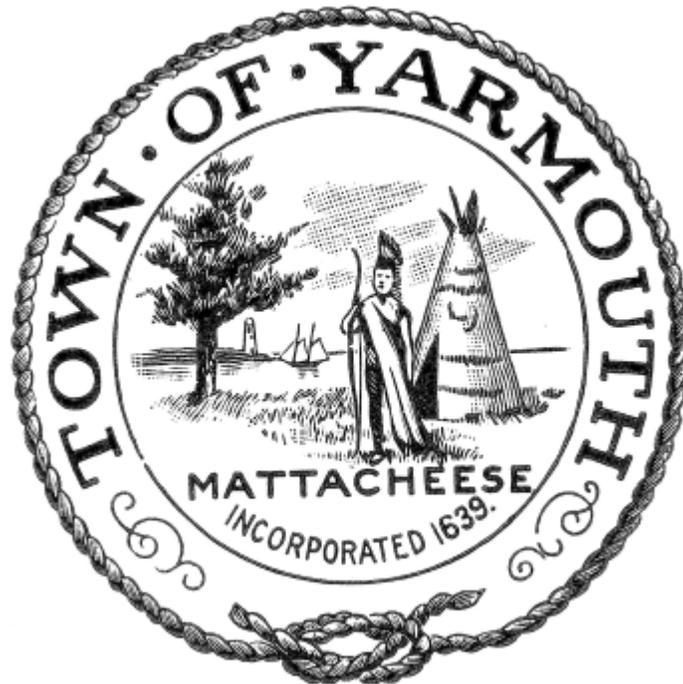


TOWN OF YARMOUTH

Commonwealth of Massachusetts



Rules & Regulations Governing the Subdivision of Land

YARMOUTH PLANNING BOARD

Amended through May 21, 2014

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Revisions to the Subdivision Rules and Regulations

The Rules and Regulations Governing the Subdivision of Land has been revised and/or reorganized in accordance with Massachusetts General Law, chapter 41, section 81-Q on the following dates:

1. February 14, 1950 State Subdivision Control adopted (ATM Art. H)
2. February 14, 1950 Planning Board Created (ATM Art. I)
3. February 14, 1950 Rules and Regulations adopted.
4. December 4, 1959 Rules and Regulations revised.
5. March 4, 1963 Rules and Regulations revised.
6. March 4, 1965 Rules and Regulations revised.
7. November 21, 1967 Rules and Regulations revised.
8. February 12, 1970 Rules and Regulations revised.
9. September 26, 1979 Rules and Regulations revised.
10. December 7, 1981 Rules and Regulations revised.
11. February 28, 1985 Rules and Regulations revised.
12. July 29, 1985 Rules and Regulations revised.
13. February 23, 1987 Rules and Regulations revised.
14. November 9, 1987 Rules and Regulations revised.
15. June 6, 1989 Rules and Regulations revised.
16. September 19, 1990 Rules and Regulations revised.
17. August 26, 1992 Rules and Regulations revised.
18. June 5, 1994 Rules and Regulations revised.
19. November 12, 2008 Rules and Regulations revised.
20. May 21, 2014 Rules and Regulations revised (Section VII).

I. INTRODUCTION

1.1 Adoption.

Under the authority vested in the Planning Board of the Town of Yarmouth by Sec. 81-Q, Ch. 41, M.G.L., said Board hereby adopts these regulations governing the subdivision of land in order to guide its orderly development consistent with the purpose of the Subdivision Control Law, Sec. 81-K to 81-GG, Ch. 41, M.G.L.

1.2 Applicability.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement or sale of lots in a subdivision, or the construction of 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 Planning Board as hereinafter provided.

1.3 Code of Massachusetts Regulations.

All plans for submission to the Board shall conform to 250 Code of Massachusetts Regulations (CMR) 4.00 - 6.00 compiled as in full force and effect 6/30/84, as revised.

1.4 Planning Board Procedures.

Regular meetings of the Planning Board will be held on the dates and times as posted with the Town Clerk. Except for sessions, as provided for in Section 23A of Chapter 39 of the General Laws, as amended, meetings of the Planning Board shall be open to the public to attend.

Anyone wishing to meet with the Board shall do so by appointment. To secure an appointment, all applicants shall notify the Planning Department in writing by at least Thursday before a regularly scheduled meeting. In such notice, the applicant shall state his name, address and a brief outline of the nature of the business to be discussed with the Board. The same procedure is recommended for applicants desiring to submit plans in accordance with the provisions of Section 3.2, 3.3 and 3.4 of these Rules and Regulations. Any person attending an advertised public hearing may address the Board at the pleasure of the Chairman without prior notice, and in doing so shall state his name, address and person he is representing, if any.

In the event of there being less than a quorum present at any scheduled meeting, the Chairman shall re-schedule the meeting as soon as practical thereafter.

All meetings of the Board shall be conducted formally, under the direction of the Chairman. In the absence of the Chairman, the Vice-Chairman shall act as Chairman. A majority of the members of the Board shall constitute a quorum but less than a majority may vote to adjourn, subject to the meeting being re-scheduled as provided above.

II. DEFINITIONS

ABUTTER – A person who owns property that touches a lot/parcel at some point along its boundaries or lies directly across the street from it.

APPLICANT – The owner or his representative submitting a plan for approval under these Rules and Regulations.

BLIGHTED OPEN AREA – A predominantly open area which is detrimental to the safety, health, morals, welfare or sound growth of a community because it is unduly costly to develop it soundly through the ordinary operations of private enterprise by reason of the evidence of ledge, rock, unsuitable soil, or other physical conditions, or by reason of the necessity for unduly expensive foundations, retaining walls or unduly expensive measures for waterproofing structures or for draining the area or for the prevention of the flooding thereof or for the protection of adjacent properties and the water table therein or for unduly expensive measures incident to building around or over rights of way through the area, or for otherwise making the area appropriate for sound development, or by reason of obsolete, inappropriate or otherwise faulty platting or subdivision, deterioration of site improvements or facilities, division of the area by rights of way, diversity of ownership of plots, or inadequacy of transportation facilities or other utilities, or by reason of tax or other delinquent assessments, or because there has been a substantial change in business or economic conditions or practices, or an abandonment or cessation of a previous use or of work on improvements begun but not feasible to complete without the aids provided by M.G.L., Ch. 121A, or by reason of any combination of the foregoing or other conditions; or a predominantly open area which by reason of any condition or combination of conditions which are not being remedied by the ordinary operations of private enterprise is of such a character that in essence it is detrimental to the safety, health, morals, welfare, or sound growth of the community in which it situated.

BLIGHTED BUILT-UP AREA – An area which is detrimental to safety, health, morals, welfare or sound growth of a community because of the existence of buildings which are out of repair, physically deteriorated, unfit for human habitation, or obsolete, or in need of major maintenance or repair, or because much of the real estate in recent years has been sold or taken for non- payment of taxes or upon foreclosure of mortgages, or because buildings have been torn down and not replaced and under existing conditions it is improbable that the buildings will be replaced, or because of a substantial change in business or economic conditions, or because of inadequate light, air, or open space, or because of extensive land coverage, or because diversity of ownership, irregular lot sized or obsolete street patterns make it improbable that the area will be redeveloped by the ordinary operations of private enterprise, or by reason of any combination of the foregoing conditions.

BOARD – shall mean the Planning Board of the Town of Yarmouth.

COLLECTOR STREET – shall mean a street which carries traffic equivalent to that generated by 50 dwelling units or more, or which serves commercial or industrial abutting property.

CONSULTING ENGINEER – Shall be the firm, individual, or group of individuals retained by the Town of Yarmouth to review all or various portions of the requirements outlined in the "Rules and Regulations Governing the Subdivision of Land in Yarmouth". The consulting engineer may, in some cases, be the Town Engineer.

CONTRACTOR'S MIX – A quick germinating, low maintenance grass seed mix for use in vegetating subdivision road shoulders and other disturbed areas. The mix consists of approximately 40% Bull Dog Rye seed, 25% Perennial Rye seed, 20% Annual Rye seed, and 15% Creeping Red Fescue seed. Equivalent mixtures may be approved by the Planning Board's engineer.

ENGINEER – Shall be either the Town's Engineer or the Town's Consulting Engineer.

LANE – shall mean a street that carries traffic equivalent to that generated by 10 or fewer dwelling units, and no commercial or industrial abutting property, and is not capable of extension.

LOT – Shall mean an area of land with definite boundaries, used or available for use, as the site of one or more buildings.

LOT FRONTAGE – That portion of a lot fronting upon and having rights of access to a way providing legally sufficient frontage for a division of land under the requirements of Ch. 41, Sec. 81-L of the General Laws, to be measured continuously along a single street line.

MINOR STREET – shall mean a street that carries traffic equivalent to that generated by fewer than 50 dwelling units, and having no commercial or industrial abutting property, and is not a lane.

PARCEL – An area of land with definite boundaries not eligible for use by one or more structures.

PERSON – An individual, two or more individuals, a group or association of individuals, a partnership, a corporation, or any other legal entity having common or undivided interests in a tract of land.

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 was made, every lot within the tract so divided has frontage on (a) a public way or a way which the Clerk of the Town of Yarmouth certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved in accordance with the Subdivision Control

Law, or (c) a way in existence on February 14, 1950 having in the opinion of the Planning Board sufficient width, suitable grade, and adequate construction to provide for use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the building erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Yarmouth Zoning Bylaw for erection of a building on such a lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing on February 14, 1950 into separate lots, on each of which one of such buildings remains standing, shall not constitute a subdivision.

TOWN ENGINEER – Shall be the Town Engineer of the Town of Yarmouth, his representative, or other person appointed by the Board of Selectmen (Board of Public Works) to that position, serving for the Planning Board under the provisions of these Rules and Regulations.

III. PLAN PROCEDURES

3.1 General.

3.1.1 Only those plans which constitute "subdivisions", as that term is defined in Section II, require the approval of the Planning Board. However, all plans, whether "subdivisions" within the meaning of the law or not, must have either approval as a subdivision, or endorsement that they do not require approval, before they will be accepted for recording at the Registry of Deeds or registration at the Land Court.

3.1.2 The Planning Board will consider plans at meetings only if the owner of the property or his representative is present, whether such plans be ones submitted for endorsement of approval not required, preliminary subdivision plans, or definitive subdivision plans. Plans intended for Planning Board review or comment must be received in the Planning Board office not later than 4:30 p.m. on the Thursday prior to the Planning Board Meeting. The day that the plan is received by the Planning Board office shall be considered to be the date of submission for all plans.

