



Town of Truro

Rules and Regulations Governing the Subdivision of Land

\$7.00

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

SECTION 1: GENERAL PROVISIONS

1.1 Authority

Under the authority vested in the Planning Board of the Town of Truro (Board) by the Subdivision Control Law of Massachusetts, Massachusetts General Laws (MGL), Chapter 41, having been adopted on December 8, 1955, the Board hereby adopts these amended Rules and Regulations governing the subdivision of land in the Town of Truro. Such Rules and Regulations shall be effective as of September 10, 2007, and shall remain in effect until modified or amended by the Board. All previous subdivision regulations shall be repealed on the date these Rules and Regulations become effective.

1.2 Purpose

These Rules and Regulations have been adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of Truro by regulating the laying out and construction of in subdivision ways to provide access to all lots therein. As provided in MGL c.41, §81M, these Rules and Regulations are adopted to ensure that the powers of the Board under the Subdivision Control Law shall be exercised with due regard for:

1. providing access to all of the lots in a subdivision by ways that will be safe and convenient for travel;
2. lessening congestion on such ways and on the adjacent ways, public and private;
3. reducing danger to life and limb in the operation of motor vehicles;
4. securing safety in the case of fire, flood, panic and other emergencies;
5. ensuring compliance with the Truro Zoning Bylaw;
6. securing adequate provisions for water, sewerage, drainage, underground utility service, fire, police, and other similar municipal equipment, and other requirements, where necessary, in a subdivision;
7. coordinating the ways in a subdivision with each other, with public ways in the Town, and with the ways in neighboring subdivisions; and
8. supporting the overall goals of the Truro Local Comprehensive Plan.

1.3 Applicability

No person shall subdivide 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 utilities and municipal services therein, unless and until a definitive plan of such subdivision has been submitted to and approved by the Board as hereinafter provided. Resubdivision of all or part of the land covered by an existing plan shall also be governed by these Rules and Regulations. For purposes of these Rules and Regulations, the proposed subdivision shall include future divisions of land within the subdivision's boundaries and any expansion or extension into adjacent land; separate phases or segments are not separate subdivisions.

1.4 Amendment

These Rules and Regulations or any portion thereof may be amended from time to time by the Board on its own motion, following notice and a public hearing.

1.5 Waivers of Strict Compliance

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 purpose and intent of the Subdivision Control Law, provided, however, in the event a waiver is requested with respect to the requirements of Section 3.6.8, the provisions of Section 3.7 shall have precedence over the provisions of said Section 1.5. . In waiving strict compliance, the Board may impose such alternative conditions as will serve substantially the same objective as the standards or rules waived. Any such request(s) for waiver(s) from the Rules and Regulations must be submitted by the applicant to the Board in writing and shall explain how granting the waiver(s) would be in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law. Only such waivers as have been approved by the Board in writing shall be effective and binding upon the Board. *(Amended 9/13/11)*

1.6 Definitions

As used in these Rules and Regulations, the following terms shall have the meaning indicated. Terms and words not defined therein but defined in M.G.L. c. 41, shall have the meaning given herein, unless a contrary intention clearly appears.

Abutter: Those landowners immediately bordering the proposed subdivision, those landowners immediately bordering the immediate abutters, and those landowners located across the streets and ways bordering the proposed subdivision.

Access Road: A way or ways used for vehicular access to land to be divided by a Definitive Subdivision plan, or by an Approval Not Required Plan.

Applicant: An owner, agent, representative or assignee who is authorized to propose and/or develop the proposed subdivision.

Approval Not Required Plan (ANR):

1. A plan that does not show a division of land a plan on which no more than one lot is shown as a building lot, or a plan showing lots having frontage, of a least the length required by the zoning by-laws, on:
 - (a) a town way or a county, state, or federal highway that permits access from the frontage shown on the plan, or
 - (b) a way which the town clerk certifies is maintained and used as a public way, or
 - (c) a way that the Board approved as acceptable for providing access to or within the subdivision that is shown on a plan approved and endorsed in accordance with The Subdivision Control Law, or
 - (d) a way that was in existence when The Subdivision Control Law became effective in Truro and that has, in the opinion of the Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

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

Board: The Planning Board of the Town of Truro.

Definitive Subdivision Plan: A plan of a proposed subdivision or resubdivision of land drawn in a manner suitable for recording at the Barnstable County Registry of Deeds or the Massachusetts Land Court and that shows the information and design elements as required by these Rules and Regulations.- A Definitive subdivision Plan is also sometimes hereinafter referred to as a “Definitive Plan.”

Engineer: A professional engineer registered with the Commonwealth of Massachusetts.

General Laws: The Commonwealth of Massachusetts General Laws (M.G.L.), with all additions and amendments. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

Land Surveyor: A professional land surveyor registered with the Commonwealth of Massachusetts.

Lot: shall mean an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

Preliminary Subdivision Plan: As defined in M.G.L. c. 41, §81L, and as follows: a plan of a proposed subdivision or resubdivision of land that shows the information and design elements as required by these Rules and Regulations for such a plan. A Preliminary Subdivision Plan is also sometime hereinafter referred to as a “Preliminary Plan.”

Road/Street:

- Type A: A street that services 1-4 lots.
- Type B: A street that services 5-10 lots
- Type C: A street that in the opinion of the Board is used to service abutting lots and is not intended for use by through traffic, and shall include any street servicing 11-20 lots.
- Type D: A street collecting traffic from several Type B streets, and shall include any street servicing 21-30 lots.
- Type E: A street or road which in the opinion of the Board is being used or will be used as a thoroughfare between different sections of the Town, or which will be used as a principal access to a business or industrial subdivision, and shall include any street servicing more than 30 lots.

Roadway: the portion of a road layout designed for vehicular travel; the traveled portion of the way.

Sight Distance: the clear distance from four feet six inches (4'-6") to four inches (4") above pavement.

Subdivision: As defined in M.G.L. c. 41, §81L, and as follows: the division of a tract of land into two or more lots, to include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or to the land or territory subdivided; provided, however that a plan which meets the requirements for an Approval Not Required Plan, as defined above, shall not constitute a subdivision.—

Subdivision Control Law: Section 81K to 81GG, inclusive of Chapter 41 of the General Laws of the Commonwealth of Massachusetts and any modifications or additions thereto. This designation shall, when applicable, include corresponding provisions of earlier laws.

Utilities: Sewers, surface water drains, water pipes, gas pipes, electric lines, telephone lines, fire alarms lines, cable television and/or internet lines, their respective appurtenances, and other like utility services.

Wetland: Any fresh water or coastal marsh, wet meadow, swamp, bog, vernal pool, pond, lake, estuary, stream, creek, river, any land under the ocean, land subject to tidal action or coastal storm flowage, and land subject to flooding (bordered or isolated), or other resource areas subject to regulation under M.G.L. c. 131, §40.

SECTION 2: SUBMISSION AND APPROVAL OF PLANS

2.1 Submission of Plans

All information required by the Rules and Regulations must be included in the filing of all applications relative thereto. Incomplete applications can cause delay and may lead the Board to deny approval.

2.2 Plans Believed Not to Require Approval (ANR)

The following provisions apply to all plans for which “Approval Not Required” endorsement is sought.

2.2.1 Filing Procedure

- a. Any persons seeking endorsement of a plan as “Approval Not Required” shall submit such plan, either by certified mail or by hand delivery, to the Truro Town Clerk, PO Box 2030, 24 Town Hall Road, Truro, Massachusetts, 02666.
- b. The applicant shall also file, by certified mail or hand delivery, a notice with the Town Clerk. This notice shall state the date of submission and include a description sufficient for the identification of the land to which the plan relates.
- c. A nonrefundable filing fee consistent with Appendix 1 to be paid when the application is submitted.

