of the municipal services and utilities within the subdivision and next to it.

Street line traverse closures shall be submitted for all roads within the subdivision. Curbing of a type required by the "Standard Specifications" of the Town of Needham shall be shown where required by these Rules and Regulations (Sub-Section 3.3.6) and where otherwise proposed by the developer. The municipal service and utility plan shall bear the imprint of the seal of a registered civil engineer.

(h) Topographic or contour plans: unless otherwise authorized by the Planning Board, topographic plans shall show and designate contour lines at one (1) foot elevation intervals, both existing and proposed. The bottom elevation of all water bodies within the subdivision shall be given and ground surface shall be identified as to type, such as woodland, swamp, ledge outcrops, flows, etc. Land areas subject to the Wetlands Protection Act and the Inland Wetlands Act, M.G.L., Ch. 131, S. 40 and 40A (including any area defined as buffer area under said statutes) shall be shown and clearly designated. Street and lot lines shall be shown in a general manner to facilitate orientation. Bench marks shall be shown and designated. Brooks, ditches, walls, trails, fences and structures and spot elevations of high and low points shall be shown and identified. Flood plain limits shall be clearly indicated. Soil types based on the latest applicable report of the United States Department of Agriculture, Soil Conservation Service shall be shown and

identified. Where available, aerial photographs may be required. Proposals for all site features to be retained, demolished or removed should be so noted. The topographic plan shall bear the imprint of either a registered professional civil engineer or a registered land surveyor.

(i) Detail drawings: any special construction features, deviation from or not covered by Town standards and specifications, shall be shown on detail drawings. Such detail drawings may be incorporated as part of a municipal service and utility plan or profile plan or may be executed on a separate sheet, or sheets, and shall provide information as to dimensions, location, elevations, materials, etc., or the construction details involved. The requirements for detail drawing shall be applicable, but not limited, to bridges, culverts, structurally stabilized slopes, municipal service or utility piping encased in concrete, ditches, and brooks shaped or constructed to a definite cross-section, dams, and spillways, steps within the exterior lines of a street and similar construction features. If any detail drawings are shown on a separate plan, that plan shall bear the imprint of the seal of a registered professional civil engineer. Cross-section(s) of the proposed way(s) shall show proposed construction materials and other specifications and shall reflect actual, not typical, site conditions.

(j) Other information: the Planning Board may require the developer to furnish such additional information, as may, in the opinion of the Planning Board, be necessary to evaluate the feasibility of the proposed design of the subdivision. Such information may include the results of any tests or copies of calculations used in design and copies of agreements granting the developer rights essential to development of the land and construction work involved, including the right to access over existing ways. The approval of a preliminary plan shall not preclude the Planning Board from exercising the rights reserved to it and set forth herein.

3.2.4 All plans shall bear the following endorsement: "I certify that, to the best of my knowledge and belief, this plan is true and correct to the accuracy required by the Subdivision Regulations and Procedural Rules of the Planning Board of the Town of Needham", followed by the signature and professional registration number of the registered professional civil engineer and/or registered land surveyor responsible for the preparation of the plan.

Sub-Section 3.3 REQUIREMENTS FOR STREETS AND CONSTRUCTION DETAILS

3.3.1 All streets shall be laid out to a width of 50 feet and shall be paved to a width of 24 feet. In the case of one- and two-lot subdivisions, the Planning Board may, by waiver, require a street width of 40 feet. Streets of width greater than 50 feet may be laid out where traffic or other considerations warrant. The grade (slope) of a street shall be not less than 0.7% nor more than 8%, except that for a distance of not more

than one hundred feet there may be permitted a grade (slope) of not less than 0.5% nor more than 10%. All streets shall be built to the end of the layout or to the limit of a subdivision. The grade of a street within 50 feet of a street intersection shall not exceed 1%, to provide a level area for traffic safety.

3.3.2 So far as practicable, streets shall be laid out so as to connect to existing ways and shall show future extensions to existing ways over lands not yet developed. No subdivision shall be approved, unless the streets therein connect to and are accessible from a public way or private road open and dedicated to public use, having in the opinion of the Planning Board adequate construction, width and grades.