3.1.3 All plans submitted shall show the zoning district in which the parcel is located and the minimum lot size in that district.

3.1.4 All plans submitted shall be referenced to the most recently recorded plans covering the same parcel or parcels by including the assigned Planning Board numbers.

3.2 Plan Not Requiring Approval Under Subdivision Control Law.

3.2.1 Submission. Anyone may submit a plan seeking endorsement that the plan does not require approval under the Subdivision Control Law. The plan and ten (10) prints (to be retained) plus a satisfactorily completed Form A and a filing fee of \$250.00 plus \$75.00 per lot for each lot in excess of three (3) must be filed (by delivery, registered mail or certified mail) with the Town Clerk. If the Board determines that the plan does not show a subdivision, it shall endorse the plan "Approval Under The Subdivision Control Law Not Required" if the content of the plan meets all requirements for an Approval Not Required Plan. The Board will return the original of the plan to the applicant notifying both him and the Town Clerk of its action.

3.2.2 Time Limit. If the Planning Board takes no action within 21 days of submission, the plan is automatically deemed not a subdivision plan, and the Town Clerk may so certify.

3.2.3 Information Required. Such plans shall show the location of any existing building on the land shown on the plan or on any remaining adjoining land owned by the person submitting such plan, and the frontage on any remaining adjoining land owned by the person submitting the plan. Such plans shall also indicate existing zoning of the parcel, lot area, lot number and frontage required. The drawing shall indicate the present owner of the land, and the location of any easement or way, public or private, across the land, with a designation as to the use of the same. A locus plan showing the relationship of the land on the plan to the surrounding area, at one (1) inch equals 1000 feet scale, shall be required. Wetlands and Assessors map and parcel number shall

also be shown. Each plan shall contain a note which states "Endorsement is not a determination as to conformance with zoning regulations".

3.2.4 Ways in Existence. In determining whether an existing way provides adequate access to qualify as a plan not constituting a subdivision, the Board shall consider the following:

- a.) Whether the road on which the lot fronts is a public way or a way which the Clerk of the Town of Yarmouth certifies is maintained and used as a public way.
- b.) Whether the way is shown on a plan previously approved and endorsed in accordance with the subdivision control law.
- c.) Whether the way was in existence when the subdivision control law became effective in the Town of Yarmouth, 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 land abutting or served thereby, and for the installation of municipal service to serve such land and the buildings existing thereon to be erected.
- d.) Whether any appropriate case law affects the decision of the Planning Board.

The Board will not normally find an existing way to be adequate unless it meets the above standards, and meets the intent of these rules and regulations.

3.3 Preliminary Subdivision Plan.

3.3.1 General. A Preliminary Plan of a residential subdivision may be submitted by the applicant to the Planning Board and to the Board of Health for discussion and approval, modification, or disapproval by each Board. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies, and owners of the property abutting the subdivision to discuss and clarify the problems of such subdivision before costly engineering drawings for a Definitive Plan are prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A Preliminary Plan must be filed for a non-residential (i.e., commercial or industrial) subdivision.

3.3.2 Application Procedure. The Applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval of a Preliminary Plan to the Planning Board, accompanied by a copy of the completed application (Form B). A completed Form B (see Appendix) shall be filed with the Planning Board, along with twelve (12) copies of the Preliminary Plan and a filing fee of \$250.00 plus \$75.00 per lot for each lot in excess of three (3). If the Preliminary Plan is followed by a Definitive Plan, \$50.00 of this fee shall be credited towards the fee for a Definitive Plan. The Developer should review copies with the Engineering Department, Board of Health, Highway Department, Water Department, Fire Department, and Conservation Commission, for their comments and suggestions.

3.3.3 Contents. The Preliminary Plan shall be drawn on tracing paper or other drafting

film at a scale of 100 feet to one inch, or other scale approved by the Planning Board, and shall be identified as a Preliminary Plan. A Preliminary Plan shall contain the following:

- a.) The subdivision boundaries, north point, date, scale legend and title "Preliminary Plan".
- b.) The names and addresses of the record owner and the applicant and the names of the designer, engineer or surveyor.
- c.) The names and addresses of all abutters, as determined from the most recent local tax list; assessor's map numbers; zoning districts.
- d.) The existing and proposed lines of streets, ways, easements and any public areas within the subdivision or abutting it, in a general manner, with ownership status and existing pavement, if any, designed for abutting ways.
- e.) The proposed system of drainage, in a general manner.
- f.) Existing water mains, gas lines, and utility cable adjoining and within the subdivision.
- g.) The approximate boundary lines of proposed lots, with approximate areas and dimensions. All reduced frontage lots must show the requisite square and its furthest distance from the street.
- h.) The names, approximate location and widths of adjacent streets.
- i.) The topography of the land area of the proposed subdivision in a general manner, with five (5) foot contours (may be extrapolated from U.S.G.S.) except that two (2) foot contours must be shown adjacent to tide waters.
- j.) A locus plan of the subdivision, showing its relation to the surrounding area, at a scale of one (1) inch = 1,000 feet.
- k.) A plan showing, in a general manner, the proposed overall development of all contiguous land, if any, in the same ownership.
- l.) Existing waterways and natural wetlands which have previously been flagged by a surveyor and reviewed by the Conservation Commission.
- m.) Identification of boundaries of Zoning Districts within the proposed subdivision and of the lot areas and frontages required.

During discussion of the Preliminary Plan, the information which will be required for the Definitive Plan, and the financial arrangements (Sec. 3.4.5 Performance Guarantee) will be developed.

3.3.4 Approval or Disapproval of a Preliminary Plan. Within 45 days after submission of a Preliminary Plan, the Planning Board shall notify the applicant and the Town Clerk by certified mail either that the plan has been approved, or approved with modifications suggested by the Board or agreed to by the person submitting the Preliminary Plan, or that the plan has been disapproved, and in the case of such a disapproval, the Board will state in detail its reasons. The Planning Board will also notify the Town Clerk of its approval or disapproval. Failure of the Board to approve or disapprove the Preliminary Plan within 45 days shall be construed as approval.

3.3.5 Relation of Preliminary Plan to Definitive Plan and Zoning Provisions. Approval of a Preliminary Plan does not constitute approval of a subdivision and a Preliminary Plan may not be recorded in the Registry of Deeds. Provided that a Definitive Plan is duly submitted within seven months from the date of submission of the Preliminary Plan, the subdivision rules and regulations in effect at the time of submission of the Preliminary Plan shall govern the Definitive Plan, and if the Definitive Plan is ultimately approved, the zoning provisions in effect at the time of submission of the Preliminary Plan shall govern the land shown for eight years from the date of approval of the subdivision plan (Sec. 6-2, Ch. 40-A, G.L.).

3.4 Definitive Plan of a Subdivision.

3.4.1 Application Procedure. Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file the following:

a.) with the Planning Board:

3.4.1.1 An original drawing of the Definitive Plan, six (6) copies of street profile, and fifteen (15) blue, or black line copies of the Plan suitable for distribution to Town departments for comment. The original drawings will be returned to the applicant after approval or disapproval.

3.4.1.2 Three (3) copies of a completed Application Form C. A non-refundable filing fee of \$350.00 plus \$75.00 per lot for each lot in excess of three (3). The applicant shall also pay the actual cost of legal advertising and pay the cost of abutter notification at \$5 per abutter. Should there be a "major re-submission", as determined by the Planning Board, a non refundable fee of \$350.00 plus \$75.00 per lot for each lot in excess of three (3) will be charged.

3.4.1.3 The applicant will provide a list of abutters, their addresses, and their Assessor's map and lot/parcel numbers for the subdivision as obtained from the Assessors. The Planning Division shall prepare and transmit the required legal advertisement.

3.4.1.4 The applicant will provide a copy of the Definitive Plan in an ArcInfo, DXF, or AutoCAD digital computer format, or in a format acceptable to the Town Engineer.

b.) Fees for the review of Definitive Plans and for construction inspection services:

1. Fees for the review, processing, and approval of all definitive subdivision plans and applications, and for definitive plans and applications for special permits related to cluster subdivisions, shall be equal to the direct costs incurred by the Town of Yarmouth in processing the plans and/or applications.
2. Unless waived by vote of the Planning Board, the minimum fee for any of the described plans shall not be less than \$400.00.
3. The costs of processing shall include the actual cost of the services provided by the Consulting Engineer retained by the Town of Yarmouth to review definitive subdivision plans.
4. Upon the filing of an application with respect to any definitive subdivision plan, or definitive plan for a special permit related to cluster development, the applicant shall deposit with the Town an initial sum of \$2,500.00 to guarantee reimbursement for costs incurred by the Town in processing the application.
5. These funds shall be deposited in the "Subdivision Review Account", as established by the Town. The deposit may be drawn upon by the Planning Board as review expenditures and other associated expenditures are made during the processing.
6. The total amount of the deposit to cover these reviews shall be determined by the Planning Board in conjunction with the estimates of the Engineer. These total estimated costs for the entire review of the plans shall be available in ten (10) working days from the date of receipt of a completed application.
7. Copies of the itemized billing from the Consulting Engineer will be made available to the applicant at the time they are submitted to the Town Accountant. Each billing must be approved by the Planning Board before payment.
8. Should any additional costs of review be experienced, the applicant will be notified and shall, within fifteen (15) days, deposit the additional needed funds in order to raise the amount on deposit so that it will at least equal the total costs being incurred. Detailed copies of billings by the Consulting Engineer will be required and will be available to the applicant within ten (10) working days on request.
9. Upon final disposition of the application and review of plans by the Consulting Engineer and Planning Board, providing that a final accounting has been made which shows to the Planning Board's satisfaction that full

reimbursement for all costs incurred has taken place, the remaining amount on deposit shall be returned to the applicant.