2.2.2 Submission Requirements for Approval Not Required (ANR) Plans

Any person may submit a plan seeking endorsement that the plan does not require approval under the Subdivision Control Law by providing the Board with the following:

- a. A properly executed application for Approval Not Required Endorsement (Form A).
- b. Twelve (12) paper prints of the plan. Said plan shall be prepared in such a manner as to meet the Registry of Deeds and/or Land Court requirements for recording, and shall contain the following information:
 1. The boundaries, area, frontage and dimensions of the lot or lots for which ANR endorsement is sought.
 2. The date of the plan, scale, north arrow and assessor’s map and parcel number of all land shown on the plan and directly abutting the land shown on the plan.
 3. The name(s) of the owner(s) of record of the lots shown on the plan and of the applicant, together with the name, address seal and signature of the land surveyor who prepared the plan.
 4. Relevant zoning classification data.
 5. A locus plan containing sufficient information to locate the land, and showing

streets bounding or providing access to the property.

6. The name(s) of the way(s) on which the lots front, information as to ownership of the way(s) and the physical condition of the way(s) including actual width, surface type and condition.

7. The location and dimension of any natural features which might affect the use of the frontage for access.

8. The location, including setbacks to all lot lines, of all buildings and other structures on the proposed ANR lots shown on the plan.

9. The location of any wetland on the land shown on the plan or within one hundred (100) feet of its boundaries.

10. The location of all bounds and easements on the proposed ANR lots shown on the plan.

11. The statement "Approval under the Subdivision Control Law Not Required", and sufficient space for the date of the application submittal and the date of endorsement, docket number and the signatures of all Board members.

12. The statement "Planning Board endorsement of this plan indicates only that the plan is not a subdivision under MGL, Chapter 41, Section 81-L and does not indicate that a lot is buildable or that it meets Zoning, Health or General Bylaw requirements."

2.2.3 Determination of adequacy of ways

Existing ways will normally be determined by the Board to provide adequate access as provided in the definition of Approval Not Required Plan (ANR) found in Section 1.6. The Board will examine for adequacy of access, ways within, abutting and without the plan submitted and which are involved in the proposed access to the lots shown on the proposed plan. The Board will also consider the number of lots the way will serve.

2.2.4 Endorsement of Approval Not Required Plans

a. If the Board determines that a plan does not require its approval, it shall forthwith, without a public hearing, endorse on the plan the words "Approval under the Subdivision Control Law Not Required". The plan shall be returned to the applicant so endorsed within twenty-one (21) days of submission of said plan.

b. If the Board determines that a plan does require approval, it shall, without a public hearing and within twenty-one (21) days of submission, so notify the applicant and the Town Clerk in writing and return the plan to the applicant.

c. The Board may disapprove an Approval Not Required plan if it fails to provide the necessary or required frontage on or access via an adequate way. Within twenty-one (21) days of submission, the Board will so notify the applicant and the Town Clerk in writing and return the plan to the applicant.

- d. If the Board fails to take action within twenty-one (21) days of submission, the plan is automatically deemed not to be a subdivision plan and the Board shall forthwith affix such an endorsement. Failure to affix such an endorsement shall not, however, limit the plan's status as an Approval Not Required Plan, and the Town Clerk shall upon the applicant's request issue a certificate to the same effect.

2.3 Subdivision Pre-submission Review

Prior to undertaking extensive professional design efforts for subdivision plans, it may prove useful for the applicant to review the proposed development of a parcel of land with the Board in an informal manner in order that general approaches, possible use of cluster development, and potential problems can be freely explored. Pencil sketches and other illustrations, which need not be professionally prepared, will assist the informal discussion and might show some, but not all, of the information to be shown in the Preliminary Plan. In some cases, pre-submission review may suggest the inadvisability of submitting a Preliminary Plan; however, the pre-submission review is strictly a voluntary procedure left to the discretion of the applicant and has no legal status whatsoever.

2.4 Preliminary Subdivision Plans

A Preliminary Plan may be submitted for any proposed residential subdivision and shall be submitted for any nonresidential subdivision. These Preliminary Plans shall be filed with both the Planning Board and the Board of Health. The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of abutting property to identify and discuss any problem areas in the proposed subdivision. Review of, and comments on, a Preliminary Plan are strictly advisory and do not commit the Board to approve a Definitive Plan.

2.4.1 Filing Procedure

- a. Any person may file a Preliminary Plan, either by certified mail or by hand delivery, with the Truro Town Clerk, P.O. Box 2030, 24 Town Hall Road, Truro, Massachusetts, 02666.
- b. The applicant shall also file, by certified mail or hand delivery, a notice with the Town Clerk. This notice shall state the date of submission for such determination and include a copy of the application and a description sufficient for the identification of the land to which the plan relates.
- c. A nonrefundable filing fee consistent with Appendix 1 to be paid when the application is submitted.

2.4.2 Submission Requirements for Preliminary Plans

A submission of a Preliminary Plan shall include the following supporting documentation:

- a. A properly executed application for Subdivision Preliminary Plan Review. (Form B)

- b. A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.
- c. Twelve (12) copies of the plan showing:
 - 1. the subdivision name, boundaries, north point, date, scale, legend and title “Preliminary Plan”;
 - 2. the names of the record owner and the applicant and the name of the designer, engineer or surveyor;
 - 3. the names of all abutters, as determined from the most recent local tax list;
 - 4. the existing and proposed lines of streets,, ways, easements and any public areas within the subdivision in a general manner;
 - 5. the proposed system of drainage, including, adjacent existing natural waterways, in a general manner;
 - 6. the approximate boundary lines of proposed lots, with approximate areas and dimensions;
 - 7. the names, approximate location and widths of adjacent streets; and
 - 8. the topography of the land in a general manner.

2.4.3 Notification of Abutters

The Board will notify all abutters by first class mail, postage prepaid, dated at least seven days prior to the meeting at which such Preliminary Plan will be presented.

2.4.4 Action on Preliminary Plans

Within forty-five days after submission to the Board of a preliminary plan, it shall notify the applicant and the Town Clerk, by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved, and in the case of disapproval, the board shall state in detail its reasons therefore.

The approval of the Preliminary Plan does not entitle that plan to be recorded, but it may facilitate the approval of a Definitive Subdivision Plan.

2.4.5 Protection from subsequent changes in Zoning Bylaws

The Zoning Bylaw in effect at the time of the submission of a Preliminary Plan shall govern any Definitive Plan derived from such Preliminary Plan, provided that the Definitive Plan is duly submitted within seven months from the date of submission of the Preliminary Plan and said Definitive Plan is ultimately approved. This zoning freeze currently extends eight (8) years from the date of the endorsement of the Definitive Plan.

2.5 Definitive Subdivision Plans

A Definitive Plan shall be prepared in conformance with the requirements of the Registry of Deeds and Land Court, and shall be prepared by a Registered Land Surveyor.

2.5.1 Filing Procedure

- a. An applicant shall submit a Definitive Plan, a notice stating the date of submission, a copy of the application and a description sufficient for the identification of the land to which the plan relates, by either certified mail or hand delivery, to the Truro Town

Clerk, P.O. Box 2030, 24 Town Hall Road, Truro, Massachusetts, 02666. The applicant shall also file a copy with the Board of Health. The Board will distribute copies of the proposed plan(s) to the Conservation Commission, Building Commissioner, Police Chief, Fire Chief, Highways Superintendent, Board of Selectman and other Town boards for review and comment within 14 days.

- b. A nonrefundable filing fee consistent with Appendix 1 to be paid when the application is submitted.