If the subdivision is within 500' of a highway or road which has been laid out by the Town of Needham, Massachusetts D.P.W., or the Norfolk County Commissioners, the subdivision must be tied into two or more permanent points of the layout by bearing and distance.

Provisions satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.

The proposed streets shall be located so as to conform to the Master Plan, if any, as adopted in whole or in part by the Planning Board.

3.3.3 The minimum street centerline radius for turns shall be one hundred feet and all changes in direction of the streets of more than 30 degrees shall be by means of curves in the exterior lines, all corners of streets shall be rounded and the minimum radius for such roundings at street intersections and junctions shall be twenty feet.

3.3.4 Streets shall be laid out so as to join or intersect as nearly as possible at right angles, and no street shall join or intersect any other street at less than a 60 degree angle. Street jogs with centerline offsets of less than one hundred and twenty-five feet, streets of varying width and reverse curves shall be avoided.

3.3.5 Streets which are designed as permanent dead-end streets shall not exceed 600 feet in length in SRB Districts nor 1200 feet in length in SRA and RRC Districts and shall have a turnaround or back-up area, paved as required for streets, at the closed end. The minimum radius for a circular turnaround shall be sixty feet for the exterior line of a street and fifty feet for temporary turnaround easement. "Hammerhead" or "T-Shape" back-up strips and alternative layouts may be permitted, under unusual circumstances, if designed to accommodate a vehicle of thirty feet length, eight feet width and having an outside turning radius of forty-seven feet. The typical permanent and temporary strip shall conform to the drawings, as shown in these Rules and Regulations of the Planning Board, as amended.

3.3.6 Granite or reinforced concrete curbing in accordance with the Town specifications shall be installed at the edge of the pavement on all streets in Business, Industrial, Industrial Park or Apartment Districts; on all streets where the street sideline is laid out on a curve of sixty feet or less radius and at all catch basin inlets.

Within all subdivisions the Planning Board, at its discretion, shall require that one of the following conditions be met:

(1) Granite or reinforced concrete curbing be installed at all corners and street intersections, or

(2) Bituminous concrete berms be installed at the edge of pavement in a continuous manner on all streets.

3.3.7 Bituminous concrete berms, as shown on the Standard Cross-Section, may be required on slopes of more than 5%.

3.3.8 Granite or concrete bounds, at least four feet long, shall be set at all points of curvature, points of tangency and angle points in every street or other permanent marks acceptable to and approved by the Town Engineer shall be set within the subdivision. After installation of such bounds, the developer shall submit to the Town Engineer a written certification by a registered land surveyor stating that said bounds are located as shown on the subdivision plans recorded in the Norfolk Registry of Deeds or in the Land Court.

3.3.9 Street name signs shall be erected at all street entrances, such signs to conform as to size and quality with signs now generally in use in Needham. Temporary street name signs with block letters four inches high on light background shall be erected at the time the work is started in that portion of the subdivision at all points where permanent signs will be required. Complete visibility of street name signs shall be maintained by the developer until the subdivision is released by the Planning Board as completed.

3.3.10 Wherever the approved street grade differs substantially from the grade of adjacent land, or where otherwise necessary for public safety, the developer shall be required to erect retaining walls and guard rail fences or provide slopes no steeper than two feet horizontal to one foot vertical to ensure proper protection and lateral support. The Planning Board shall approve the type and dimensions of such walls, fences or slopes and all work shall conform to the "Standard Specifications" of the Town of Needham.

3.3.11 All subdivisions shall be designed so as to provide for connection to the Town of Needham sewerage system of as many lots as possible and for the extension of sewer mains in strict compliance with the approved definitive plans and with Town of Needham specifications. Connection to the Needham

sewerage system shall only be permitted after the sewer in the subdivision has been inspected and tested by the Sewer Division and found acceptable to the Town. The developer shall install connections for Town sewerage to a point two feet or more inside each building lot regardless of whether construction on that lot will take place during the period of the developer's agreement with the Town for the construction of the subdivision. If connections to buildings are not made during this period, the service line shall be capped until such time as building construction takes place and service is required.