10. In the event the Planning Board denies approval of a definitive plan, the unexpended funds in the Subdivision Review Account related to that subdivision shall be returned to the applicant less the cost of any services provided.
11. Should the applicant decide to withdraw the definitive plans, funds shall be returned to the applicant from the Subdivision Review Account in the same manner.
12. The applicant shall also be required to deposit in the Subdivision Review Account an amount sufficient to cover costs of construction inspection service by the Consulting Engineer or other professional persons that may be required to determine the adequacy of the definitive plan and its construction, and any design modifications to the plan and/or changes made in the field.
13. Payments shall be made in the same manner previously stated, and the applicant shall place into the Subdivision Review Account a \$2,500.00 deposit and such additional amounts as are estimated to be needed for inspection or for additional expenses.
14. The full cost of any special, non-scheduled, inspection deemed necessary by the failure of construction to proceed entirely in accordance with the approved plans, or as the result of any question concerning the accuracy of any data provided by the applicant at any time shall be borne by the applicant.
15. Remaining funds in the Subdivision Review Account that were to cover the costs of inspection shall be returned to the applicant, when, in the opinion of the Planning Board, all work required by the approved definitive plan, any conditions placed upon such approval, and any subsequently approved modifications and all inspections required by these Rules & Regulations have been completed. The completion of an as-built plan as required by the Rules & Regulations shall be part of the necessary work that must be completed.
16. Failure of the applicant to maintain the funds in accordance with this section shall be grounds for the disapproval of the plan by the Planning Board. In the construction phase, the Planning Board will not favorably consider requests for releases of lots if the account is not properly maintained.
17. The Consulting Engineer's bill shall provide a detailed account of expenses which have resulted either from services or inspections. There shall be a detailed accounting provided at the end of each fiscal year. Billings to the Subdivision Review Account shall be based upon an itemized bill. Estimates of future costs by the Consulting Engineer shall be based on a specific detailed statement.

c.) with the Town Clerk:

The Applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval, plus a copy of the completed application Form C.

d.) with the Water Superintendent:

Five (5) prints of the Definitive Plan and street plans and profiles.

3.4.2 Contents. The Definitive Plan and street plans and profiles shall be prepared by a professional land surveyor, professional civil engineer, and other professionals as may be required by law, and shall meet the requirements of the Registry of Deeds and Land Court for urban property except that the error of closure shall not exceed one in ten thousand (1:10,000). The Definitive Plan shall be clearly and legibly drawn in black India ink upon tracing cloth or other drafting film suitable for recording with the Registrar of Deeds. Sheet size shall not exceed 24 inches x 36 inches. The Plan shall be at the scale of one (1) inch equals 100 feet, or other such scale as the Board may accept to show details clearly and adequately. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following:

- a.) Subdivision file number assigned by the Planning Board, date, scale, and title block (for each sheet).
- b.) Name and address of record owner, subdivider, surveyor, and other professionals engaged in the design.
- c.) Location and names of all abutters as they appear in the most recent local tax list; assessors' map numbers; designation of zoning districts and their lot area and frontage requirements.
- d.) Existing and proposed lines of streets, ways, lots, easements and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Engineering Department).
- e.) Sufficient data to determine readily the location, direction, and length of every street and way line, easements, lot line and boundary line, and to establish those lines on the ground.

- f.) The following areas:
1. gross area of subdivision, in square feet and in acres.
 2. gross area of roads, in square feet and in acres.
 3. gross area of wetlands, in square feet and in acres.
 4. net area of wetlands, of each lot or parcel, in square feet and in acres.
 5. net area of upland, of each lot or parcel, in square feet and in acres.
- g.) All deed and plan references of subdivision area and abutting property.
- h.) Lot numbers, and street numbers (furnished by Town Surveyor) enclosed in a square.
- i.) Location of all permanent monuments properly identified as to whether existing or proposed.
- j.) Location, names and present widths of street bounding, approaching or within reasonable proximity of the subdivision.
- k.) Existing watercourses, ponds, wetlands, and vegetated wetlands, any wetlands having been flagged by a surveyor and reviewed by the Conservation Commission.
- l.) Suitable space to record the action of the Board and the Town Clerk's certification, as defined in M.G.L., Ch. 41, Sec. 81-V.
- m.) Existing and proposed topography at a two (2) foot contour interval, or as required by the Engineering Department (may be shown on a separate sheet); elevation of water bodies (dated); mean high and mean low water (date and source).
- n.) Separate plan and profiles of every street, showing the following data:
1. Exterior lines of the way, with sufficient data to determine their location, direction and length.
 2. Existing centerline profile to be shown as fine black full line. Existing centerline profile for intersecting streets to be shown for at least 100 feet each side of the intersection of street centerlines. When required by the Board, existing right sideline shall be shown as a dashed black line, left sideline as black dots.
 3. Finished designed profile to be thick full black line, with elevations shown every 50 feet, except where there is a vertical curve, the elevations shall be shown every 25 feet. Designed profile shall include gradients approaching and departing from vertical curves, vertical curve data, and base datum.
 4. Existing watercourses, ponds, wetlands, and vegetated wetland to be indicated.

5. All drainage facilities to be shown on street plans and profiles indicating materials to be used, structure and pipe sizes, invert and rim elevations, slopes, results of deep and percolation tests, and other information, as may be required by the Planning Board's Engineer, to adequately define the proposed drainage facilities.
 6. Location of the following, unless waived by the Board: street paving, sidewalks, street lighting standards, curbs or gutters, and fire alarm boxes.
 7. Scales shall be horizontal one (1) inch equals forty (40) feet, vertical one (1) inch equals four (4) feet.
 8. Elevations shall refer to NGVD system and all bench marks used shall be clearly labeled and/or noted.
 9. A copy of the drainage calculations and watershed areas shall be provided, and traverse notes shall be furnished if requested.
- o.) A locus plan of the subdivision showing relationship of the subdivision to the surrounding area, at one (1) inch equals 1,000 feet scale.
 - p.) Typical cross section at one (1) inch equals four (4) feet scale shall be shown for each type of road and drainage system within the subdivision, and for any open waterways. The Board may require additional cross sections to better describe existing and proposed conditions. Typical cross sections should indicate pavement cross slopes, pavement elements, and pavement element depths.
 - q.) A minimum of one (1) deep test and one (1) percolation test are required at the location of leaching structures determined by the Planning Board's engineer prior to approval of the Definitive Plan by the Board. Additional tests and/or sieve analysis may be required by the Planning Board's engineer. Wherever groundwater is encountered, the USGS method shall be used as a tool to estimate probable high groundwater levels.
 - r.) A plan showing the location of all easements for water main installation shall be submitted to the Water Department for their approval.
 - s.) Other information required for the preliminary subdivision plan but not listed in this section.
 - t.) The plan must contain within a defined block (tombstone) the following language: "This plan is subject to a covenant and agreement filed with the Registry of Deeds".
 - u.) In order to reduce the amount of top soil erosion that occurs when land is disturbed during development and to reduce the resultant pollution of streams, natural drainage ways and other water courses, the Planning Board may require a developer to submit a "Sediment Control Plan". Such a plan would describe sediment control methods, including berms, dikes, detention ponds, mulching,

and temporary sodding to be used depending on the size of the development, topography, soils type and the amount of soil area to be disturbed, insofar as the construction of ways and services are concerned.

- v.) All definitive plans, including plan and profile, and topographic sheets, must be legible, with the sheets submitted being dark line ozalid prints on a white background. Illegible and alternative types of prints will not be accepted.
- w.) The plan shall be tied into a minimum of two (2) monuments of the Town's monumentation grid, based on North American Datum of 1983 (N.A.D.`83) and shall be coordinated on N.A.D.`83.

3.4.3 Board of Health Review. At the time of filing of the Definitive Plan, the applicant shall also file a copy with the Board of Health. The Board of Health shall, within 45 days after filing of the Plan, report to the Planning Board, in writing, the approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown in such plan 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. Any approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which such specific findings were made shall not be built upon without prior consent of the Board of Health. The Board shall endorse on the plan such conditions, specifying the lots or land to which said conditions apply.

3.4.4 Public Hearing. Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement at the expense of the applicant in a newspaper of general circulation in the Town of Yarmouth, once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land included in such plan as appearing on the most recent tax list.

3.4.5 Performance Guarantee. Before the Board endorses its approval of a Definitive Plan of a subdivision, the subdivider shall agree to complete the required improvements specified in Section V, such construction and installation to be secured by one (1), or in part by one (1) and in part by another, of the following methods, which may be selected and from time to time be varied by the applicant. Letters of credit will not be accepted as security to guarantee completion of improvements:

- a.) Approval with Bonds or Surety. The subdivider shall either file a performance bond or deposit money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under Section 3.4.5 (b.). Such bond or security shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer and shall be contingent on the completion of such improvements within two (2) years

of the date of the bond. The Board will deposit all bonds or security into the custody of the Town Treasurer. No bond or security shall be released, modified, or substituted by the Town Treasurer without written approval of the Board.

- b.) Approval with Covenant. Alternatively, the subdivider shall file a covenant (Form F), approved as to form by Town Counsel, executed and duly recorded at the Barnstable County Registry of Deeds by the owner of record, running with the land, whereby such ways and services are specified in Sec. V, not covered by bond or deposit under Sec. 3.4.5 (a.) shall be provided so that no lot in the subdivision shall be sold or built upon until the Planning Board certifies that the ways and the municipal services serving such lot have been satisfactorily constructed and/or installed. Copies of covenants shall be returned to the Planning Board following recording or registration.
- c.) References. Any covenant given under the preceding paragraph and any condition required by the Board of Health shall be either inscribed on the plan or contained in a separate document referred to on the plan and recorded or registered with the plan at the Barnstable County Registry of Deeds.
- d.) Release from Surety or Covenant. Following full or partial completion of the improvements required under Section V, security may be either fully or partially released by the Board as provided for in Sec. 81-U, Ch. 41, M.G.L. Partial release shall be granted only if the released portion provides a reasonable system for circulation and utilities pending completion of the unreleased portion, and upon payment of a partial release fee of \$150.00 per lot. A fee of \$200.00 shall be charged for re-release of one or more lots.
- e.) Approval with a Mortgage Agreement. Following 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 subdivider by the lender, the Board may, at its option, release lots from the operation of the covenant given pursuant to paragraph b above, without receipt of a bond or deposit of money, upon delivery to the Board of an agreement with said Board, which shall be executed by the subdivider and the lender and shall provide for retention by the lender of sufficient funds otherwise due the subdivider to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursement which may be made to the applicant upon completion of various steps of the work, and shall further provide that in the event the work is not completed within the time set forth by the subdivider, any funds remaining undisbursed shall be available to the Town of Yarmouth for completion of the unfinished work and correction of deficiencies.

