

TRURO PLANNING BOARD TRURO, MASSACHUSETTS SUBDIVISION REGULATIONS

Section I. Authority

Under the authority vested in the Planning Board of the Town of Truro by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Truro. Such rules and regulations shall be effective October 18, 1978 as amended on December 20, 1983. (12/55,9/71,6/78,12/83)

Section II. General

A. Definitions:

For the purpose of these regulations terms and words shall have the meaning as defined in the Truro Zoning By-Law. Terms and words not defined therein but defined in the General Laws, Chapter 41, "The Subdivision Control Law," and amendments thereto, shall have the meaning given therein, unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. (12/55,9/71,6/78)

"Board" shall mean the Planning Board of the Town of Truro. (9/71)

B. Plan Believed Not to Require Approval:

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval.

If the Board determines that the plan does not require approval, it shall without a public hearing and within 14 days of submission endorse on the plan the words "Planning Board Approval Under Subdivision Control Law Not Required." Said plan shall be returned to the applicant, and the Board shall notify the Town Clerk of its action.

If the Board determines that the Plan does require approval under the Subdivision Control Law, it shall within 14 days of submission of said plan so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination. The fee for plans not requiring approval under the subdivision law shall be fifty (50) dollars for the first lot and twenty-five (25) for each additional lot. (9/71,8/72,6/78,3/82)

C. Subdivision:

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within this 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 Board as hereinafter provided.

D. Road Standards:

(a) Existing unimproved private way:

An existing unimproved private way shall be a way established prior to the adoption of this amendment which is not cleared, graded, drained, hardened or surfaced. Before the Board of Selectmen shall act on a petition for the acceptance by the Town of such a way, the petitioners shall have prepared by a registered engineer or a registered land surveyor, a clear and legibly drawn plan, to a suitable scale, in black India ink on tracing cloth. This plan shall contain the following information:

Location of road in respect to all adjacent or intersecting roads, public and private.

Layout of road showing all necessary dimensions to reproduce the road on the ground.

Drainage facilities and/or drainage easements.

Names and addresses of all abutters.

The petitioners shall install sufficient permanent concrete bounds to define the road. The petitioners shall also be required to post a performance bond with the Town of Truro assuring that if the road should be accepted by the voters of the Town of Truro, all the requirements specified by the design standards would be met. All costs of preparing plans, procurement of bonds and construction of road or way to meet the design standards shall be borne by the petitioners.

Design standards shall be those shown under Subdivision Regulations, Section IV. Design Standards.

(b) Existing improved private way:

An existing improved private way shall be a way established prior to the adoption of this amendment which has been constructed in accordance with Town of Truro standards existing at the time of construction including grading, clearing, hardening, black-topping and drainage. The Board of Selectmen may act on petition for the acceptance of such a way without requiring any or all of the requirements listed in paragraph (a) if the petition is approved by the Planning Board.

(c) Approval and acceptance:

Upon approval by the Board of Selectmen of a petition for Town acceptance of a private way under the conditions stated in either (a) or (b), the Selectmen shall submit an article to the next annual Town Meeting to the voters of the Town for their action on the petition.

(d) Waiver:

The Board of Selectmen may waive any requirements of the Design Standards listed in paragraph (a) or any deviation from Town Standards listed in paragraph (b) which, in their opinion, would not be detrimental to the Town of Truro, excepting requirements

specified by by-law. If any such waiver will result in an expenditure of public monies to accomplish the requirements waived, the Board of Selectmen must present this cost to Town Meeting acting on the petition for acceptance of the private way. (9/71,12/83)

Section III. Procedure for the Submission and Approval of Plans:

A. Preliminary Plan:

- 1) General: A preliminary plan of a subdivision shall be submitted by the subdivider for the discussion and tentative approval by the Board.

Submission of the preliminary plan will enable the subdivider, the Board, other municipal agencies and owners of properties abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared.

- 2) Contents: The Preliminary Plan shall be drawn on tracing paper at suitable scale. Five prints shall be filed at the office of the Board. The Preliminary Plan should show sufficient information about the subdivision to form a clear basis for discussion of the problems and for the preparation of the Definitive Plan. Such information will include major site features such as existing stone walls, fences, buildings, large trees, rock ridges, and outcroppings, swamps and water bodies and existing topography as required, together with the information required for the Definitive Plan (Section III, B, 2, items (a) to (d) inclusive). During discussion of the Preliminary Plan, complete information required for the Definitive Plan (Section III, B, 2, Contents) will be developed. (9/71,12/83)
- 3) Tentative Approval: The Board may give the Preliminary Plan its tentative approval, with or without modification. Such tentative approval does not constitute approval of a subdivision, but does facilitate the procedure for review of the Definitive Plan.