3.3.12 All subdivisions shall be designed so as to provide for the installation of water mains, including appurtenances, and fire hydrants to meet the requirements of fire safety and of anticipated water consumption. Design shall be based on the applicable portions of the latest Commonwealth of Massachusetts, Department of Environmental Engineering, Division of Water Supply, Guidelines for Public Water Systems. Such water mains shall be installed in strict compliance with the approved definitive plans and with Town of Needham specifications and shall be connected to the Town of Needham water supply system. Such connection shall be permitted only if the developer's contractor and the size and location of pipes, valves and fittings are approved by the Water Division. The developer shall install connections for Town water to a point two feet or more inside each building lot regardless of whether construction on that lot will take place during the period of the developer's agreement with the Town for the construction of the subdivisions. If connections to buildings are not made during this period, the service line shall be capped until such time as building construction takes place and service is required.

3.3.13 Surface storm water drains shall be installed wherever necessary to insure drainage of surface water from springs, rain, melting snow or other origin without flooding of properties or streets. The slope and size of drains shall be computed on the basis of a 20 year storm and shall be adequate to accommodate all run-off over the area within the subdivision, but not smaller than 12" inside diameter and 0.004 slope. Catch basins shall be spaced at intervals of not more than 350 feet or as called for by street gradients, and manholes, curb inlets, culverts, surface channels and other appurtenances shall be installed in accordance with the Town of Needham specifications and with good engineering practice, taking into consideration the effect of grading and paving of this land. Natural watercourses shall be preserved where possible; the uniform cross-section and profile of such watercourses must be shown on subdivision plans, approved by the Planning Board and installed by the developer. Headwalls of reinforced concrete or masonry set in concrete shall be provided at all drain outlets in accordance with Town of Needham specifications. Drain pipes shall be of reinforced concrete, but the Planning Board may permit the use of alternate materials of equal strength and durability. All drainage basins in new subdivisions shall contain oil, gasoline, and grease

separators. The design of said separators shall be integrated with the drainage basin and shall be approved by the Town Engineer and Sewer Superintendent.

Developers will be required to meet the provisions of Chapter 131, Section 40 of the General Laws (commonly known as the Wetlands Protection Act) and other provisions of state law relative to drainage, streams, and wetlands.

Within Aquifer Protection District as established in the Zoning By-Law, provisions for contaminant removal shall be made employing detention basins with sub-surface drains or perforated raisers, oil and grit separator catch basins, or similar devices where appropriate.

3.3.14 In any subdivision, the developer shall arrange for the installation of all municipal services and utilities including, but not limited to, domestic electric power and telephone cables, public fire alarm system and street lighting system.

All or any part of the wiring, cables or other appurtenances of any of the above systems normally placed above ground, may be placed underground within the limits of the streets within any subdivision or may be placed above ground within easements granted by the developer and his successors in title to the appropriate bodies. Where use is made of such easements, they shall be generally located along rear lot lines in such a manner as to minimize the amount of overhead wiring on or close to the streets of the subdivision. All such installations shall be made at no cost to the Town of Needham at the location, in the manner and to specifications approved by the Planning Board of the Town of Needham and any other authority that may be involved. The Planning Board shall determine whether or not any or all of the above mentioned municipal services and utilities shall be placed underground or in easements in any subdivision. In reaching its decision, the Board shall first determine that such decision will not cause undue hardship upon the developer by reason of the topography, soil and rock conditions and other factors of the site and the subdivision layout which might affect the feasibility of underground or easement installations. The developer shall install or cause to be installed, connections for wiring, cables or other appurtenances when underground to a point at least two feet or more inside each building lot regardless of whether construction on that lot will take place during the developer's agreement with the Town for construction of the subdivision. If connections to buildings are not made during this period, the service line shall be capped until such time as building construction takes place and service is required.

3.3.15 In any subdivision, every endeavor should be made to preserve existing trees. It is recommended that developers seek the advice of the Park Superintendent or other qualified person when preparing to undertake works which may result in a change in the level of the ground surface or of the water table around any tree in the subdivision.