2.5.2 Submission Requirements for Definitive Plans

- a. General - The following documentation shall be submitted along with a Definitive Plan; to the Planning Board:
 - 1. A properly executed application for Definitive Subdivision Plan Review. (Form C).
 - 2. A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.
 - 3. Twelve (12) paper prints of the plan.
 - 4. Twelve (12) copies of all plans, profiles and cross-sections, showing proposed design and location of streets, drainage and utilities.
 - 5. Two (2) copies of the subdivision plan prepared at a scale of 1 inch = 100' feet. The plan shall include the lot numbers and lot areas in acres and square footage. Distances and bearing need not be shown.
 - 6. Two (2) copies of drainage calculations based on a fifty (50) year storm, stamped and signed by an engineer, along with a topographic plan delineating contributing areas.
 - 7. A list of requested waivers from these Rules and Regulations consistent with §1.5, if applicable.
 - 8. A computer disk containing a file of the subdivision in either .DWG or .DXF file format.
 - 9. A traffic impact and access study shall be required, for all developments that propose to create ten (10) or more buildable lots, at the developments access to existing roadway networks. The study shall be based on standards traffic engineering guidelines developed by the Massachusetts Environmental Protection Act (MEPA). The Planning Board may also require a traffic study if in their determination one is warranted because of public safety concerns.
 - 10. Three proposed road name(s) for each new street. The Board reserves the right to reject proposed street names.
 - 11. A written statement stating the time within which the applicant/subdivider agrees to complete the proposed ways and to install all utilities required by the Board. The Board may decline to approve any plan unless the applicant agrees to complete the way shown thereon and install the utilities aforesaid within an agreed upon period after the date of endorsement. In the event the work is not completed within the time set forth, or as extended, the Board may rescind its approval and require a new public hearing.

- b. Contents of Plan - A Definitive Plan shall be prepared by a land surveyor, shall be clearly and legibly drawn in permanent ink upon a reproducible film, and shall comply with the recording requirements of the Registry of Deeds and/or Land Court, whichever is applicable. Final plans and profiles submitted for approval shall be the following sizes: 24 inches by 36 inches maximum, 11 inches by 17 inches minimum, with a ¼-inch border. If multiple sheets are used, they shall be accompanied by an index showing the entire subdivision. Cross-sections shall be provided for all streets.

The following information shall be shown:

1. The subdivision name, date of the plan, scale, north arrow, assessor's map and parcel numbers of all land shown on the plan, legend and the title "Definitive Plan".
2. A locus plan containing sufficient information to locate the proposed subdivision, such as streets bounding or providing access to the property.
3. The boundaries, area, frontage, and dimensions of each lot and of any contiguous lot(s) in common ownership.
4. The name(s) and address of the owner(s) of record and of the applicant, and the name, address, seal and signature of the land surveyor who prepared the plan.
5. The existing and proposed methods of providing road drainage and utilities.
6. The following information shall be noted on the plan:
 - Gross area of the subdivision in square feet and acres.
 - Gross area of roads and cul-de-sacs, in square feet and acres.
 - Area(s) subject to the Wetlands Protection Act and approval and/or restriction(s) of the Conservation Commission or the Board.
 - Gross area of wetlands, in square feet and acres, for the entire subdivision.
 - Net area of wetlands within each lot or parcel, in square feet and percentage.
 - Net area of contiguous upland of each lot or parcel, in square feet and percentage.
7. Easements, covenants, rights-of-way, and/or restrictions applicable to the area shown on the plan.
8. The existing and proposed lines of streets, ways, lots, easements and any public or common areas within the subdivision.
9. The existing and proposed lines of any easements access or other purposes. The location, ownership and expiration date(s) of any conservation restrictions or easements.
10. The topography of the land, using two (2) foot contours, derived from an actual survey or photogrammetry based on USGS Datum. This may be shown on a separate plan.
11. Zoning classification (including overlay districts) and the location of any zoning district boundaries that lie within the subdivision boundaries.
12. The location and setbacks of all existing buildings and other structures on the land to be subdivided.
13. The location of any wetlands on the land to be subdivided or within one hundred (100) feet of its boundaries.
14. Base flood elevation data, as shown on the Flood Insurance Rate Map, as most recently revised, published by the U.S. Department of Housing and Urban

- Development. The Base Flood Elevation date shall be provided for all proposals where any portion of the subject property lies within the 100-year flood plain.
15. Sufficient data to determine the location, direction and length of every way, lot lines and boundary lines including lengths and radii of all curves, to establish and reproduce these lines on the ground, and to comply with the requirements of the Registry of Deeds and/or Land Court.
 16. For all ways involved in access for the proposed subdivision, whether within, abutting or without the subdivision, the grade and width of road layout, the location of the roadway within the layout, sight distances at intersections, and the physical condition of the roadway including actual width, surface type, depth of surface materials and condition of the road surface.
 17. A notation on the plan indicating that permanent bounds shall be set at all points of curvature and changes in direction of street side lines and at all lot corners, as appropriate.
 18. A notation on the plan indicating any waiver to these Rules and Regulations being requested.
 19. Suitable space to record the action of the Board and the signatures of the Board members.
 20. Suitable space for noting the following dates shall be provided:
 - Date of Preliminary Application
 - Date of Preliminary Approval
 - Date of Definitive Application
 - Date of Definitive Approval
 - Date of Definitive Endorsement
 21. All plans shall have the following notation lettered adjacent to the record of Board's approval as a condition of approval: "No lots may be conveyed and no building permits shall be issued by the Town of Truro until all applicable requirements of the *Rules and Regulations Governing the Subdivision of Land* have been met."
 22. Two benchmarks taken from U.S.G.S. datum shall be established within the subdivision. Selection of the benchmark location shall be a point that will not be disturbed during construction operations.
 23. Names of all direct abutters as they appear in the most recent tax list and approximate location of intersecting boundary lines of the abutting land.
 24. All information required on a preliminary plan.
 25. All deed references and plan references of the subdivision area and abutting properties.
 26. A place on the plan shall be reserved for the noting of the approval and/or restrictions of the Board of Health.
 27. Lot numbers to be noted on the plan.
 28. Legend
 29. Notes indicating that all "Utilities shall be underground".
 30. All trees with an outside bark diameter of ten (10) inches or greater measured four and one-half (4½) feet above existing grade on the uphill side of the tree and all specimen trees (including but not limited to holly trees, cedar trees, etc.), shall be shown on the plan, and the species of the tree shall be identified. This may be shown on a separate plan.

31. Location of ancient ways, historic walls, foundations, or other similar structures.
- c. Content of Plan and Profiles, and Cross-sections - The Construction Plan and Profile of proposed street(s), prepared by an engineer and with all elevations referred to the U.S.G.S. datum, shall include:
1. Horizontal scale of one (1) inch to forty (40) feet.
 2. Vertical scale of one (1) inch to four (4) feet.
 3. Existing centerline elevations every fifty (50) feet.
 4. Existing right side line.
 5. Existing left side line.
 6. Proposed centerline grades and elevations, with elevations at every fifty (50) foot station, except that in vertical curves elevations shall be shown at twenty-five (25) foot stations and at PVC and PVT (point of vertical curve and point of vertical tangent)
 7. Proposed right and left side lines.
 8. Gradient of traveled surface.
 9. Spot elevations at centerline of each intersecting street or driveway.
 10. All existing intersecting walks and driveways.
 11. The limits of clearing to accommodate the road layout, utilities and shoulders.
 12. Size and location of existing and proposed water mains and their appurtenances, if any, and surface drains and their appurtenances.
 13. Profiles shall show vertical locations of water lines, drainage lines and other utilities. Sizes of all pipes shall be shown as well as inverts of all pipes at each manhole or catch basin, together with invert elevation and rim elevation of each manhole or catch basin.
 14. Cross sections shall show cuts, fill, subgrade, finished surface, shoulders, curbs or berms, and slopes.
 15. A detailed landscape plan, which may be included on the plan and profile or as a separate plan, showing:
 - a. Location, size and species of proposed streets trees, if any and other plantings associated with all areas to be disturb.
 - b. Existing trees, as described in §2.5.2.b.30, which are proposed to be removed.
 - c. Method of final slope stabilization.
 16. An erosion control plan, which may be included on the plan and profile or as a separate plan or in conjunction with the landscape plan described in item #15, shall include the following:
 - a. Topographical contours at two-foot intervals.
 - b. Drainage patterns and watershed boundaries, if any.
 - c. Existing vegetation.
 - d. Proposed limit of clearing.
 - e. The location, identification and narrative description with detailed drawings of all temporary and permanent erosion and sediment control Best management Practices.
 - f. Temporary driveway apron to serve during all phases of site preparation and construction that shall consist of $\frac{3}{4}$ " crushed stone 3" thick or bituminous binder 2-1/2" thick.