B. Definitive Plan:

- 1) General: Any person who submits a Definitive Plan of a subdivision to the Board for approval shall file with the Board the following:
 - (a) An original drawing of the Definitive Plan and five contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval. (9/71,12/83)
 - (b) A properly executed Application Form to be secured from the Town Clerk.
 - (c) A deposit of \$25.00 plus \$10.00 for each additional lot, to cover the cost of advertising and legal notices for all subdivision plans requiring a public hearing. (12/55,9/71,11/77,6/78)

The applicant shall file by Certified Mail, a notice with the Town Clerk stating the

date of submission for such approval and accompanied by a copy of the completed Application Form. (9/71,12/83)

2) Contents:

The Definitive Plan shall be prepared by an engineer or surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth. The plan shall be a scale of one inch equals forty feet or other such scale as the Board may accept, to show details clearly and adequately. Sheet size shall preferably not exceed 24" by 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- (a) Subdivision name, boundaries, north point, date and scale.
- (b) Name and address of record owner, subdivider and engineer or surveyor.
- (c) Names and addresses of all abutters as they appear in the most recent tax list.
- (d) The applicant shall furnish the Board with a separate plan showing profiles of the proposed ways or streets. This plan shall be in such form as to provide full information satisfactory to the Board, but need not be in the same form as the Definitive Plan. It should include proposed street names.
- (e) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. All bearings shall refer to Massachusetts prime meridian.
- (f) Location of all permanent monuments properly identified as to whether existing or proposed.
- (g) Location, names and present widths of streets bounding, or approaching or within reasonable proximity of the subdivision.
- (h) Suitable space to record the action of the Board and the signatures of the members of the Board (or officially authorized person).
- (i) Existing and proposed topography at a suitable contour interval as required by the Board.
- (j) All surveys to be made with accuracy resulting in a minimum error of closure 1 to 10,000.

- 3) Review by Board of Health as to Suitability of Land: The Board shall within ten days after submission of a plan consult with the Board of Health. If the Board of Health is in doubt as to whether any of the land in the subdivision can be used as building sites without injury to the public health, it shall so notify the Planning Board in writing within thirty days. Any approval of the plan by the Board shall then only be given on condition that the lots of land as to which such doubt exists shall not be built upon without the prior consent of the Board of Health, and shall endorse on the plan such conditions, specifying the lots of land to which said condition applies.

4) Public Hearings:

Before approval, modifications and approval, or disapproval of the Definitive Plan

is given, a public hearing shall be held by the Board. Notice of the time and place of such hearing and of the subject matter, sufficient for identification, shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing. A copy of said notice shall be mailed by certified mail to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list. (9/71,12/83)

5) Certificate of Approval:

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 certified mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signature of the majority of the Board (or by the signature of the person officially authorized by the Board), but not until the statutory, twenty-day appeal period has elapsed following the filing of the Certificate of the Action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with four (4) prints thereof. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision. (9/71,12/83)

Section IV. Design Standards.

- (a) The Board shall require a minimum lot size of 33,750 square feet, minimum frontage of 150 feet on a way and a 25 foot setback from all lot lines. (12/55,8/72)

The area of a lot when used for building purposes shall not be less than the minimum required herein. Said lot shall not be interpreted to include any areas below mean water on tidal water, areas of exposed ground water, or within the limits of any defined way. No less than 75 percent of the minimum area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach, dune or wet meadows. (6/78)

The lot frontage shall be the distance along a straight line connecting the points of intersection of the side lot lines with the front lot line. At each corner of a parcel of land to be subdivided and at each corner of the proposed lots within the subdivision, there shall be placed permanent monuments of reinforced concrete. For purposes of this rule, "corner" shall mean (a) every point at which two lines, forming the boundary of the subdivision parcel or lots within it, meet and (b) the termini of an arc wherever an arc or any portion of it forms part or all of the boundary line of a subdivision parcel or the lots within it. This rule shall not apply to any corner, as herein defined, which is permanently marked as a result of proceedings in the Land Court. (6/78,12/83)