3.4.6 Approval, Modification, or Disapproval. When a preliminary Plan has been acted on by the Planning Board, or at least 45 days has elapsed since a Preliminary Plan was submitted, the Planning Board shall act on a Definitive Plan within 90 days of the submission of such plan. When no Preliminary Plan has been submitted, the Planning Board shall act on a Definitive Plan within 135 days of its submission. The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the

Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan 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 of the Board that no appeal has been filed.

- a.) Following signing of the Plan by the Board, the applicant shall provide the Board with a reproducible copy and two (2) contact prints of the plan for its files and the Board shall supply the applicant with a completed Form E.
- b.) Approval of the Definitive Plan or release of security does not constitute the laying out or acceptance by the town of streets within a subdivision.

3.4.7 Rescission. Failure of the developer to record the Definitive Plan within six (6) months of its endorsement, or to comply with the construction schedule of the performance agreement (Form F - Covenant or Form I - Performance Bond), shall constitute sufficient reason for the rescission of such approval, in accordance with the requirements of Section 81-W, Chapter 41, M.G.L.

3.4.8 Automatic Rescission. The following wording shall be included in or upon the first sheet of the definitive plan, the covenant, and the vote of the Planning Board approving the subdivision with any conditions:

The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable rules and regulations of the Planning Board within eight (8) years from the date of definitive plan approval. Failure to so complete shall automatically rescind approval of the plan.

3.4.9 Rescission by Request. Petitions for rescission of any subdivision, in part or whole, will be processed in accordance with M.G.L. Ch. 41, section 81W. Petitions must be accompanied by a completed Form E, a rescission plan and an application fee of \$350.00 plus \$75.00 per lot for each lot in excess of three (3) if the rescission is no more than 2 years from the date of endorsement of the approved plan or \$600 plus \$275 per lot if the rescission is more than 2 years from the date of endorsement of the approved plan. Any rescission application will be processed in the same manner as a definitive subdivision plan application. Rescission plans must meet all of the standards and requirements of a definitive subdivision plan.

IV. DESIGN STANDARDS

4.1 General.

4.1.1 The subdivision shall be so designed as to protect the safety, convenience, and welfare of the occupants of the subdivision and the Town of Yarmouth, through reasonable precautions against possible natural disasters, provisions for traffic safety and convenience, assurance of adequate sanitary conditions, and consideration of amenities. Proposed subdivisions shall conform to overall development plans which may be adopted by the Planning Board, and shall adhere to the principles of sound planning and good engineering.

4.1.2 No land shall be subdivided if it is of such a character that it cannot be used for building purposes without danger to health, or without violation of Building or Health codes.

4.2 Streets.

4.2.1 Location and Alignment.

- a.) All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain maximum livability and amenity of the subdivision.
- b.) Provision, satisfactory to the Board, shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- c.) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips are in the public interest.
- d.) Street jogs with centerline offsets of less than 150 feet should be avoided.
- e.) Street and open space configuration shall be designed to minimize the number of lots having frontage exclusively on collector streets.
- f.) The minimum centerline radii of curved streets shall be not less than the following:

Lane	125 feet
Minor Streets	250 feet
Collector Streets	500 feet
- g.) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees.
- h.) Any group of 40 or more lots shall have two means of egress.

- i.) Property lines at street intersections shall be rounded or cut back to provide for a radius at the edge of traveled way of not less than 50 feet at intersections with a collector street and 40 feet for intersections involving only minor streets or lanes.
- j.) Street intersections on Willow Street, Buck Island Road, Higgins Crowell Road, Old Town House Road, Route 6A, Station Avenue, Union Street, and Whites Path shall be spaced not less than 400 feet apart.
- k.) There shall be access to each lot via streets and portions of streets no part of which shall be less than five (5) feet elevation above mean high water.
- l.) Acceleration and deceleration lanes may be required by the Board where access and safety are of concern.

4.2.2 Width.

- a.) The minimum width of street rights-of-way shall be:

Lane	- 40 feet
Minor Street	- 40 feet
Collector Street	- 50 feet

Greater width shall be required by the Board when deemed necessary for present and future vehicular travel.

4.2.3 Grade.

- a.) Grades of streets shall be not less than one percent (1.0%). Grades shall not be more than six percent (6.0%) for collector streets and eight percent (8.0%) for minor streets and lanes. Where unusual topographic situations exist, the Planning Board may permit a maximum grade of ten percent (10.0%) for minor streets and twelve (12.0%) for lanes.
- b.) On any collector street where the grade exceeds six percent (6.0%) on the approach to an intersection, a leveling area with a slope of less than two percent (2.0%) shall be provided for a distance of not less than 100 feet measured from the nearest exterior line of the intersecting street. On any minor street or lane where the grade exceeds six percent (6.0%) on the approach to an intersection, a leveling area with a slope of less than two percent (2.0%) shall be provided for a distance of not less than 50 feet measured from the nearest exterior line of the intersecting street.

- c.) Vertical curves are required whenever the algebraic difference in grade between centerline tangents is one percent (1.0%) or more.
- d.) There shall be a minus grade for at least ten (10) feet at all intersections with existing streets.
- e.) Street centerline profile shall at no point be less than three (3) feet above the grade of adjacent wetlands or marsh.

4.2.4 Sight Distances. Forward sight distances shall be not less than 100 feet on lanes, 150 feet on minor streets, or 450 feet on collector streets.

4.2.5 Cross Section. Grading and location of pavements and utilities shall be as indicated on the Typical Street Cross Section (see Appendix).

4.2.6 Dead-end Streets.

- a.) Dead-end streets shall not be longer than 800 feet.
- b.) Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 80 feet, and a property line diameter of at least 100 feet. Temporary turn-arounds shall be graded as if permanent.

4.3 Easements.

4.3.1 Easements for drainage and utilities across lots or centered on rear or side lot lines shall be provided where necessary, and shall be at least twenty (20) feet wide. Drainage easements shall be large enough to accommodate 100% reserve capacity (i.e., total easement to be twice as large as minimum design).

4.3.2 Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water or drainage easement of a minimum width of twenty (20) feet to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

4.3.3 Drainage easements outside of the area of the subdivision, but occasioned by it, may be required of the subdivider.

4.3.4 Slope easements shall be provided where cut or fill slopes cannot be contained within the street right-of-way.

4.3.5 Easements shall be submitted to the Planning Board for review prior to the public hearing. Any filing fees shall be paid by the applicant.

4.4 Drainage.

4.4.1 Storm drains, culverts, and related facilities shall be designed to permit the unimpeded flow of all natural water courses, to ensure adequate drainage of all low points along streets, to control erosion, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained. To the maximum extent feasible, stormwater shall be recharged rather than piped to surface waters. Existing natural low areas shall be used for stormwater recharge wherever possible. These low areas shall be left natural, shown on the Definitive Plan, and shall be shown as a separate lot or a no fill drainage easement.

4.4.2 Storm sewers and leaching basins shall be based on a 25 year frequency storm, and culverts shall be based on a 50 year frequency storm, and on coastal flooding to five (5) feet above mean high water, and shall employ tide gates, back-flow valves, or other devices as necessary to avoid damage from reverse circulation of flood waters.

4.4.3 Design shall be based upon the Rational Method or other acceptable method. Water velocities shall be between two (2) and ten (10) feet per second. The co-efficient of run-off shall be not less than 0.3 for subdivided areas. All developable land tributary to facilities being designed shall be assumed to be subdivided. Leaching basins or a catch basin to man-hole system of drainage is required, with no storm sewers of less than twelve (12) inch inside diameter, and with catch basins at all low points and sags, near the corners of the roadway at intersecting streets, and at intervals of not more than 350 feet on continuous grades. Where used, leaching basins shall be cross-connected with twelve (12) inch pipe. Manholes for clean-out access must be placed at any change in vertical or horizontal direction of piping. The bottom of all drainage systems shall be at least one (1) foot above the probable (or observed) maximum high groundwater level. See Appendix for detailed description of Rational Method.

4.4.4 Only solid catch basins are to be placed within the road layout. All leaching (basins, trenches, etc.) shall be placed outside the road layout in either drainage easements or drainage lots.

4.5 Water Supply and Sanitary Disposal.

4.5.1 Adequacy of Water Supply. No Definitive Plan shall be approved by the Planning Board unless all lots are to be served by a public water supply. Dead-end water mains are to be avoided wherever possible.

4.5.2 Provision of Sanitary Disposal. No Definitive Plan shall be approved by the Planning Board if its sanitary disposal arrangements have been disapproved by the Board of Health, and no plan shall be approved unless each building lot in the subdivision is to be served by a sanitary disposal system not subject to inundation in the event of coastal flooding to five (5) feet elevation above mean high water. For the purpose of providing information to buyers of lots and other interested persons, a Definitive Plan shall not be approved unless the following note is endorsed on the plan:

No dwelling or unit shall be build on any lot without first securing, from the Health

Department, the Disposal Works Construction Permit required for the installation of a subsurface sewage system.

4.6 Other Requirements.

4.6.1 Open Spaces. Before approval of a plan by the Planning Board, the Board may require that the plan show a park or parks suitably located for playground or recreational purposes or for providing light and air and not unreasonable in area in relation to the area of the land being subdivided and the prospective uses of the land proposed. If determined as necessary and desirable, the Planning Board shall by appropriate endorsement on the plan, require that no building may be erected on such park or parks for a period of not more than three (3) years without its approval. Such reservation shall be made where particular natural features, abutting public land, or the potential neighborhood need for recreation space make later public acquisition appear desirable, but in no event shall required reserved areas exceed five percent (5%) of the total area of the subdivision.

4.6.2 Protection of Natural Features. Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, bogs, swamps, cedar swamps, natural drainage areas, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

4.6.3 Written Approvals. No Definitive Plan will be approved unless the developer submits written certification of approval of the design by all utilities to provide services within the subdivision.

4.6.4 Pedestrian Circulation. Four (4) foot sidewalks are required on residential collector streets and any other streets whenever, in the opinion of the Planning Board, they are necessary.

V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

5.1 Preparation and Surfacing of Roadway.

5.1.1 The entire width of the right-of-way shall be cleared of all stumps, brush, roots, boulders, trees, and like material, not intended for preservation. All such materials shall be disposed of outside of the subdivision, unless authorized or required by the Board. As an example, the Board may require that all trees and brush be chipped and used, either on or off site.