3.3.16 Sidewalks 4-1/2 feet wide shall be constructed in accordance with the "Standard Specifications" of the Town of Needham along both sidelines of all streets in SRA and SRB Districts, unless a street ends in a permanent dead-end, in which case such a sidewalk shall be constructed along only one sideline as determined by the Planning Board. Where a sidewalk has been waived around all or any part of a permanent dead-end, the required minimum 3-1/2 foot wide grass plot or strip beginning at the curb line shall be extended to a minimum width of 8 feet. (See diagrams in the Appendices.)

3.3.17 Whenever a connection to a Town-owned fire alarm circuit is feasible in the opinion of the Board, the developer shall install a fire alarm circuit within the subdivision and include fire alarm boxes at locations recommended by the Fire Chief. Materials and installation of fire alarm systems shall be approved by the Board as meeting the requirements of the Fire Chief.

3.3.18 All subdivision proposals shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal is located within the Flood Plain District, established under the Zoning By-Law, it shall be reviewed to assure compliance with the following:

(1) the proposal is designed consistent with the need to minimize flood damage;

(2) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;

(3) adequate drainage systems are provided to reduce exposure to flood hazards; and

(4) base flood elevation (the level of the 100 year flood) data is provided for proposals greater than 50 lots or 5 acres, whichever is lesser, for that portion within the Flood Plain District.

3.3.19 In accordance with the provisions of Chapter 83 of the General Laws, the developer will be required to install at all pedestrian crosswalks a slanted ramp which must meet the requirements of the Architectural Barriers Board.

Sub-Section 3.4 PROCESSING AND APPROVAL OF SUBDIVISION PLANS

3.4.1 On receipt of definitive subdivision plans, the Planning Board shall transmit one complete set thereof to the Public Works Department for review and comments. Within ten days of the receipt of definitive plans the Board shall set the date for a public hearing. The hearing shall be advertised in a local newspaper and notices shall be mailed to all abutters to the subdivision, as provided by the Subdivision Control Law. The

Board of Health shall, within forty-five days after the definitive plans are filed, report to the Planning Board in writing approval or disapproval of said plans and in the event of disapproval, shall make specific findings as to which, if any, of the lots shown on such plans cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. Failure so to report shall be deemed approval by the Board of Health. The Public Works Department shall transmit to the Planning Board the results of their review with respect to the locations, sizes and grades of the existing and proposed streets, rights-of-way, easements, drainage and municipal services and utilities, and the recommendations for approval or disapproval of the subdivision, including proposed modifications and conditions of approval or specific reasons for disapproval, as well as the estimated construction costs for streets and municipal services and utilities needed to serve the proposed subdivision.

3.4.2 No subdivision shall be approved, unless it complies with these Rules and Regulations and with applicable provisions of the Zoning and other Town By-Laws and regulations and of the General Laws of the Commonwealth of Massachusetts, nor unless, in the opinion of the Planning Board, the proposed subdivision meets the requirements of public safety including precautions against possible natural disasters, of traffic safety and convenience, of adequate storm water drainage and sewage disposal and is designed with due regard for the rights, health and welfare of the Town's inhabitants, including the future residents of such subdivisions. Proposed subdivisions shall conform, so far as conditions permit, to overall development plans adopted by the Planning Board, if any, and shall adhere to the principles of correct land use, sound planning and good engineering.

3.4.3 After the public hearing, the Planning Board shall approve the subdivision, with or without modifications and conditions, or shall disapprove the subdivision. The action of the Planning Board, including the conditions of approval or specific reasons for disapproval, shall be stated in a Certificate of Action, signed by the members of the Planning Board. Where a preliminary plan has been submitted and acted upon or where at least forty-five (45) days has elapsed since submission of the preliminary plan, the Board shall file with the Town Clerk a certificate of its action on the definitive plan within ninety (90) days after such submission, or such further time as may be agreed upon at the written request of the applicant, and shall send notice of its action by certified mail to the applicant. In the case of a residential subdivision where no preliminary plan has been submitted and acted upon or where forty-five (45) days did not elapse between submission of a preliminary plan and submission of a definitive plan, the Board shall file with the Town Clerk a certificate of its action on the definitive plan within one-hundred thirty-five (135) days after such submission, or such further time as may be agreed upon at the written request of the applicant, and shall send notice of