- g. Narrative description of the construction schedule and the concurrent sequencing and timing of erosion control measures as shown on the plan.

2.5.3 Staking of Proposed Subdivision

In order to facilitate on-site review by the various reviewing boards, the applicant shall, at the time of filing of a Definitive Plan, stake and brush cut to a minimum of three (3) feet wide the centerline of all proposed ways in the subdivision and shall stake all points where lot lines intersect rights-of-way.

2.5.4 Approval/Disapproval and Endorsement of Definitive Plans

a. Review by the Board of Health

The Board of Health shall, within forty-five (45) days after the Definitive Plan is so filed, report to the Board in writing with a copy to the applicant, its approval or disapproval of said plan. In case of disapproval, it shall make specific findings as to which, if any, areas shown on the plan cannot be used for a building site without injury to the public health, and the reasons therefore, and shall make recommendations for adjustments thereof. The Board shall not take action on a Definitive Plan until said report of the Board of Health has been received or forty-five (45) days has elapsed without such report having been received. Failure of the Board of Health to report to the Board within said 45 days shall be taken as constructive approval.

b. Public Hearing

Before approval, modification of approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board, notice of the time and place of which and of the subject matter, sufficient for identification as follows:

1. The Board shall give notice by advertisement in a newspaper of general circulation in the Town of Truro, 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,
2. The Board shall give notice by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing.
3. The Applicant shall give notice by mailing a copy of such advertisement via certified mail return receipt to abutters to the subject property, abutters to abutters, and properties across the street from the subject property. The notice and a list of names and addresses of abutters certified by the Truro Deputy Assessor, names and addresses, will be supplied to the applicant by the Planning Board or its agent. Said notice shall be mailed out no less than ten (10) days prior to the scheduled public hearing. A copy of the certified mail receipts must be filed with the Planning Board and the original returned "green cards" shall be submitted as well.

c. Performance Guarantee

Before endorsement of its approval of a Definitive Plan, the Board shall require that the construction of ways and the installation of municipal services be secured by one of the methods, or combination of methods, described below. Should the applicant desire the release of one or more of the lots in the subdivision prior to the completion of

construction of ways and installation of municipal services, the Board may request the posting of a bond or deposit, covenant or mortgage, as described below:

1. **Bond** By a proper bond, sufficient in amount in the opinion of the Board to secure the performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan. The Board may require that the applicant specify in writing the time within which such construction will be completed, subject to the limitations of paragraph 2.5.7 below.
 2. **Deposit** By a deposit of money or negotiable securities sufficient in amount in the opinion of the Board to secure the performance of the construction of the ways and the installation of municipal services required for lots in the subdivision shown on the plan. The Board may require that the applicant specify in writing the time within which such construction shall be completed, subject to the limitations of paragraph 2.5.7 below.
 3. **Covenant** By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve each lot; and provided further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed. (Form D)
 4. **Mortgage Agreement** By delivery to the Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender, and shall provide for the retention by the lender of funds sufficient in the opinion of the Board and otherwise due the applicant to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements that may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.
- d. **Certificate of Action and Statement of Conditions** - Following the required hearing after the report of the Board of Health (BOH) or the lapse of forty-five (45) days without such a report, the Board shall approve or, if such plan does not comply with the Subdivision Control Law, the recommendations of the BOH, or these Rules and Regulations, shall modify, impose conditions upon and approve, or disapprove such plan. If the Board modifies, imposes conditions upon, or disapproves such plan, it shall state in its vote the reasons for its actions. The Board shall file a certificate of

its action with the Town Clerk and send notice of such action by certified mail, return receipt requested, to the applicant at the address stated on the application. Approval, if granted, shall be endorsed, after security is in place, on the original Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty-day appeal period, following the filing of the certificate of the action of the Board with the Town Clerk has elapsed, and said Clerk has notified the Board that no appeal has been filed.

Notice of such action, or of an agreed extension of the time for such action, must be provided by the Board to the Town Clerk within ninety (90) days following the date of submission of the plan if it follows action on a Preliminary Plan or one hundred thirty-five (135) days following the date of submission in cases where no Preliminary Plan was submitted. Where an extension of the time for such action has been granted, the applicant shall file said extension in writing with the Town Clerk.

- e. **Effect of Approval** - Approval of the Definitive Plan does not constitute the laying out or acceptance by the town of streets within a subdivision.

2.5.5 Modification, Amendment or Rescission of Definitive Plan

The Board on its own motion or on the petition of any interested person shall have the power to modify, amend or rescind its approval of a plan of a subdivision or to require a change in a plan as a condition of its retaining the status of an approved plan. All procedures relating to the submission and approval of a plan of a definitive subdivision shall be applicable to the approval of the modification, amendment, or rescission of approval and to the plan which has been changed. Statutory restrictions may apply.

2.5.6 Release from Surety or Covenant

Following full or partial completion, as detailed in Section 4.5.2 below, of the improvements described under Sections 3 and 4 of these Rules and Regulations, security may be either fully or partially released by the Board, provided it is also consistent with Section 2.5.7 herein. Partial releases shall be granted only if the completed portion provides for traffic circulation and utility installation pending completion of the remaining portion. The Board at its discretion may approve partial covenant releases, but not more than one-third (1/3) of the lots may be released prior to full covenant release. A fee consistent with the fee schedule in Appendix 1 shall be required for each covenant release request.

A request for a full or partial release of security will be considered by the Board no sooner than ten (10) days after the Board has received a written request for the release and subject to the availability of Town officials to perform the required inspections of the respective improvements and to furnish their written reports to the Board.

Upon completion of improvements shown on the subdivision plan(s), security for the performance of which was given by bond, deposit, or covenant, or upon the performance of any covenant with respect to any lot, the applicant shall send by registered mail to the Town Clerk and the Board a written statement, including a stamped report from the applicant's Engineer, that the said construction or installation in connection with which such bond, deposit or covenant had been given, was completed in accordance with these Rules and Regulations. This statement shall contain the address of the applicant and the applicant's Engineer.

After receiving the request for a partial or full release of covenant or security, the Board will request from the applicant's Engineer a report regarding the quality and quantity of work completed. The applicant's Engineer will produce a list of the items of work left to be completed in the subdivision, in accordance with the approved definitive subdivision plan and the Rules and Regulations, and give an estimate of the cost to cover the remaining items of work. Such estimate shall reflect 150% of the calculated cost.

If the Board determines that said construction or installation has not been completed in accordance with the approved Definitive Subdivision Plan and the applicant's Engineer's report, it shall specify in a notice sent by registered mail to the applicant and delivered to the Town Clerk, the details wherein said construction and installation fails to comply with these Rules and Regulations. Upon failure of the Board to send this notice of specifications within forty-five (45) days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate and any deposit shall be returned and any such covenant shall become void. In the event that said forty-five (45) day period expires without such Board action or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effects, duly acknowledged, which may be recorded.

2.5.7 Evidence of Satisfactory Performance

Before the Board will release the interest of the town (Form F) in a performance bond or deposit or, in the case of approval with covenant, issue a release of covenant, the following must be submitted to and approved by the Board:

- a. Five copies of an "As Built" drawing prepared and certified by an engineer or land surveyor. Certification shall be by the engineer or land surveyor employed by the applicant at his or her own expense and shall indicate by a statement on the plan that "all streets, sidewalks, sewers, storm drains, and water mains, and their appurtenances shown have been constructed in accordance with the lines and grades of the approved plan or the approved revised plan and are accurately located as shown hereon." The "As-Built" Plan shall accurately show the following and shall be drawn on twenty-four (24) by thirty-six (36) inch reproducible sheets at a scale of one inch equals forty feet (1"= 40') horizontal and one inch equals four feet (1"= 4') vertical:
 1. Final as-built centerline profile and the "as designed" centerline.
 2. Street lines, traveled ways, berms and sidewalks.
 3. Permanent monuments and boundary points.
 4. All roadway drainage including:
 - basin and manhole rim and invert elevations
 - structure type and size
 - type and size of all other drainage such as underdrains, trenches, channels and detention/retention areas.
 5. Location of water mains, gate valves and hydrants.
 6. Location of above and underground utilities.
 7. Location of all easements including drainage and slope.
 8. Location of miscellaneous features installed within the street layout such as signs, lights, guardrail, or other similar appurtenances.
 9. Location of ancient ways, historic walls, foundations, or other similar structures.