5.1.2 All materials not suitable for the road foundation shall be removed from an area ten (10) feet wider than the paved width (five [5] feet each shoulder), and to a depth of at least nine (9) inches below finish grade. Peat, silt, loam or similar yielding materials shall be removed to a firm foundation for the full width of the right-of-way. No loam suitable for reuse shall be removed from the subdivision unless adequate loam will remain or is otherwise assured to provide all disturbed areas within the subdivision with a loam depth of at least four (4) inches, and also there is assurance that all streets from which loam is being removed will be brought to sub-grade with approved foundation materials within six (6) months.

5.1.3 No slopes resulting from grading of streets shall exceed one (1) foot vertical to three (3) feet horizontal in fill, one (1) foot vertical to two (2) feet horizontal in cut, or one (1) foot to three quarters (3/4) of a foot in ledge. The Planning Board may require flatter slopes if safety is considered to be an overriding concern. Slope easements or retaining walls shall be employed where slopes cannot be contained within street sidelines. Land between the outside of the layout and the street pavement, and driveway entrances, shall be so graded as to prevent surface water on the street from draining onto private land except as designed ponding areas.

5.1.4 Traveled ways and shoulders shall be provided with a foundation consisting of at least twelve (12) inches compacted thickness of processed gravel, or an alternative equivalent base as approved by the Planning Board's engineer. The gravel shall meet MA DPW Standard Specification M1.03.1 for processed gravel. All fill material which may be required within the roadway shall be of clean sand or gravel, and shall be placed in lifts not to exceed six (6) inches, and compacted to 95% of the maximum density as determined by the modified Proctor Test in accordance with ASTM D - 1557 Method D. The processed gravel shall be installed using the MA DPW Standard Specifications outlined in Section 401 and 402, respectively. The owner shall supply the Board with a report from a qualified materials testing engineer on samples of materials used and certification of property compaction.

5.1.5 The pavement shall be paved in two courses of Class1 bituminous concrete. The pavement shall be placed with a two and one half (2-1/2) inch binder course and a one and one half (1-1/2) inch top course for collector streets, and a two (2) inch binder course and a one (1) inch top course for lanes and minor streets. The job mix formula shall meet the MAP DPW Standard Specifications M3.11.03 for binder and top courses. The construction methods shall meet MA DPW Standard Specification Section 460, except where amended herein. The owner shall supply the Board a report from a

qualified materials testing engineer on samples of materials used and certification of proper compaction. No pavement work shall be done during rainy weather, upon saturated surfaces, where water is standing, where the temperature is lower than 40 degrees Fahrenheit, or where frost is in the ground.

5.1.6 The pavement width, exclusive of curbing or berms, shall be as follows:

Lane	– 20 feet
Minor Street	– 22 feet
Collector Street	– 26 feet

Pavement shall be centered within the right of way.

5.2 Berms.

Machined bituminous berms shall be placed on all roads and shall be as shown in "Typical Street Cross Section" located at the end of this document. The Board may waive this requirement at their discretion.

5.3 Sidewalks.

5.3.1 Preparation of the base shall be accomplished by removing material to a depth of at least six and one half (6-1/2) inches below finished designed grade. Any further soft spots shall be removed, and the excavated area filled with gravel or hardening to sub-grade two and one half (2-1/2) inches below finished grade. The sidewalks shall slope towards the street with a slope of one quarter (1/4) inch per foot.

5.3.2 Surfacing shall continue the paving material of connecting sidewalks, or, where they do not exist, shall be either a two-course two and one half (2-1/2) inch type I-1 bituminous concrete pavement with a minimum of two and one half (2-1/2) inches of pea stone or washed stone for walk foundation material, or other paving material specifically approved by the Board. Sidewalks shall be finished to the width of four (4) feet.

5.4 Utilities.

5.4.1 Water System.

- a.) A complete water system, including all appurtenances, shall be installed consistent with the specifications and requirements of the Water Department.
- b.) Before making connection to the municipal water system, the developer shall agree to comply with all appropriate regulations of the Water Department.

5.4.2 Storm Drainage System. A complete storm drainage system shall be installed as shown on the Street Plans and Profiles, as follows:

- a.) Piping shall be concrete unless protected corrugated aluminum is approved by

the Board. Piping with less than 36 inches cover shall be reinforced concrete.

- b.) Catch basins, manholes, and leaching basins shall be at least six (6) feet deep and five and one half (5-1/2) feet diameter (inside measurements), except where depth to groundwater dictates the use of shorter structures. They shall be constructed of pre-cast concrete units. Leaching basins shall be backfilled with one and one half (1-1/2) inch washed stone surround the basin for two (2) feet (up to a maximum of four (4) feet) to within four (4) inches of the top. The remainder is to be backfilled with pea-stone and covered with four (4) mil poly or equal. All pipe and frame connections to basins shall be mortared. Chimney heights shall not exceed two (2) feet. Basins shall be placed at the end of all leaching trenches for venting and clean out purposes. All leaching pipe in leaching trenches shall be one (1) inch x four (4) inch slots in the locations required by the Planning Board's engineer. Manholes for cleanout access must be placed at any change in vertical or horizontal direction of piping.
- c.) The Board may require that open brooks or tributary ditches shall be shaped to a cross section and gradient, and provided with stream bottom hardening, all acceptable to the Town Engineer.
- d.) Open ends of culverts and storm drains shall have masonry, rip rap, or concrete headwalls.

5.4.3 Underground Wiring. All wiring, cables, and other appurtenances of electric power, telephone, fire alarm systems, cable TV and any other cable distribution systems, shall be placed underground within the limits of the street right-of-way, except where such underground installation would, in the judgment of the Planning Board, cause undue hardship by reason of topography, subsoil conditions, or other site peculiarities, or by reason of the existing development pattern. All underground wiring cables shall be not less than 30 inches below finish grade.

5.4.4 Utility Locations. Fire Hydrants shall be located as close as possible to the outside of the right-of-way. Water mains shall be located on the side and in the location selected by the Water Department, gas mains three (3) feet in from the same edge of the right-of-way, and telephone, electricity, and any other communications cables located in a single trench six (6) feet in from the opposite edge of the right-of-way.

5.4.5 Utility Road Crossing. There is to be no cutting of existing pavement and all utilities are to be sleeved or pushed. Exceptions will be granted where existing utilities are under existing roadways.

5.5 Other Requirements.

5.5.1 Monuments. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent monuments are necessary, but in any event not spaced further than 500 feet apart. Such monuments shall be of either granite or concrete, not less than 30 inches long and five (5) inches square, with dressed top and a one half (1/2)

inch drill hole in the center, and shall be set to finish grade.

No permanent monuments shall be installed until all construction which would destroy or disturb their location is completed.

5.5.2 Street Signs. Street signs of a design and material acceptable to the Town Highway Department shall be installed for each street at each intersection.

5.5.3 Guard-Rail. Highway guard-rail, guard-fence, or guard- posts shall be constructed where there is a drop of four (4) feet or more within 20 feet of the road pavement, and in other situations where required by the Board as a safety protection. Construction of such protective devices shall be in accordance with Massachusetts Department of Public Works Standard Specifications 601 for highway guard type C2C, or an alternative system of comparable safety approved by the Board.

5.5.4 Fire Alarm System. When required, a fire alarm system including underground cables and boxes shall be installed within the limits of the subdivision and into the notification system of the Yarmouth Fire Department. One (1) fire alarm box shall be provided for each 1,000 feet of way within the subdivision, or fraction thereof. Construction shall conform to specifications of the Yarmouth Fire Department.

5.5.5 Planting. Existing trees which, in the opinion of the Board, are suitable for street trees shall be preserved, and where such are inadequate, shade trees satisfactory to the Board and having a trunk diameter of at least two (2) inches shall be planted just outside of the right-of-way, usually to be paced not more than 40 feet apart. Trees to be retained within required front yard areas shall not have the grade over their root areas changed more than six (6) inches except with the explicit approval of the Tree Warden. All unpaved areas within the layout lines shall be surfaced with not less than four (4) inches of topsoil, seeded with "Contractor's Mix" and rolled to the satisfaction of the Board.

5.5.6 Cleaning Up. Before sale of a lot, the subdivider shall clean up any debris thereon caused by street construction and installation of utilities. All areas within the street lines destroyed or altered in construction operations shall be restored to vegetation. All drainage systems shall be cleaned after street construction is complete.

5.5.7 Fee to Streets. The following shall be observed unless waived by the Planning Board for subdivisions where the public interest is served by retention of private ways and means of assuring such retention have been agreed upon. The subdivider shall retain title to the fee of each street, road, way, or walkway in the subdivision until conveyed to the Town or for not more than three (3) years, whichever is the lesser. The subdivider shall convey to the Town said fee without encumbrance and for nominal consideration upon layout of the street by the Selectmen. The developer shall also convey to the Town any easement right within or appurtenant to the subdivision for a nominal consideration upon request by the Selectmen. Notation that this is to be done shall be placed upon the Definitive Plan.

5.5.8 As-Built Plans. Upon completion of construction, and before release of the

performance guarantee, the subdivider shall have prepared and submit As-Built Plans at one (1) inch equals 40 feet on 24 inch x 36 inch sheets, which in addition to identification (subdivision name, file number, legend, north arrow, lot numbers, owner, date), shall indicate the actual location of the following:

- a.) Street lines.
- b.) Edge of traveled way, and sidewalk locations.
- c.) All permanent monuments.
- d.) Roadway and drainage cross-sections.
- e.) All drainage and other easements.
- f.) Roadway centerline elevations.
- g.) Drainage facility locations, as well as:
 - 1. basin elevations (rim, invert(s), top of pre-cast structure).
 - 2. structure types and sizes.
 - 3. lengths, types and sizes of all pipes.
 - 4. widths, lengths and depths of drainage trenches.
 - 5. Locations and elevations of all buried drainage systems.
- h.) Location of water mains, gate valves and hydrants.
- i.) Location of gas mains and gates.
- j.) Location of electric underground lines/transformers/junctions.
- k.) Location of other utilities (e.g., telephone, cablevision).
- l.) The plan shall be tied into a minimum of two (2) monuments of the Town's monumentation grid, based on North American Datum of 1983 (N.A.D.`83) and shall be coordinated on N.A.D.`83.

The accuracy of such As-Built Plans shall be certified by the subdivider's registered professional land surveyor and registered professional engineer. An index sheet (with locus) shall be provided when more than one (1) as-built plan is provided.

The applicant will provide a copy of the As-Built Plan in an Arc/Info, DXF, or AutoCAD digital computer format or in a format acceptable to the Town Engineer.