its action by certified mail to the applicant. Failure of the Planning Board either to take final action or to file with the Town Clerk a certificate of its action within the time frames specified above shall be deemed to be an approval of such definitive plan. Unless an appeal is taken to the Superior Court from the action of the Planning Board and a notice in writing of such appeal is received by the Town Clerk within twenty days of the receipt of the Town Clerk of the Certificate of Action, the Planning Board shall sign the approved definitive subdivision plans and refer on the plans to any conditions of approval or to an instrument describing such conditions of approval or to an instrument describing such conditions and performance guarantees furnished by the developer, provided that the construction of ways and utilities is secured as outlined in paragraphs 3.4.9 and 3.5.1 hereof.

3.4.4 Twenty days after the approval or disapproval of a definitive plan, the Planning Board shall return the original tracings of such plan to the developer and in the case of approval, the developer shall record the original ink tracings of the street and lot plans, bearing the endorsement of the Planning Board, with the Norfolk Registry of Deeds or file with the Land Court, together with any instrument enumerating the conditions of approval and the performance guarantees furnished by the developer. The Planning Board will not approve any revision of the definitive plans, release of lots or reduction of surety, until the definitive plans and instruments have been recorded or filed as outlined above. The copies (prints) of original plans and the copies of all documents, calculations and other information submitted to the Planning Board shall become the property of the Board. The Planning Board shall retain one complete set of copies of the definitive plans and shall transmit the remaining two sets to the Town Engineer.

3.4.5 The Planning Board shall assign street names to private ways.

3.4.6 The approval of a subdivision by the Planning Board does not make ways shown thereon public or Town ways; the acceptance of streets as Town ways requires action by the Town Meeting in accordance with Town By-Laws and with the General Laws of the Commonwealth.

3.4.7 The approval of a subdivision by the Planning Board does not affect any rights others may have in or over the land to be subdivided, nor does it grant the developer the right to perform work on land owned by others. The Planning Board assumes any plans submitted for its approval or consideration to be correct, unless evidence is presented to the contrary. The acquisition of necessary rights and the presentation of complete and correct information to the Board are the responsibilities of the applicant.

3.4.8 All expenses for advertising, engineering and plans, construction, inspection, recording of plans and documents and all other expenses in connection with and for a subdivision

shall be borne by the developer. Expenses per linear foot associated with sanitary sewers and storm drains for engineering service, supervision and inspection by the Needham Department of Public Works shall be as specified in the Covenant.

3.4.9 As a condition of approval of a subdivision, the developer shall agree to construct streets and install all required municipal services and utilities in such subdivision, including all work incidental thereto, such as grading of lots to provide proper drainage, construction of retaining walls and other details, outlined in Sub-Section 3.3 of these Rules and Regulations or as specifically required by the Planning Board.

3.4.10 As further condition of approval of a subdivision, the developer shall grant to the Town of Needham a perpetual right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water, mains, sewer mains, and all surface and subsurface storm water drains in, through or under the streets and easements as indicated on definitive plans. The above shall not be construed to relieve the developer, and his successors in title to a portion of the land or a street in the subdivision, or responsibility to complete all construction, as required by the developer's agreements with the Town, and to thereafter maintain all streets and municipal services and utilities in satisfactory condition until they are accepted by the Town. Such grant shall be executed and delivered to the Planning Board in a form acceptable to such Board within a reasonable time but, in any event, prior to the transfer or conveyance of any lot or interest therein.