- (b) The minimum width of street right-of-ways shall be 40 feet. (12/55,9/71)
- (c) Property lines at street intersections shall be rounded to provide for a curb radius of not less than 20 feet. (9/71)
- (d) Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of at least 80 feet. When ways requiring turnarounds may be extended in future subdivision, the Board may require only an area equal to the above requirement to be shown and marked "Reserved For Turning." Upon extension of the way through this turning area, the portions not included in the way shall revert to their respective lots. (12/55,9/71)
- (e) All streets in the subdivision shall be continuous wherever practicable. (12/55,9/71)
- (f) Provisions satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property not yet subdivided. (12/55,9/71,6/78)
 - 1) At least one street in the new subdivision will connect with a road which will provide access to the new subdivision, and said road shall in the opinion of the Board be adequate to reduce the danger to persons and property and to securing safety in the case of emergency.
The Board may disapprove a plan if it determines the access road to the subdivision is adequate. (6/78,12/83)
 - 2) Subdivisions of 30 or more lots will be required to have more than one access from an existing major street. This requirement for more than one access may be waived by the Board when in its opinion it is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law. (6/78)
- (g) Grades of streets shall be a reasonable minimum, but shall not be more than 10 per cent.
- (h) A sufficient number of permanent monuments of reinforced concrete or stone shall be required to readily reproduce the subdivision on the ground. These monuments shall be at least 5" by 5" in cross section and 32" in length.
- (i) On land of single ownership where the intent is to subdivide into no more than two lots of legal area and a way is required for one lot, this may be exempt from any or all of the requirements of the design standards, excepting for those requirements specified in the by-laws. It shall be at the discretion of the Board to grant these waivers and to set requirements for the way. Any such way established shall not be used to provide access to any lot other than the lot established by approval of the way. There shall be no further subdivision of the lot serviced by the way established. Any way established under this provision of waiver of design standards shall not be subject to acceptance by the Town as a public way. (9/71,12/83)
- (j) Prior to the issuance by the Building Inspector of a building permit for any structure in any subdivisions approved subsequent to the adoption of this By-law, streets servicing the

lot or lots, for which the permit is desired must meet the following specifications:

1. All trees, brush, stumps, roots, etc., must be removed for a minimum width of 30 feet.
 2. Street must be graded in accordance with paragraph (g) above.
 3. Street must be hardened with a good grade of hardening to a depth of six (6) inches for width of 22 feet. (9/71, 6/78)
 4. Black topping shall be applied for a minimum width of twenty-two (22) feet with four (4) foot hardened shoulders on each side in any of the following methods.
A mix-in-place three (3) inches thick, using one and one-half gallons of oil per square yard, and rolled.
A type "I" hot-mix surface two (2) inches thick and rolled.
Other types of road surfaces of equal or better grade may be approved upon application to the Board.
- (k) 1. Performance Guarantee: Before endorsement of the Board's approval of a Definitive Plan of a subdivision the applicant shall secure the completion of the required improvements specified in Section IV for all of the lots in the subdivision by one, or in part by one and in part by the other, of the methods described in a. and b. below, which method may be selected by the applicant.
- a. Approval with bonds or surety: The applicant shall either file a surety company performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section IV. In case of negotiable securities, the value required shall be 100 percent greater than a bond. Such bond or security shall be approved as to form and manner of execution by the Town Counsel and sureties approved by the Town Treasurer, and shall be contingent upon completion of such improvements within two years of the date of endorsement of the plan.
 - b. Approval with Covenant: The applicant shall file with the Planning Board, and properly record along with the plan, a properly executed covenant 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. Such covenant shall be executed in the form provided by the Planning Board and approved by Town Counsel, and shall be contingent upon the completion of all required improvements within two years of the date of endorsement of the plan. At the discretion of the Board a time extension may be granted.
2. Later Alternate Method of Guaranteeing Performance: After sufficient improvements have been made by the applicant to give the Board reason to release one or more lots from a performance guarantee and following the recording of a mortgage or mortgages on a lot or lots in the subdivision given as security for advances to the subdivider by a lender, the Board may, at its option, release lots from the operation guarantee without receipt of a bond or deposit of money upon delivery to the Board of an agreement with the Board, which

agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of sufficient funds otherwise due the applicant to secure the construction of ways and installation of utilities. Said agreement shall provide for a schedule of disbursements which 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.