VI. ADMINISTRATION

6.1 Schedule of Work.

6.1.1 The work connected with the items mentioned in Sec. V shall proceed in the following order, each item to be accomplished so as not to interfere with previous work.

- a.) The roadway, shoulders, and slopes shall be brought to subgrade.
- b.) Installation of water, gas lines, cable, and other utilities. Drainage systems to be staked prior to utility installations so that the utilities can bend around the basins.
- c.) Drainage systems shall be installed and mortared as necessary.
- d.) Base gravel shall be placed.
- e.) Surfacing shall be placed with sidewalks and curbs.
- f.) Shoulders, slopes, and other disturbed areas to be loamed and seeded.
- g.) Monuments and street signs shall be placed, and site cleaned-up.
- h.) As-built plans shall be prepared by the subdivider's registered professional engineer and registered professional land surveyor.

6.1.2 The work shall proceed as above with exceptions only by order of the Planning Board's Engineer.

6.1.3 The Planning Board's engineer and the subdivider's engineer and surveyor shall inspect all work done on the sub-grade, surfacing and drainage, including trenches, before placing of drains. Trenches shall not be back-filled before inspection.

6.1.4 No less than 48 hours before any of the work outlined in Sec. 6.1.1 is started, the Planning Board's engineer and the subdivider's engineer and surveyor must be notified. The subdivider shall have received written authorization to proceed from the Planning Board's engineer at least 48 hours before any work is commenced.

6.1.5 The Planning Board may require the owner's qualified engineer to inspect, provide testing, and certify to any and all phases of construction.

6.2 Variation.

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

6.3 One Dwelling Per Lot.

Not more than one (1) building designed or available for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere within the Town without the consent of the Planning Board, which shall be granted only for structures in compliance with zoning restrictions, and only upon the Board finding that adequate ways and utilities servicing such site for such building have been provided in the same manner as otherwise required for lots within a subdivision.

6.4 Reference.

For matters not covered by these rules and regulations, reference is made to M.G.L., Ch. 41, Sec. 81-K to 81-GG, inclusive.

VII. FLOOD INSURANCE REGULATIONS

The Planning Board shall review subdivision proposals and other proposed new developments to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed in insure that the requirements of this Section have been met.

7.1 Definitions.

7.1.1 Base Flood Elevation. Base flood elevation refers to the reach of the 100 year (1% annual chance) flood level as determined and designated by the Federal Emergency Management Agency (FEMA). The respective flood elevations delineating flood hazard zones are designated within the Town of Yarmouth on the Barnstable County Flood Insurance Rate Maps.

7.2 Design Standards.

7.2.1 Drainage-design criteria. Storm drainage systems shall also be based upon coastal flooding to base flood elevations, and shall employ tide gates, back-flow valves, or other devices as necessary to avoid damage from reverse circulation of flood waters.

7.2.2 Water Supply and Sanitary Disposal. No Definitive Plan shall be approved by the Planning Board unless each lot therein falling within A & V Zones, as designated by FEMA, will be served by water and sanitary disposal systems certified by the Board of Health to be so designed as to neither be impaired by, nor contribute to, contamination in the event of flooding to base elevations.

7.2.3 Public Utilities. All public utility systems, including power, communications and gas, shall be designed to minimize or eliminate system interruption or damage in the event of flooding to base flood elevation.

7.2.4 All subdivision proposals must be designed to assure that adequate drainage is provided to reduce exposure to flood hazards.

7.3 Definitive Plan Contents.

7.3.1 All subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres shall include base flood elevation data for any portion of the parcel being subdivided which lies within the area designated as subject to the 100 year flood.

APPENDIX

DESIGN & CONSTRUCTION STANDARDS

SUBDIVISION FLOW CHART

SCHEDULE OF WRITTEN NOTICES AND ACTIONS

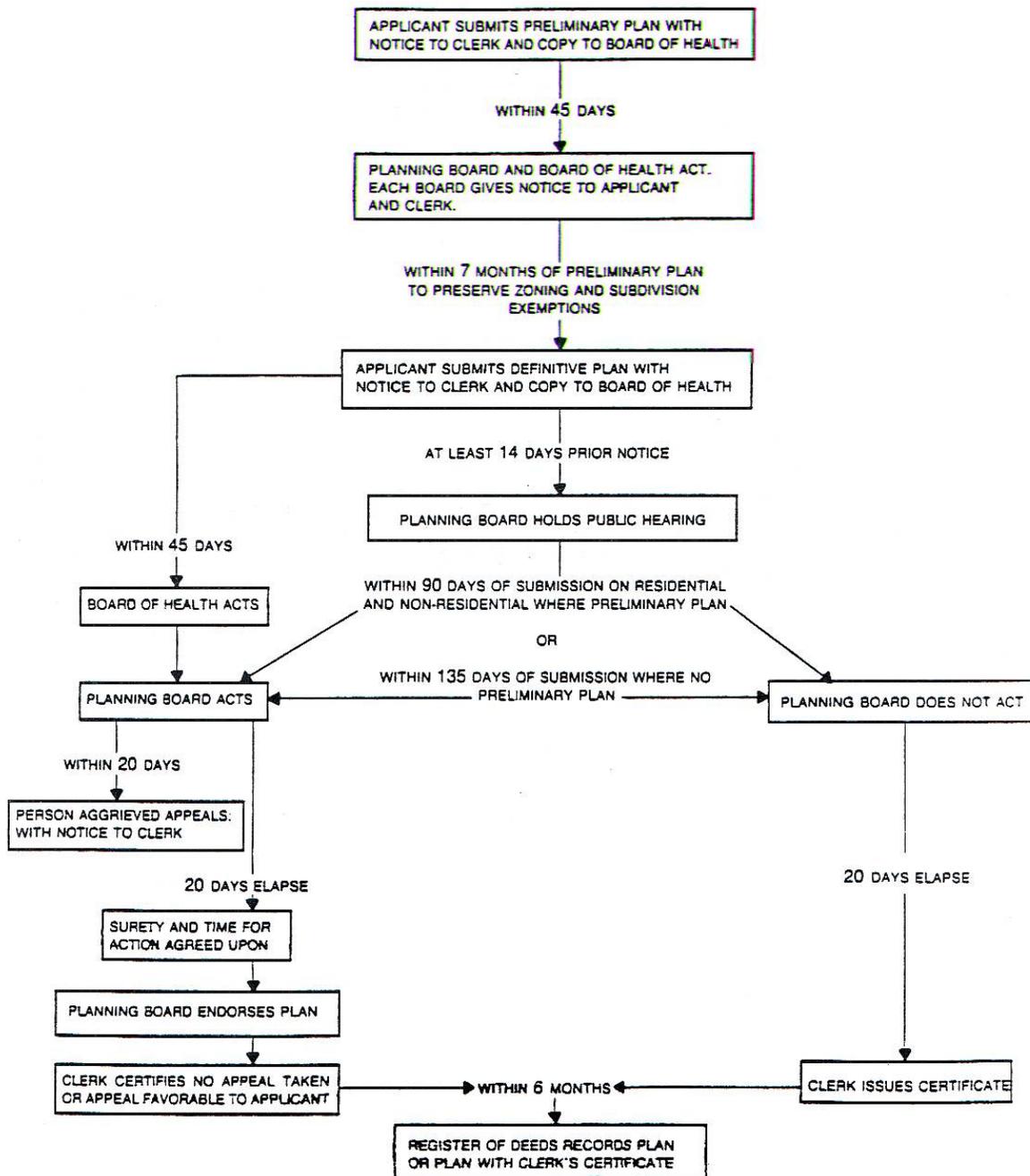
PROCEDURES FOR THE NUMBERING OF
BUILDINGS & NAMING OF STREETS

DRAINAGE FORMULA

RAINFALL INTENSITY CURVES

APPLICATION FORMS

Subdivision Approval Process



SCHEDULE OF KEY WRITTEN NOTICES OF ACTION ON SUBDIVISIONS – G.L. CHAPTER 41

A GUIDE ONLY – REFER TO CHAPTER 41 FOR SPECIFIC DETAILS

ITEM	REQUIRED OF THE APPLICANT	REQUIRED OF THE PLANNING BOARD	TIME LIMIT
Plans believed not to require approval (s.81-P)	Submit plan, copies and application; notify Town Clerk of submittal	Endorse and return plan or, if endorsement is refused, give written notice that the plan requires approval to Town Clerk and applicant by certified mail.	Within 21 days of submission. No action, plan deemed approved.
Preliminary subdivision	Residential – optional; non-residential – mandatory. Submit plan, copies and application to Board of Health; notify Town Clerk	Notify Town Clerk in writing and applicant by certified mail of approval with without modifications or disapproval and the reasons therefor.	Within 45 days of submission.
Definitive subdivision	Notify Town Clerk by cert. mail or by delivery of submission to Planning Board and Board of Health	Hold Public Hearing (s. 81-T). Notify Town Clerk and applicant by certified mail of approval with or without modifications or disapproval and list specific reasons therefor.	After health board report or 45 days but within 135 res./no prelim; 909 days/non-res.
Bond or other performance security	Furnish bond, passbook, check other security or lender's agreement, specify completion time	Accept completion time, execute agreement for the release of lots in a form suitable for recording; specify amount of security based on construction costs plus inflation.	Within 20 days of approval or upon request to replace covenant.
Covenant	Covenant "given" by the applicant in writing and referred to or inscribed on the plan.	<u>No endorsement of the plan unless either a covenant or an appropriate security given.</u>	Within 20 days of approval or upon request to replace security.
Reduction of security	May request reduction as work progresses.	Must reduce the penal sum of the bond or the amount of security and release the obligations in excess of remaining cost.	None specified.
Extension of time limit for action on a subdivision	Written request by the applicant required.	File with the Town Clerk a notice of extension granted – not to exceed the time requested by the applicant.	Upon request – prior to expiration of time for action.
Completion of ways and services	Statement of completion to Town Clerk by certified mail	a. either release the covenant by a recordable instrument, or b. release interest in security and return it to whoever provided it, or c. notify Town Clerk in writing and applicant by certified mail of specified details not completed in accord with requirements and Planning Board rules.	Within 45 days of submission of statement of completion to Town Clerk.

- Notes: 1. "Submission" = date of mailing to Town Clerk or delivery at Planning Board meeting.
2. "Certified" & "Registered" mail are synonymous.