Sub-Section 3.5 PERFORMANCE GUARANTEES

3.5.1 The developer shall guarantee compliance with the conditions imposed by the Planning Board and the performance of all construction and installation of municipal services and utilities by means of either a Covenant, prohibiting the sale of lots other than by mortgage deed, or building upon lots in a subdivision until the conditions imposed by the Planning Board have been complied with; or a Surety Agreement with the surety in the amount and of a type satisfactory to the Board in accordance with the provisions M.G.L. Chapter 41, Section 81-U. The conditions imposed and the surety may be varied from time to time by the Planning Board, provided that the Planning Board shall not approve the reduction of surety by or to an amount of less than Five Thousand Dollars (\$5,000), except that in the case of a subdivision whose only street is less than 250 feet in length, the minimum amount shall be Two Thousand, Five-Hundred Dollars (\$2,500). All documents used as performance guarantee shall be subject to approval by the Town Counsel as to form and legality.

In addition to any performance required by the Planning Board regarding the construction of municipal services and utilities, the developer may also be required to provide the Planning Board with a performance guarantee to satisfy the requirements of the Board of Health.

3.5.2 In requesting the cancellation or any reduction in the amount of surety, the developer shall submit to the Public Works Department a copy of the definitive subdivision plan as approved by the Planning Board upon which shall be indicated the location of all underground utilities including, but not limited to, gas transmission mains, fire alarm system wiring, telephone cables, and electrical conduits; and the developer shall also submit the original of the Subdivision Inspection Form listing the items of work completed, and the work still incomplete. The Subdivision Inspection Form, may be obtained from the Department of Public Works. No reduction or release of surety shall be granted by the Planning Board until the original of the Subdivision Inspection Form, properly completed, has been submitted to the Planning Board by the developer. The Planning Board may request a report and recommendations from the Public Works Department, acting as inspection agency on subdivisions, regarding the estimated costs of items of work not completed to the satisfaction of the Director of Public Works.

Within forty-five days after the receipt of the request for the reduction or release of surety, the Planning Board shall act by releasing, canceling or reducing such surety or by notifying the Town Clerk and the developer by registered mail of specific details wherein the work fails to comply with its Rules and Regulations or the conditions of approval and by refusing the request.

Upon completion of construction work in accordance with any applicable covenants, agreements or specifications for which a performance security was given either by bond, deposit or covenant, the applicant shall send by registered mail to the Town Clerk and to the Planning Board, a written statement that the said construction or installation in connection with which such bond, deposit or covenant was given, has been completed in accordance with these Rules and Regulations. Such statement shall include the address of the applicant. The administration of releases of any performance bond, deposit or covenant made under these Rules and Regulations shall be in accordance with the provisions of Section 81-U of Chapter 41 of the General Laws as amended.

3.5.3 Failure of the developer to complete within the period specified in the surety agreement all work required in a manner satisfactory to the Planning Board may be remedied by action of the Town by enforcing the bond or applying the deposit towards the reasonable cost of satisfactory completion of such work and in case of a Covenant - by injunction restraining any further sale of lots or buildings thereon until all required work has been satisfactorily completed

3.5.4 Coincident with the developer's request for final release of surety, the developer will submit to the Board of Selectmen a petition for acceptance as public ways the streets within the subdivision. After referral of petition(s) from the Board of Selectmen to the Planning Board, the latter shall 45 days from date of receipt to make its report with recommendations for acceptance.

Sub-Section 3.6 COMPLIANCE WITH STANDARD SPECIFICATIONS AND INSPECTION

3.6.1 In accordance with Article III, SECTION 3 and 3A of the General By-Laws of the Town of Needham, all construction work shall conform to the Specifications therefore adopted by the Selectmen, in particular the "Standard Specifications for Highways" dated April 30, 1964 as amended, and the "Standard Cross-Section for Street Construction" dated January 1961, as amended. Said "Standard Specifications", and said "Standard Cross-Sections" are herewith made by reference a part of these Rules and Regulations. The Planning Board will consider any alternative cross sections after detailed drawings and other required information, specified by the Planning Board, is submitted and reviewed by the Public Works Department on behalf of the Planning Board. The developer shall consult with the Planning Board and Public Works Department prior to any proposed deviation from the "Standard Specifications" noted herein.