3. Release of Performance Guarantee: Upon the completion of improvements required under Section IV, security for the performance of which was given by bond, deposit, or upon the performance guarantee with respect to any lot, the applicant shall send by registered or certified mail to the Town Clerk and to the Board a written statement in duplicate that the said construction or installation in connection with which such bond, or deposit has been given has been completed in accordance with requirements contained under Section IV, such statement to contain the address of the applicant. If the Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction and installation fails to comply with the requirements contained under Section IV. Upon failure of the Board to act on such application within 45 days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned. In the event that said 45 day period expires without such specifications, or without the release and return of the bond or return of the deposit as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded. *(9/71,6/78)*

- (l) No permit will be issued for building on any lot for which a plan is required until such plan has been recorded at the Registry of Deeds (Plan Book and page numbers are evidence of recording). In the case of registered land evidence must be presented to the Board that such plan has been duly recorded with the Massachusetts Land Court and approved. *(9/71,6/78)*

- In the event the developer fails to perform satisfactorily, the requirements set forth in the bond within the specified period of time, if any, the then outstanding principal amount (penal sum) of the bond shall be payable to the Town as provided by law, to the extent of the reasonable cost to the Town of the completion of the improvements required under the bond. *(9/71)*

- In such case the approval of the Board of the Definitive Plan of the subdivision may be rescinded. *(9/71)*

- (m) All lots established under the provisions of the Subdivision Code must be of sufficient depth to permit the erection of a building thereon. This requirement shall not apply to a lot which, after approval of the subdivision plan, will be conveyed to the owner of an adjoining lot and thence become an integral part of said adjoining lot. This intention of conveyance shall be noted on the Definitive Plan. *(9/71,12/83)*

- (n) All utility lines and cables shall be underground. (9/71,12/83)
- (o) Protection of natural features. Due regard shall be shown for all natural features such as large trees, water courses, scenic points, historic points and similar community assets, which if preserved, will add attractiveness and value to the subdivision.

To the fullest extent possible, existing trees shall be preserved by the developer. Special consideration shall be given to the layout of lots and the position of dwellings on the lots to insure that existing trees during the process of grading shall be preserved. Where there is a question as to the desirability of removing trees or a group of trees which serve to add interest and variety to the proposed subdivision, in order to allow for use of the land for a lot or lots, the Planning Board may impose such conditions and terms which in the opinion of the Board are necessary to insure compliance herewith.

Topsoil removed during the course of construction shall be redistributed so as to provide at least four inches of cover to all areas of the subdivision and shall be stabilized by seeding and planting. At no time shall topsoil be removed from the site or tract without obtaining the required permit. (6/78,12/83)

Section V. Administration:

- A. Waiver:
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.
- B. Notice of Waiver:
Notice of waiver of any of these laws or regulations by the Board shall be made in writing to the Board of Selectmen and to the Board of Appeals.
- C. Reference:
For matters not covered by these rules and regulations, reference is made to Section 81K to 81GG inclusive of Chapter 41 of the General Laws. (12/55,9/71,6/78)
- D. Procedure for Submitting Zoning By-Laws to the Attorney General for Approval.
The following items shall be furnished to the Town Clerks where appropriate:
- 1) A copy of the previous by-law being amended if the substance of the proposed amendment is not readily understandable from language in the Article of the warrant.
 - 2) Two certified copies of the zoning map (in file size not larger than 24 inches by 36 inches) with the proposed changes delineated thereon in color by article number.
 - 3) One certified copy of the public hearing held by the Planning Board on the proposed changes showing the dates of publication in which published and with the items therein correlated to the article numbers under which voted.

- 4) A certificate from the Planning Board that notice of its hearing was sent by mail, postage prepaid, to the Department of Community Affairs, the regional planning agency, to nonresident property owners who file an annual request with the Town Clerk in accordance with local by-law.
- 5) One certified copy of any material referred to by reference on the published notice of the public hearing held on the proposed changes by the Planning Board.
- 6) One certified copy of the Planning Board's written report on each of the Articles and a statement as to whether or not such report was presented to the town meeting, or, if no written report was made, a summary of any oral reports that the Planning Board made to the town meeting, or, if no written or oral reports were made by the Planning Board, a statement to that effect.
- 7) A certification as to the members of the Planning Board.
- 8) Additional statements explaining clearly the by-laws or changes proposed, which may be accompanied by explanatory maps or plans.

(12/83)