THE RATIONAL METHOD OF DRAINAGE DESIGN

1. The Rational Method shall be used for all drainage calculations. Drainage calculations, appropriate drawings and watershed area delineations shall be submitted with the application or the Definitive Plan. Other drainage calculation methods may be allowed with the approval of the Town's Engineer.
2. The runoff coefficients (c) to be used are as follows:

<u>Type of Surface</u>	<u>Runoff Coefficient (c)</u>
Cement or Bituminous Concrete, Roof Area	0.9 – 1.0
Gravel	0.4 – 0.6
Bare Earth	0.3 – 0.8
Steep Grass Slopes (2:1 or steeper)	0.5 – 0.7
Turf Meadows (Gentle Slopes)	0.3 – 0.4
Cultivated Fields (Gentle Slopes)	0.3 – 0.4
Forested Areas (Gentle Slopes)	0.3 – 0.4

If variable surfaces exist within an area, the average C value will be determined by the following formula:

$$C \text{ average} = \frac{C^1A^1 + C^2A^2 + C^3A^3 + \dots}{A^1 + A^2 + A^3 + \dots}$$

3. The rainfall intensity (I) shall be determined by using the rainfall intensity curves (included herewith). Starting at the left of the curve, the distance is the greatest measured distance of water runoff from the highest to the lowest elevation. Plot a horizontal line from the appropriate distance to the % slope (% slope is the drop in elevation divided by the distance times 100). From the appropriate % slope, plot a line vertically downward until it intersects the C value curve; then plot a line horizontally and to the right until it intersects the storm frequency curve. Now plot a line vertically downward and read the rainfall intensity in inches per hour. The minimum rainfall intensity (I) value is 3 inches per hour.
4. Calculate the rate of runoff by using the following Rational Method formula:

$$Q = CIA$$

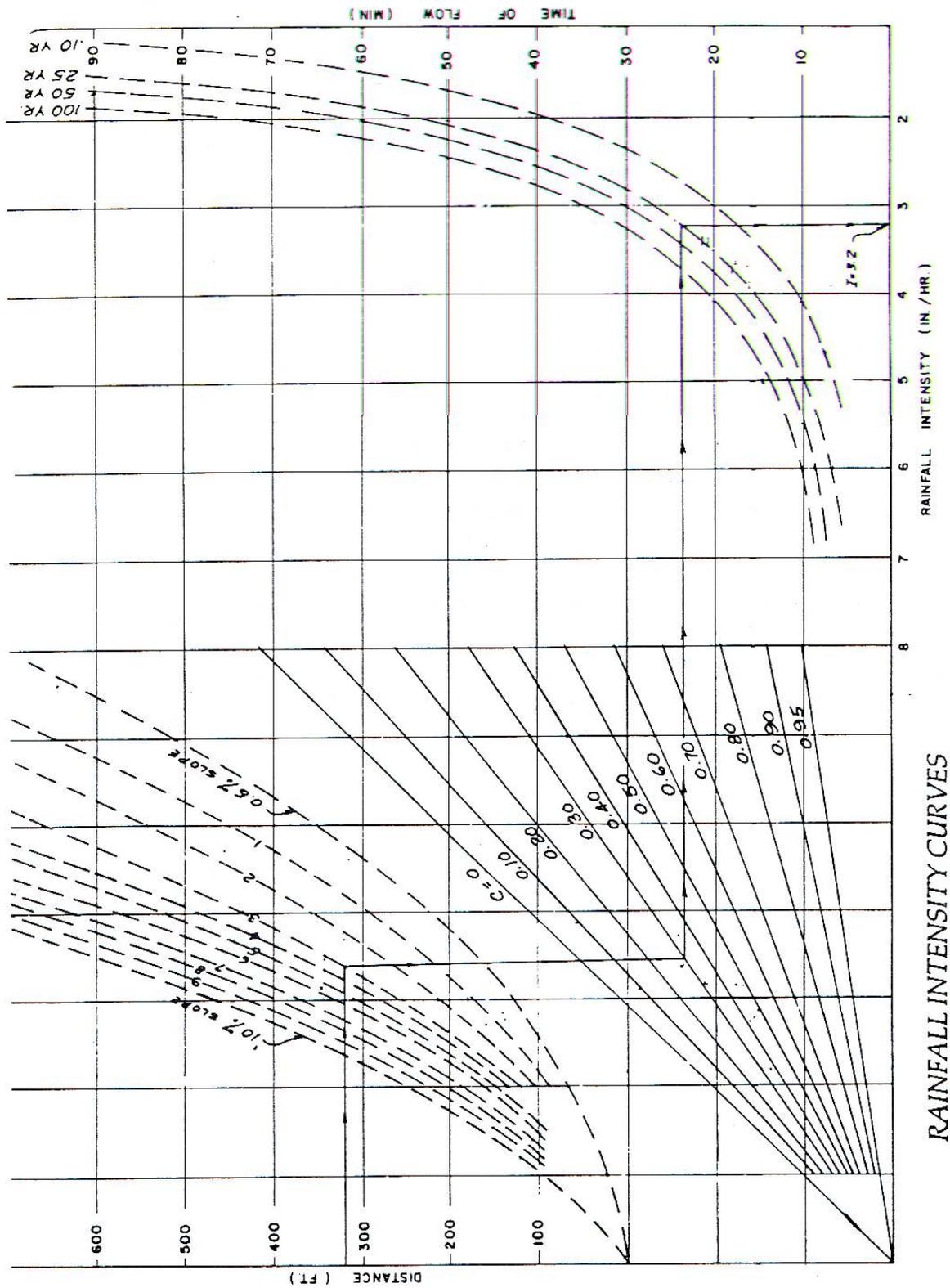
Where Q = Rate of runoff in cubic feet (cf) per second
 C = Runoff Coefficient
 I = Rainfall intensity in inches per hour
 A = Drainage area in acres

Convert Q from cubic feet per second (cf/sec.) to gallons per minute (gal./min.) as follows: Q gal./min. = Q cf/sec. x 60 sec./min. x 7.48 gal./cf

5. The ratio of square feet of leaching provided to Q gal./min. shall not exceed the following:

<u>Soil Percolation Rate</u>	<u>Ratio Q - Leaching Area</u>
Less than 2 min./inch	0.7
2 min./inch to 8 min./inch	0.5
8 min./inch to 12 min./inch	0.2
Greater than 12 min./inch is unsuitable for leaching basin	

6. No accounting for storage and/or leaching during a rainstorm will be allowed.
7. Percolation and deep tests shall be required at the proposed location of each leaching system. More tests may be required by the Town's Engineer.
8. The USGS method shall be used to estimate probable high ground water levels.
9. The bottom of leaching structures must be at least one (1) foot above the estimated probable high groundwater level.



NUMBERING OF BUILDINGS

Chapter 71 of the Town of Yarmouth Bylaws
(Adopted April 7, 1981, Annual Town Meeting Article 16)

71 Legible Number Required

Every building in a public place or private way within the Town of Yarmouth shall be provided with a clear and legible street number placed in such a manner as to be clearly visible from such ways.

71D Determination of Numbers

The Town Engineer shall determine the street numbers to be assigned to all buildings located on public or private ways. (Note - the Town Surveyor is the sole person within the Engineering Dept. designated to assign numbers).

71 - 3 Affixing of Number; Time Limit (Amended 4/11/89)

All street numbers shall be affixed to the front of the buildings within one (1) year of the effective date of this chapter. All new buildings erected or located in the Town must have street numbers affixed by the date of occupancy.

71 - 4 Penalty

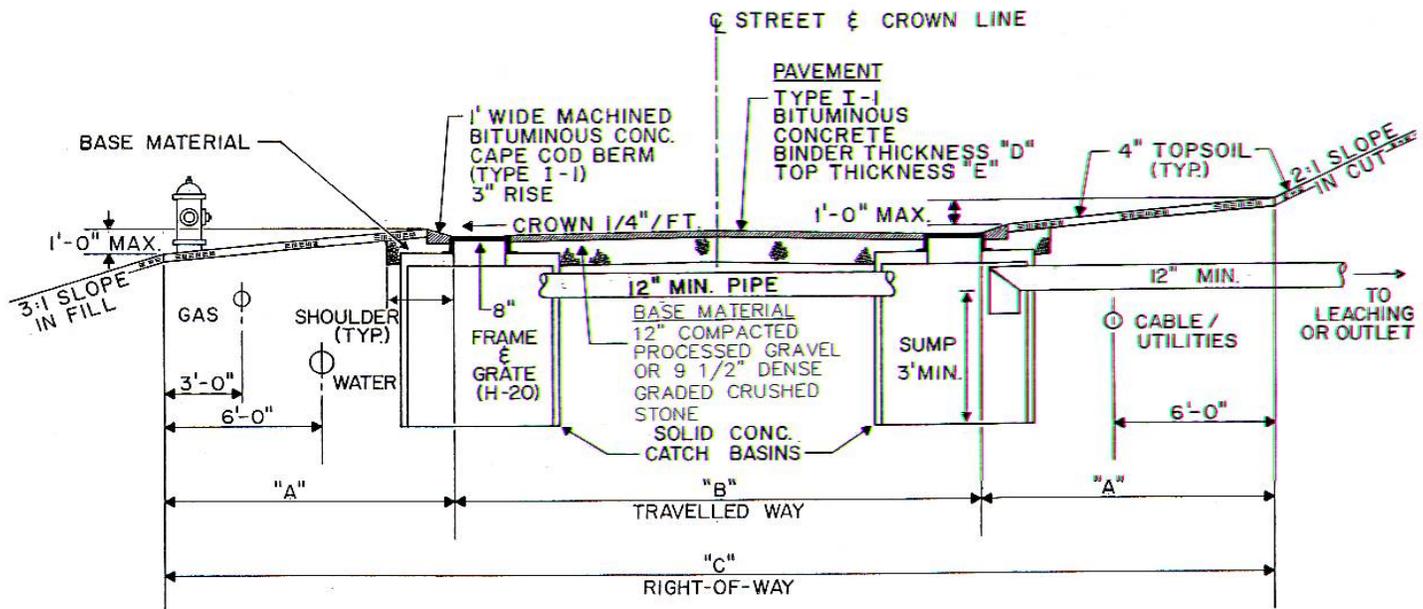
Any person who fails to comply with the provisions of this chapter or who unlawfully removes, defaces or changes a number affixed to a building under this chapter shall be punished by a fine of not more than \$200.00 for each offense.