- b. The Board shall obtain in writing from the Applicant's Engineer a statement that all work required by the Rules and Regulations and the approved Definitive Subdivision Plan has been inspected by him or her and completed in each street in the subdivision (or the street or streets serving the lots in question), including storm drains, bridges, and sidewalks, and that he or she has approved the methods of construction and materials used in the performance of such work. (Form E)
- c. There shall be one-year growth for all grass and plantings.

2.5.8 Two Year Deadline

In all cases, approval will be effective for two years from the date of such approval. If road construction is not completed in its entirety within that period and approved by the Board, the applicant must petition the Board for action on the undeveloped portion. The Board may grant an extension of this two-year period if a petition for such an extension is received prior to the expiration of the two-year period. Upon expiration of the two-year period (plus extension, if any, but in no case greater than a total of eight years), the Board shall conduct a public hearing concerning the undeveloped portion and may require a modification or an amendment of the original approved plan to reflect current conditions and design standards. The Board may also rescind its original approval and any subsequent approvals to the extent the rescission will not harm good faith mortgagees and lots owners, or the Board may use the bond, funds, or securities to complete the development.

2.5.9 Homeowners' Association

Prior to the release of the bond, security, or covenants for any of the lots of the subdivision, the developer shall present to the Board for its approval a declaration of trust creating a Homeowners' Association as well as a set of covenants and restrictions which assign responsibility for the maintenance, repair, improvement and public safety of the newly created ways. This responsibility shall specifically include periodic trimming of trees and brush to maintain a 14 foot by 14-foot minimum clearance for emergency vehicles, grading, filling potholes or eroded areas, and other work that must be performed on a regular basis to maintain the road surface. The Homeowners' Association shall include all those persons who have rights over and/or a fee in the road. The method of sharing of the road expenses shall be determined by the terms of the declaration of trust and the covenants and restrictions.

2.5.10 Maintenance of Streets

The applicant shall be responsible for maintaining in good repair all roads in a subdivision for a period of three (3) years after release of the performance bond or covenant as required in Section 2.5.6 herein or until the roads are accepted by the Town Meeting, whichever time is shorter. To assure the discharge of such responsibility, the applicant shall guarantee the maintenance of the roads in a subdivision in a condition which meets all the requirements of these Rules and Regulations and which satisfies the Board by posting with the Town a maintenance bond consisting of either a bond with two or more sureties approved by the Board or by posting a surety company bond issued by a company authorized to do business in the Commonwealth. The bond shall bear the penal sum sufficient in the opinion of the Board to secure the maintenance as herein provided, or the money or negotiable securities shall be deposited in an amount, sufficient in the opinion of the Board, to secure the aforesaid maintenance.

2.6 Open Space Development

The Board encourages applicants to explore the option of an Open Space Development subdivision. All petitioners for an Open Space Development special permit must file the following with the Town Clerk's Office:

- A properly executed application for an Open Space Development
- A nonrefundable filing fee consistent with Appendix 1 to be paid when the application is submitted.
- Twelve (12) copies of the definitive open space development plans.

All plan requirements and procedures for definitive plans shall apply equally to definitive open space development subdivision plans. In addition, definitive cluster plans must include open space and applicable area calculations. See Section 80.1 of the Zoning By-laws for other requirements. The required public hearing cannot be scheduled until an application is submitted.

Failure to file a complete application with the board will be grounds for denial of board approval.

SECTION 3: DESIGN STANDARDS

3.1 General

The design of proposed roads and lots should be developed so as to protect the natural landscape, control erosion, and protect and, when possible, enhance natural features of the land.

Subdivision plans shall comply with the following minimum design standards. Applicants are encouraged to exceed these minimum standards whenever possible. The Board may waive or moderate its minimum standards when it deems circumstances so warrant.

3.2 Conformance with zoning

The size, shape, frontage and use of all lots shown on a subdivision plan, and the buildings constructed thereon, shall comply with applicable zoning regulations.

3.3 Respect for natural landscape

Proposed roads and lot configuration should be designed with the goal of minimizing the volume of cut and fill, flood damage, the area over which vegetation will be disturbed, the number of mature trees (generally 10 inches in diameter, measured 4½ feet above existing grade) and specimen trees removed, and the extent of waterways altered or relocated. Consideration should be shown for the protection of natural features, such as large trees, water-courses, ponds, wetlands, beaches, dunes, scenic views and points, historic spots, and similar community assets.

3.4 Monuments

Monuments shall be installed and shown by a Land Surveyor on the final, as-built subdivision as follows:

3.4.1 Monuments shall be installed on both sides of the street, at intersections, at all points of change in direction or curvature, and no less frequently than one monument every five hundred (500) feet for straight sections. Monuments shall be installed at each angle point.

3.4.2 All monuments shall be of reinforced concrete or granite, five (5) inches by five (5) inches by thirty (30) inches. Monuments shall be set so that the top of the monument is at least six inches above the level of the adjacent ground.

3.4.3 No MassHighway Bounds or other set bounds are to be disturbed or removed. If disturbed or missing, the bound(s) must be reset or replaced by a Registered Land Surveyor and at the developer's expense. All procedures and materials must be in compliance with Massachusetts Design and Construction Standards.

3.5 Utilities

Except when crossing under the improved road surface, all utility wires, pipes, and tubing shall be underground and located within the road layout but outside the edge of the improved road surface.

3.6 Street Design

3.6.1 Layout

- a. Streets shall be designed to provide direct and convenient access to the site for normal traffic and emergency vehicles, while still respecting the natural contours of the land.
- b. Streets shall be continuous unless the Board waives this requirement.
- c. Provision shall be made for the proper projection of streets to adjoining property, which is not subdivided.
- d. The intersection of a proposed subdivision road and an access road shall be located no less than one hundred fifty (150) feet from the intersection of any other road on the same side of the access road.
- e. All lots within the subdivision shall have their access from the subdivision road.

3.6.2 Intersections Street intersections shall be laid out at right angles unless the Board waives this requirement; in no case shall a street intersect another street at less than sixty (60) degrees. Property lines at intersections shall be rounded to provide a curb radius on the roadway of not less than twenty (20) feet, except where the angle of the intersection varies more than ten (10) degrees from a right angle, in which case the curve connecting the acute angle may be less and the opposite radius must be correspondingly greater.

3.6.3 Curb Cuts

- a. The applicant must remove any existing granite curb/edging or berm located within the area of the proposed street to facilitate the construction of the street. All material will then be removed from the layout of the access road and properly stored or disposed of at the expense of the applicant.
- b. The subdivision street must be constructed on a negative grade from the edge of the hardened surface of access road to the access road layout line and graded in such a manner that no ponding of water occurs within the access road layout. The applicant shall be responsible for the disposal of all surface water from the development and its roads. If such run-off or ponding occurs within three years of the date of final release of covenant or other performance guarantee for the subdivision, the applicant shall be responsible for its correction.
- c. The applicant shall be responsible for a period of three years following the date of final release of covenant or other performance guarantee for the subdivision for the portion of the proposed street located within the layout of the access road, and shall routinely inspect it for deficiencies such as settling, heaving, cracks and so forth. Any such deficiencies shall be corrected at the applicant's cost and to the written satisfaction of the Massachusetts or Town Department of Public Works, whichever may apply.

3.6.4 Sight Distances For subdivision roads intersecting access roads, the sight distance in each direction shall not be less than three hundred (300) feet; however, when intersecting Route 6, the sight distance in each direction shall be no less than four hundred seventy-five (475) feet.