3.6.2 In accordance with Section 81-R of the Subdivision Control Law and with Section 4.2.3 of the Town of Needham Zoning By-Law, as amended, the Planning Board may waive strict compliance with the minimum frontage and area requirements for lots and with these Rules and Regulations. The Planning Board may authorize deviations from the "Standard Specifications" and "Standard Street Cross-Sections" referred to above.

3.6.3 The Director of Public Works may be the inspector for the construction of streets and the installation of municipal services and utilities in subdivisions; he may delegate the inspection work to qualified members and employees of the Public Works Department. The Planning Board may also employ experts and clerical and other assistants, subject to budget limitations, to ensure the proper administration of the Subdivision Control Law and of these Rules and Regulations.

The Planning Board may require as a condition of the subdivision approval that the developer furnish test boring data and other soils information data. Where the need is indicated by such data, the developer shall excavate and replace all unsuitable material within the street and beyond the street limits to a point where a 2 to 1 downward slope meets acceptable materials as necessary for the lateral stabilization of the proposed roadway.

The Public Works Department shall be notified by the developer prior to the commencement of each phase of construction as identified on the Subdivision Inspection Form. Upon

completion of each phase of the construction, the developer shall notify the responsible department head, who shall perform the required inspection within two working days of such notification. If the work is completed to the satisfaction of the department head, the developer shall obtain the signature of the department head on the Subdivision Inspection Form.

3.6.4 In accordance with Section 81-B of Chapter 41 of the Massachusetts General Laws, members and employees of the Planning Board and other persons acting under the authority of the Planning Board as its agents, may enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. As a condition of subdivision approval by the Planning Board, a developer shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in his subdivision are satisfactory and conform to Town Specifications and the requirements of the Planning Board.

3.6.5 The upkeep and maintenance of streets and municipal services and utilities within a subdivision are the responsibilities of the developer and his successors in title to a portion of land or street. The Town may assess betterments for any work needed to make such streets conform to the Town standards prior to acceptance thereof as Town ways.

3.6.6 Failure to comply with these Rules and Regulations and with the Town of Needham specifications referred to above shall constitute a basis for corrective action by the Planning Board. Such action may include the realization upon any surety posted by the developer, the withdrawal of subdivision approval and other measures provided by law.

Sub-Section 3.7 REVISION OF SUBDIVISIONS AND DISCONTINUANCE OF STREETS

3.7.1 The procedure for revisions of exterior lines or profiles (grades) of private ways previously approved, for change of name and discontinuance (abandonment) of private ways shall, insofar as applicable, conform to the requirements for approval of definitive plans as regards application, plans, advertising and public hearing, certificate of action and performance guarantees. The requirements for approval of definitive plans shall also apply to ways having no established exterior lines and profile grades and to ways in existence at the time Subdivision Control Law became effective in Needham which, in the opinion of the Planning Board, do not have sufficient width, suitable grades or adequate construction to provide for traffic needs and for the installation of municipal services to serve the lands abutting thereon and the buildings erected or to be erected on such lands.

3.7.2 The Planning Board may, after sending notices to abutters, advertising in a local newspaper and holding a public hearing, as provided for the approval of definitive plans, modify or withdraw the approval of a subdivision or require a change in

plans as a condition of their retaining the approved status. Such modifications or rescissions of approval shall not affect lots sold or mortgaged by the developer, subject to limitations outlined in Section 81-W of the Subdivision Control Law, as amended.

3.7.3 Revisions of lot lines, municipal services and utilities, easements and other changes which do not affect the names, grades, or exterior lines of ways may be approved by the Planning Board without a public hearing.

3.7.4 Any plan showing a revision of an approved subdivision plan and submitted prior to the complete release of lots in that portion of the subdivision affected by such plan or prior to the release of bond or other surety for the construction of ways or portions of ways shown on such plan shall bear a notation referring to the original subdivision plan.

3.7.5 Any application for amendment or revision to an approved definitive subdivision plan shall be accompanied by a filing fee of \$50.00 per lot for the number of lots affected by such revision or amendment as determined by the Planning Board with a maximum of \$500.00 for each application. Said filing fee shall be received prior to any required public hearing or before any action by the Planning Board.