PROCEDURES UTILIZED IN THE NAMING/RENAMING OF STREETS

1. For new or existing PRIVATE WAYS:
 - a. Planning Board's jurisdiction (by State law).
 - b. Public Hearing is required (by State law).
 - c. Engineering Dept./Fire Dept./Police Dept. unanimous endorsement required (Town policy).

- 2 For existing PUBLIC WAYS:
 - a. Board of Selectmen's jurisdiction (State law).
 - b. Public Hearing to be held (Town policy).
 1. Legal and published minimum of two (2) weeks prior to hearing (Town policy).
 2. Notice of proposed change of name sent to all property owners (Town policy).

For references to appropriate State Law, see Chapter 85, section 3A and 3B of the Massachusetts General Law.

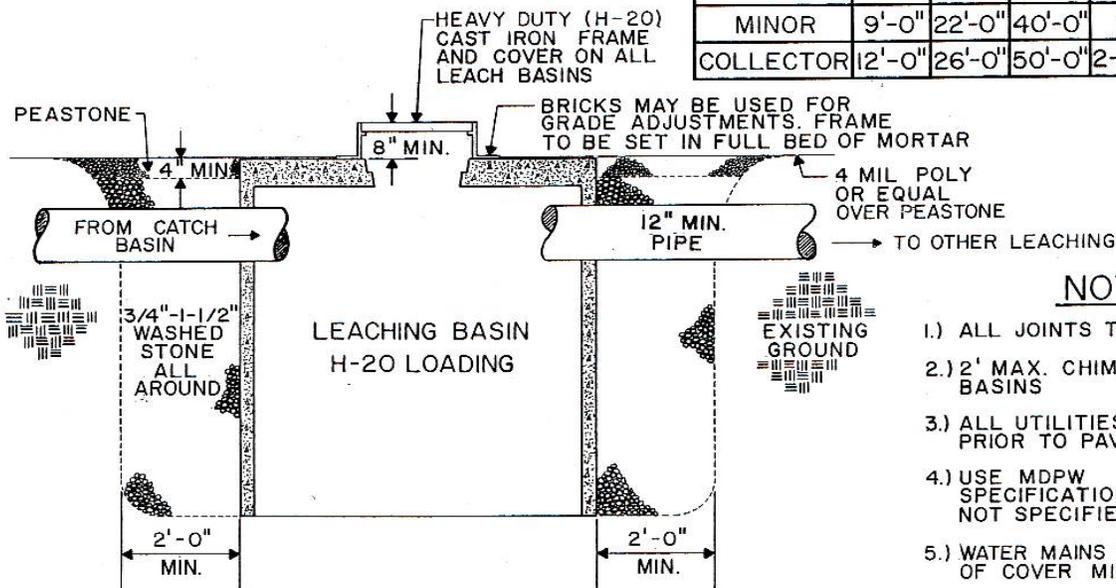


— TYPICAL STREET CROSS SECTION —

N.T.S.

DIMENSION

STREET TYPE	A	B	C	D	E
LANE	10'-0"	20'-0"	40'-0"	2"	1"
MINOR	9'-0"	22'-0"	40'-0"	2"	1"
COLLECTOR	12'-0"	26'-0"	50'-0"	2-1/2"	1-1/2"



— LEACHING BASIN —
DETAIL

N.T.S.

NOTES

- 1.) ALL JOINTS TO BE MORTARED
- 2.) 2' MAX. CHIMNEY HEIGHT ON BASINS
- 3.) ALL UTILITIES TO BE INSTALLED PRIOR TO PAVING
- 4.) USE MDPW STANDARD SPECIFICATIONS FOR ITEMS NOT SPECIFIED HEREIN
- 5.) WATER MAINS TO HAVE 5 FOOT OF COVER MIN.
- 6.) LEACHING BASINS TO BE LOCATED OUTSIDE OF RIGHT-OF-WAY
- 7.) MH FRAMES AND COVERS TO BE SET WITHIN 1' OF FINAL GRADE

**PLANNING BOARD
TOWN OF YARMOUTH, MASSACHUSETTS**

**APPLICATION FOR ENDORSEMENT OF PLAN
APPROVAL NOT REQUIRED**

FORM A

Date: _____

To the Yarmouth Planning Board:

The undersigned, believing the accompanying plan of property in the Town of Yarmouth does not constitute a subdivision within the meaning of the Subdivision Control Law, requests a determination and endorsement by the Planning Board that approval under the Subdivision Control Law is not required.

Deed to the property is recorded in the Barnstable County Registry of Deeds, Book _____, Page _____ or registered in the Barnstable Land Court Certificate of Title _____ as shown on the Town of Yarmouth Assessor's Map number _____, parcel _____.

Owner:

Applicant:

Print name

Print name:

Signature

Signature

Address

Address

Surveyor:

Print name

Registration No.

Address

Continued

Check-list of items to submitted with application:

1. Form A application, in triplicate
2. Application fee of \$100, plus \$10 per lot in excess of 8 lots
3. Original plan and digital file
4. 10 copies of the plan

NOTICE TO APPLICANT

TAKE NOTE. THE FOLLOWING ARE ANR PLAN REQUIREMENTS, AS OUTLINED IN THE PLANNING BOARD RULES & REGULATIONS, SECTION 3.2.3:

1. Show all existing buildings;
2. Show all existing buildings on adjoining land, if owned by the applicant;
3. Show frontage on any remaining adjoining land owned by the applicant;
4. Indicate existing zoning of the parcel, lot area, lot number, and frontage required;
5. Indicate present owner of the land;
6. Indicate the location of any and all easements;
7. Indicate the location of all ways, public or private, and indicate their use;
8. Provide a locus plan showing the relationship of the land to the surrounding area at a scale of 1 inch = 1000 feet;
9. Indicate wetlands;
10. Provide the assessor's Map and Lot number;
11. Provide a note on the plan that states:

“Endorsement is not a determination as to the conformance with zoning regulations.”;

12. If the plan shows a parcel or parcels of land which do not meet the definition of a lot, as outlined in M.G.L., ch. 41, § 81-L, the plan must contain the following note:

“Lot(s) _____ are not lots as defined in M.G.L., ch. 41, § 81-L and is/are not building lot(s), as defined by the Yarmouth Zoning Bylaw.”

**PLANNING BOARD
TOWN OF YARMOUTH, MASSACHUSETTS**

**APPLICATION FOR APPROVAL OF A
PRELIMINARY PLAN**

FORM B

Date: _____

To the Yarmouth Planning Board:

The undersigned, being the applicant, as defined under M.G.L., ch. 41, § 81-L, for approval of a proposed subdivision shown on a plan entitled: _____

by _____
and described as follows: _____

Located _____, number of lots proposed _____, total acreage of tract _____, said applicant hereby submits said plan as a PRELIMINARY subdivision plan in accordance with the Rules and Regulations of the Yarmouth Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____

by deed dated _____, and recorded in the Barnstable District Registry of Deeds Book _____, Page _____, registered in the Barnstable Registry District of the Land Court, Certificate of Title No. _____.

Applicant's signature

Received by the Town Clerk:
Date _____
Time _____
Signature _____

Applicant's address
Applicant's phone # _____

Received by the Board of Health
Date _____
Time _____
Signature _____

Owner's signature and address if not the applicant or applicant's authorization if not the owner

Check-list of items to submitted with application:

1. Form B application, in triplicate
2. Application fee of \$200
3. 15 copies of the plan

**PLANNING BOARD
TOWN OF YARMOUTH, MASSACHUSETTS**

**APPLICATION FOR APPROVAL OF A
DEFINITIVE PLAN**

FORM C

Date: _____

To the Yarmouth Planning Board:

The undersigned, being the applicant, as defined under M.G.L., ch. 41, § 81-L, for approval of a proposed subdivision shown on a plan entitled: _____

by _____
and described as follows: _____

Located _____, number of lots proposed _____, total acreage of tract _____, said applicant hereby submits said plan as a DEFINITIVE subdivision plan in accordance with the Rules and Regulations of the Yarmouth Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____

by deed dated _____, and recorded in the Barnstable District Registry of Deeds Book _____, Page _____, registered in the Barnstable Registry District of the Land Court, Certificate of Title No. _____; and said land is free of encumbrances except for the following: _____.

Said plan has has not evolved from a preliminary plan submitted to the Board on _____ and approved (with modifications) disapproved on _____.

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Received by the Town Clerk:
Date _____
Time _____
Signature _____

Applicant's signature

Received by the Board of Health
Date _____
Time _____
Signature _____

Applicant's address
Applicant's phone # _____

Owner's signature and address if not the applicant or applicant's authorization if not the owner

Check-list of items to be submitted with application:

1. Form C application, in triplicate
2. Application fee of \$300 if no preliminary plan within 6 months. \$250 if a preliminary plan was approved within 6 months of filing a Definitive plan.
3. Original plan and digital file
4. 15 Copies of plan:
5. Engineering drainage calculations and street profiles
6. Abutters list

**PLANNING BOARD
TOWN OF YARMOUTH, MASSACHUSETTS**

**APPLICATION FOR APPROVAL OF
AMENDMENT, MODIFICATION OR RESCISSION OF A SUBDIVISION PLAN**

FORM E-1

Date: _____

To the Yarmouth Planning Board:

The undersigned, being the applicant, as defined under M.G.L., ch. 41, § 81-L, for approval of an AMENDMENT, MODIFICATION OR RESCISSION of a subdivision shown on a plan entitled: _____

by _____

and described as follows: Located _____ number of lots _____, total acreage of tract _____, hereby submits said plan as an AMENDMENT, MODIFICATION OR RESCISSION plan in accordance with the Rules and Regulations of the Yarmouth Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____

by deed dated _____, and recorded in the Barnstable District Registry of Deeds Book _____, Page _____, registered in the Barnstable Registry District of the Land Court, Certificate of Title No. _____; and said land is free of encumbrances except for the following: _____.

The undersigned hereby applies for the approval of said AMENDMENT, MODIFICATION OR RESCISSION of a subdivision plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Received by the Town Clerk:
Date _____
Time _____
Signature _____

Applicant's signature

Received by the Board of Health
Date _____
Time _____
Signature _____

Applicant's address _____
Applicant's phone # _____

Owner's signature and address if not the applicant or applicant's authorization if not the owner

Check-list of items to be submitted with application:

1. Form E-1 application, in triplicate
2. Application fee of \$300
3. Original plan and digital file
4. 15 Copies of plan:
5. Abutters list