3.6.5 Access Subdivisions containing a total of thirty (30) or more lots shall provide more than a single access from an existing street. For this purpose, "total number of lots"

includes the lots fronting on pre-existing subdivision roads used for access to the proposed subdivision as well as new proposed lots.

3.6.6 Dead-end streets

- a. The length of dead-end streets should not exceed one thousand (1000) feet, and the dead-end street shall include at the end a turnaround having a property-line diameter of at least eighty (80) feet. Length of the street shall be measured along the centerline to the end of the turnaround.
- b. Any easement obtained for turn-around purposes at the end of a temporary dead-end street shall terminate upon construction of the extension.

3.6.7 Adjacent properties Proposed subdivision roads shall be separated from subdivision boundaries by a screening buffer of twenty-five (25) feet width or more. This buffer is to consist of naturally occurring vegetation; however, if this area is disturbed it must be replanted preferably with native vegetation and shown on a plan in accordance with Section 2.5.2.c.15.

3.6.8 Design Standards Refer to Table 1 in Appendix 2.

3.7 Rural Road Alternative

Where approval is sought for a subdivision on land of a rural or sensitive nature, the Board may, at its discretion, waive strict compliance with the requirements of Section 3.6.8 in order to allow roads servicing not more than four (4) dwellings to be more in keeping with the rural landscape; however, in no instance shall the width of the road surface be waived. In granting a waiver the Board will consider the following factors before granting a waiver of the standard road requirements: length of the road; design of the road and its compatibility with bordering permanent open space, scenic amenity, any other conservation measures; public safety; the adequacy of the proposed surface to withstand the expected intensity of vehicular traffic upon build-out of the subdivision; the provision of pull-offs, the applicant's willingness to resurface following the construction of residences; provisions for protecting the road surface during the construction of residences; and the long-term adequacy of any homeowner's maintenance agreement to protect the proposed surface; and applicable covenants restricting future density increases.

3.8 Rights-of-way for access

When rights-of-way are used for access to one or more lots, the road surface in those rights-of-way are to be constructed according to the specifications in the table of Section 3.6.8.

3.9 Adequate Access to the Site

The Board may disapprove a plan if it determines that access roads to the subdivision are inadequate to carry the volume of traffic reasonably anticipated. The applicant shall show to the satisfaction of the Board that the roads and ways to and from the proposed subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel and

adequate circulation for the projected volume of traffic including, but not limited to a way or ways having sufficient width, suitable grades and adequate construction to provide for vehicular traffic. The Board may require appropriate and reasonable improvements in adjacent streets and ways to minimize congestion, to ensure safe and adequate access to the proposed subdivision, and to ensure safe and adequate vehicular and pedestrian travel. Improvements that the Board may require in adjacent and nearby streets and ways shall include, but not be limited to grade adjustments and realignments of horizontal and vertical curves; corrections of drainage deficiencies; and widening of streets and ways; and/or the Board may require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width at least as great as that required within the subdivision and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for purpose of widening the way and any such work performed within such public way shall be made only with permission and design approval of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the applicant.

The Board may require that a secondary access be provided for any size subdivision for demonstrated reasons of public safety and convenience. Vehicular access shall meet the Minimum Design Standards described in Section 3.6.8. The applicant shall show to the satisfaction of the Board the legal right to pass and repass over such access way or ways and the legal right to install underground utilities in the proposed location.

SECTION 4: SPECIFICATIONS FOR CONSTRUCTION OF ROADS

4.1 General

All improvements specified on the Definitive Subdivision Plan, road profile plans, and road cross-sections shall be constructed or installed by the applicant in accordance with the provisions of the Truro General By-Laws, this Section of the Rules and Regulations, and as approved by the Board. Items not specifically mentioned herein shall be constructed in accordance with the latest revision of the Standard Specification for Highways and Bridges of the Massachusetts Department of Public Works (hereinafter referred to as the Department's Specifications) unless otherwise specifically approved by the Board.

The applicant shall notify the Board in writing of the date that construction will begin at least seven (7) days prior to such date.

All work performed by the applicant as a result of these Rules and Regulations will be subject to the review and acceptance or approval of the Board. The applicant shall keep the Planning Board informed of the progress of the work and shall at any time provide safe and convenient access to all parts of the work for inspection by members of the Board or their assignee. No work will be approved which has been covered prior to inspection by subsequent work. Reference should be made to Section 6 for inspections required by the Board.

4.1.1 Subdivision Layout

The subdivision, including all ways, lot lines, drain lines and utilities shall be laid out as to line and grade by a Professional Land Surveyor who shall file a certification letter with the Board to this effect. Stakes for line and grade, clearly marked with the proper station, shall be maintained throughout construction.

In the event that the construction of the road deviates from the plan and profile approved by the Board, the applicant must stop work and notify the Planning Board. All changes must be shown on the as-built plan.

Any work, which in the opinion of the Board, has not been properly laid out or does not conform to the Plans may be checked by a Land Surveyor employed by the Board at the applicant's expense. No lots shall be released from the covenant until such payment has been made in full. The Board may require, at the applicant's expense, the removal and correction of any work, which has been incorrectly laid out. The Board may use the funds and securities deposited by the applicant to pay these costs.

4.1.2 Clearing, Grubbing, and Excavation

No clearing of vegetation or grading for the development of ways or building sites shall commence until an approved, signed definitive plan has been recorded with the Barnstable Registry of Deeds and/or the Land Court, as the case may be, and evidence of such recording has been returned to the Board. This requirement shall not apply to limited clearing for the purpose of surveying, performing percolation tests, or comply with Section 2.5.3.

Proposed roadways shall be cleared, grubbed, and excavated to the extent shown on the approved

plan and profile. No disposable waste materials, such as logs, stumps, or branches, may be buried on any part of the subdivision property but shall be removed from the site. Trees intended to be preserved shall be protected from injury by suitable boxes, or fenders, or wells if in fill.

4.1.3 Erosion Control Measures

Erosion control during and after construction shall be accomplished, using the following erosion control measures recommended by the U.S. Soil Conservation Service:

- a. **Erosion Minimization** Stripping of vegetation, soil removal, and regrading shall be accomplished so as to minimize erosion.
- b. **Duration of Exposure** The duration of exposure of disturbed area shall be kept to a practical minimum, but in no case shall a road have less than a binder course as of December 1.
- c. **Temporary Erosion Control** Temporary vegetation and/or mulching shall be used to protect exposed areas during development.
- d. **Permanent Erosion Control Installation** Permanent (final) vegetation and mechanical measures to stabilize the land surface and control erosion shall be installed as soon as practicable after construction ends.
- e. **Protection of Permanent Drainage Facilities** Until a disturbed area is stabilized, permanent drainage facilities including, but not limited to, catch basins, pipes, retention basins, grass swales, and infiltration devices, shall be protected from sediment in run-off water by the use of temporary drainage facilities such as debris basins, sediment basins, silt traps, or other acceptable methods.
- f. **Dust Control** During grading operations, methods of dust control shall be employed wherever practicable.

The Board may require the implementation of reasonable soil erosion control measures during construction if, in its opinion, such measures are warranted but have not been implemented by the applicant.

4.1.4 Side Slopes Fill and cut slopes shall not be steeper than two (2) horizontal on one (1) vertical (2:1) and shall be loamed or covered with topsoil and seeded.

4.1.5 Sub-base Clay or loam hardening shall be placed to a depth of at least six (6) inches, plus processed stone or t-base to a depth of four (4) inches, for the full length of the roadway and the full width as shown in the cross-section. The sub-grade shall be suitably rolled and compacted before placing the hardening.

4.1.6 Grade Finished center-line profile grade shall not be less than five-tenths percent (0.5%). The roadway is to be constructed in true cross section and with a crown of one-fourth (1/4) inch of pitch per foot from the center line.

4.1.7 Surface Material Where applicable, the surface of paved roads shall be bituminous concrete, Type I-1. Bituminous concrete shall be placed in two (2) layers per Table 1, Appendix 2. Turn-arounds on dead end streets shall have an exterior paved radius of no less than forty (40) feet. The centerline of the travel surface shall be on the centerline of the way.

Shoulders shall be provided on each side of the road to a minimum width of four (4) feet, excluding berms. Where the new pavement intersects an existing road, it must butt into and not overlap the edge of the hardened surface of the roadway. All abutting edges of the existing pavement shall be coated with RS-1 emulsion prior to the placement of the permanent bituminous concrete. Shoulders shall be hardened, top-soiled and seeded with perennial grass. All disturbed areas shall be seeded.

4.1.8 Berms Berms shall be provided on both sides of all paved roads where the grade is 3% or greater. Bituminous concrete berms, eighteen (18") inches in width on rolled asphalt base or binder course, shall be constructed on each side of the road and shall slope towards the street at a rate of 1½ to 2½ inches per foot

4.1.9 Street Signs Street signs that conform to the requirements of the Highway Department and any applicable town bylaws shall be installed by the developer. Stop signs shall be installed by the developer wherever a proposed private road or existing private road used for access to the subdivision intersects with a public or town road. A street sign must display the exact name of the street as it appears on the approved subdivision plan.

4.1.10 Vegetation Existing trees of over six (6) inches in diameter, measured at four and one-half (4½) feet above existing grade, outside the travel surface of any proposed or existing roads and on proposed building lots should be preserved. The Planning Board may require the applicant to provide and plant suitable shade trees as a buffer along existing or proposed roads or along abutting and already developed properties. Shrubs or ground cover may be required where stabilization is needed; for instance, on banks along roadways, or as a buffer. All unvegetated or disturbed areas shall be surfaced with not less than four (4) inches of good quality topsoil and shall be seeded, or hydroseeded, with a grass mix in sufficient quantities to assure adequate coverage and establish growth, and appropriate for the soil and site conditions, and rolled. The Planning Board may require native plantings within the center of cul-de-sacs or turnarounds.

4.1.11 Guard Rails Guardrails of a design and material approved by the Board shall be required at points along the roads where in the Board's opinion they are necessary for safety in the opinion of the Board.

4.2 Drainage

4.2.1 Drainage Installations Road drainage, including drain lines and structures, shall be designed to meet engineering standards for a 50-year storm. Road drainage structures shall be placed not more than two hundred (200) feet apart on continuous grades with a slope of five percent (5%) or more and not over four hundred (400) feet apart on continuous grades of less than five percent (5%), or as otherwise reasonably determined by the Board. Structures shall be precast units. Grates and frames shall be of Massachusetts standard type and shall conform to Massachusetts Department of Public Works specifications.

4.2.2 Catch Basins Catch basins shall be of solid construction, precast concrete or other approved material, with sump, overflow and grates, located in the road to receive surface water. Leaching basins shall be made of precast concrete or other approved material, located off the road and connected to catch basins with concrete, asphalt-coated, corrugated aluminum or steel pipe of 10" minimum diameter. All leaching basins shall have a two (2) foot minimum width of 1 ½" stone around the circumference and for the full depth of the leaching portion of the basin. Covers shall be precast concrete with a set marker consisting of a section of re-bar driven vertically into the ground over the center of the pit to locate them. No portion of the drainage system shall be back-filled until an on-site inspection has been made by the Truro Director of Public Works and the development's engineer and written approval has been given by the former.

4.2.3 Drainage Pipe outlets All pipe used in drainage installations shall be reinforced concrete or asphalt-coated corrugated metal or aluminum-corrugated metal and shall be correctly bedded in a trench to a true line and grade. This trench shall be suitably filled and compacted. The minimum size of pipe permitted is ten (10) inches. Suitable headers, with aprons to prevent scour, are required at the discharge end of pipes. Manholes shall be provided at changes of grade and at feeder entrances to mains.

4.2.4 Drainage Treatment For any Definitive Plan, vegetated basins also may be incorporated into the overall drainage plan for pre-treatment of road runoff.

4.3 Utilities

Prior to the placing of the bituminous concrete binder course, all utilities shall be installed underground (refer to §3.5).

4.4 Inspection

The applicant or his representative shall have a licensed professional engineer present at the commencement of any phase of road construction, for on-site inspections (Form E) and subsequent certifications. The engineer shall be present at each inspection and shall certify at the time of inspection in a letter to the Planning Board bearing the engineer's stamp that, at the time of inspection, the phase of construction inspected had been completed according to the plans approved by the Planning Board. Inspections shall be made when the: centerline is staked; sub-grade, hardening and drainage is in place; binder course is in place; finished road surface and berms are in place; slopes and shoulders are loamed and graded; and street signs and bounds are installed.

4.5 Post-Development

4.5.1 Clean Up The developer shall clean up any debris resulting from road construction, installation of utilities or other site work so as to leave a neat and orderly site free from debris and other objectionable materials. All catch basins and manholes shall be cleaned out.

4.5.2 Documentation Upon the completion of ways and the installation of services in accordance with these Regulations but prior to the full release of the performance guarantee (see Section 2.5.6 above), the developer shall submit to the Board “as-built” drawings of all streets, utilities and drainage systems. The developer, furthermore, shall file with both the Board and the Town Clerk a written statement that all requirements of the Definitive Plan have been met. The as-built plan shall be consistent with the requirements of §2.5.7(a), and it shall be accompanied by an engineer’s attested Certificate of Completion.

SECTION 5 ACCEPTANCE OF PRIVATE ROADS

5.1 General

A petition for the acceptance of a private way should be addressed to the Board of Selectmen but shall not be acted upon by the Board of Selectmen until the Planning Board has certified that the way was constructed in accordance with the Rules and Regulations or standards, including grading, clearing, hardening, black-topping and drainage prevailing when the way was constructed. Upon approval of the petition, the Board of Selectmen shall submit an article to the next annual Town Meeting for action on the petition.

5.2 Submission of the plan

5.2.1 A plan of the way prepared at the petitioner's expense and stamped by a registered surveyor and, if necessary, by a professional engineer shall accompany the petition. The plan shall include the following information:

- a. Name of the road.
- b. Areas to be accepted.
- c. Names, addresses & lot numbers (either on a separate plan or in a legend on a subdivision plan) of all owners and abutters.
- d. Road layout and construction details including locations and dimensions of drainage basins and leaching tanks, a typical, cross sectional road width drawing showing its thickness and types of sub-base, base course, top course, width of paved surface, berms and utilities.
- e. Drainage, easements and catchment areas, if any.
- f. Dates of the start and finish of road construction and the name of contractor.
- g. Core samples sufficient to verify the method of construction of the road.
- h. Any other details necessary to fully describe the road.

5.3 Suitable Access

Any private way submitted by petition for acceptance by the Town as a public way shall connect directly with an existing public way or with another private way being submitted simultaneously for acceptance.

5.4 Waiver

The Planning Board may waive any of the Town standards, referred to in Section 5.1, which in its opinion would not be detrimental to the public interest, but any requirements specified by law may not be waived. If any such waiver would result in an expenditure of public monies to accomplish the requirements waived, the Board of Selectmen shall present this cost to Town Meeting for its approved in conjunction with the petition for acceptance of the private way.

Section 6 Administration

6.1 Authority

The Planning Board shall administer these Rules and Regulations and shall enjoy all the powers conferred upon it by MGL Ch 41 Sections 81-A to 81-GG. The Planning Board may designate as its agents appropriate town agencies or officials, and it may from time to time obtain independent professional assistance to review plans and inspect improvements at the applicant's expense when the Board cannot adequately perform its functions without such assistance.

6.2 Severability

If any provision of these Rules and Regulations is held to be invalid by a court of competent jurisdiction, such invalidity shall not be construed to invalidate any other provision hereof unless the context so requires.

APPENDIX 1
FEE SCHEDULE

Approval Not Required Plan	\$275
Preliminary Plan	\$275
Definitive/Modification Amendment/Rescission Plan	\$125 per lot, minimum \$275
Lot Release/Covenant Release	\$100

APPENDIX 2

TABLE 1

Recommended Geometric Design Standards for Subdivisions

DESIGN ELEMENTS	Type A	Type B	Type C	Type D & E
Roadway layout				
Minimum right-of-way width	40 feet	40 feet	40 feet	40 feet
Minimum Roadway width – not including berms	14 feet	18 feet	20 feet	22 feet
Shoulder width (each side of roadway)	4 feet	4 feet	4 feet	4 feet
Horizontal Alignment				
Minimum radius at street centerline	125 feet	125 feet	290 feet	290 feet
Vertical Alignment				
Clear sight distance from 4'-6" to 4" above pavement	200 feet	200 feet	350 feet	350 feet
Minimum vertical curve	100 Feet	150 feet	200 feet	200 feet
Grade(1)				
Maximum grade	8%	8%	8%	8%
Minimum grade	1%	1%	1%	1%
Maximum grade, within 30' from intersection	2%	2%	2%	2%
Intersection Standards				
Minimum intersection angle	60°	60°	60°	85°
Minimum centerline offset	125 feet	125 feet	200 feet	200 feet
Minimum curb (or edge of roadway) radius	20 feet	20 feet	30 feet	30 feet
Dead-end Street				
Maximum length	1,000 feet	1,000 feet	1,000 feet	Not allowable
Minimum radius of circular turnaround, to curb or to edge of pavement	40 feet	40 feet	40 feet	n/a
Pavement and Storm Frequency Standards				
Unpaved(2)	6" T-Base 3" crushed Stone	n/a	n/a	n/a
Pavement, compacted thickness	3" total 1½" binder 1½" finish	3" total 1½" binder 1½" finish	4½" total 2½" binder 2" finish	4½" total 2½" binder 2" finish
Base, compacted thickness	8" total 4" sub-base 4" base	8" total 4" sub-base 4" base	12" total 6" sub-base 6" base	12" total 6" sub-base 6" base
Storm frequency for drainage calculations	50 years	50 years	50 years	50 years
Storm frequency for cross culverts sizing	50 years	50 years	50 years	50 years

n/a - Not applicable. (1) The maximum grade for all roads shall be a maximum of 8%. The "Maximum Grade" may be waived, but cannot exceed 10%, for a distance of one hundred (100) feet. (2) Although unpaved roads may be accepted as access under these regulations, they will not be considered for acceptance as a town road unless reconstructed.

APPENDIX 3

FORMS



FORM A
APPLICATION FOR DETERMINATION THAT
PLAN DOES NOT REQUIRE APPROVAL (ANR)

Date: _____

To The Planning Board of the Town of Truro Massachusetts,

The undersigned owners of all the land described herein submitted the accompanying plan entitled:

_____ and dated _____, requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Property Location: _____ Map(s) and Parcel(s): _____

Number of Lots Created: _____ Total Land Area: _____

The owner's title to said land is derived under deed from _____,

dated _____, and recorded in the Barnstable Registry of Deeds Book and Page: _____

or Land Court Certificate of Title No. _____ registered in Barnstable County.

The undersigned believes that such approval is not required for the following reasons: *(Check as appropriate)*

- ☐ The accompanying plan is not a subdivision because the plan does not show a division of land.
- ☐ The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Truro zoning by-law under Section 50.1 (A) which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
- ☐ a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____, or
- ☐ a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely _____ on _____ and subject to the following conditions _____; or
- ☐ a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____.

☐ The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely _____ which adds to/takes away from/changes the size and shape of, lots in such a manner that no lot affected is left without frontage as required by the Truro zoning bylaw under Section 50.1 (A), which requires 150 feet.

☐ The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the property prior to December 8, 1955 the date when the subdivision control law went into effect in the Town of Truro and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:

☐ Other reasons or comments: *(See M.G. L., c.41, §81-L)*

All other information as required in the Rules and Regulations Governing Subdivisions of Land shall be submitted as part of the application.

_____ (Printed Name of Owner)	_____ (Signature)
----------------------------------	----------------------

_____ (Printed Name of Owner)	_____ (Signature)
----------------------------------	----------------------

_____ (Address of Owner(s))	_____ (Address of Owner(s))
--------------------------------	--------------------------------

_____ (Printed Name of Agent)	_____ (Signature)
----------------------------------	----------------------

_____ (Address of Agent)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk

TOWN OF TRURO



PLANNING BOARD

Form B

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

Date _____

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____ and described as follows:

Located: _____

Assessor's Map(s) and Parcel(s): _____

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 Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from _____
dated _____, and recorded in the Barnstable

Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. _____ registered in Barnstable County.

Applicant's Signature _____ Applicant's Telephone Number _____

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant
or applicant's authorization if not the owner _____

Owner's Legal Mailing Address _____

Surveyor Name/Address _____
(Or Person responsible for preparation of the plan)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk

TOWN OF TRURO



PLANNING BOARD

Form C

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

Date _____

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____ and described as follows:

Located: _____

Assessor's Map(s) and Parcel(s): _____

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 Truro Planning Board and makes application to the Board for approval of said plan.

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

_____ dated _____, and recorded in the Barnstable

Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. _____ registered in Barnstable County, and said land is free of encumbrances except for the following:

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

Applicant's Signature _____ Applicant's Telephone Number _____

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant
or applicant's authorization if not the owner _____

Owner's Legal Mailing Address _____

Surveyor Name/Address _____
(Or Person responsible for preparation of the plan)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk



TOWN OF TRURO PLANNING BOARD

FORM D
COVENANT

The undersigned _____ of Barnstable County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Truro Planning Board, a definitive plan of a subdivision, entitled _____ dated _____ made by _____ for property located at _____ and showing _____ proposed lots, does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to MGL c.41, §81U, as amended that:

1. The Covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executor, administrators, heirs and assigns of the Covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the Rules and Regulations of said Planning Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgage premises or part thereof may sell any such lot, subject only to that portion of this covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval of said plan by the Planning Board.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded at the Registry of Deeds or the Land Court when said plan is recorded. A copy of the recorded covenant shall be returned to the Planning Board.

The undersigned _____ wife, husband, of the Covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

Witness our hands and seals this _____ day of _____, _____

Signature of Owner

Signature of Owner

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.

NOTARY PUBLIC

The following are further agreements and/or conditions of approval:

Planning Board Signatures:

Date: _____

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.

NOTARY PUBLIC



FORM E

APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE
SUBDIVISION

Date _____

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____ by _____ dated _____ and described as follows:

Located: _____

Assessor's Map(s) and Parcel(s): _____

Number of Lots Proposed: _____

Total acreage of Tract: _____

Hereby submits said plan for (*circle one*) MODIFICATION AMENDMENT RESCISSION in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):

The undersigned's title to said land is derived under deed from _____ dated _____, and recorded in the Barnstable Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. _____ registered in Barnstable County, and said land is free of encumbrances except for the following:

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

Applicant's Signature _____ Telephone Number _____

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant
or applicant's authorization if not the owner _____

Owner's Legal Mailing Address _____

Surveyors Name/Address _____
(Or Person Responsible for preparation of plan)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk



FORM F
CERTIFICATION OF COMPLETION & RELEASE OF MUNICIPAL INTEREST
IN SUBDIVISION PERFORMANCE SECURITY

Date: _____

Subdivision Name: _____ Location _____

Owner: _____

Owner address: _____

Applicant: _____

Applicant address: _____

Barnstable County Registry of Deeds, Plan Book _____, Page _____

Barnstable County Land Registry, L.C.P. No. _____

Form D Covenant Doc. No. _____ Book _____ Page _____

The undersigned, being a majority of the Planning Board of the Town of Truro, Massachusetts, hereby certify that the construction of ways and the installation of municipal services for the subdivision cited above have been fully and satisfactorily completed in accordance with the Planning Board Rules and Regulations to serve the following lots:

Pursuant to MGL c.41, §81-U and in consideration of said construction and installation, the Town of Truro a Massachusetts municipal corporation, acting through its Planning Board, hereby release its interest in the performance security for the subdivision cited above.

 Truro Planning Board

Date: _____

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, one of the above signed members of the Truro Planning Board, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence.

By commission expires: _____

Notary Public