

# 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 regulations governing the subdivision of land in the Town of Truro. Such regulations shall be effective October 18, 1978 as amended on December 20, 1983. (12/55,9/71,6/78,12/83,3/88)

## **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 twenty-one 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. (9/71,3/88)

If the Board determines that the Plan does require approval under the Subdivision Control Law, it shall within twenty-one 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. (9/71,8/72,6/78,3/82,3/88)

### **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. Acceptance of private roads:**

(9/71,3/88)

(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) New, improved private way shall be a way which was established after the adoption of (b) above and which was constructed in accordance with all contemporaneous Town of Truro standards for such matters as grading, clearing, hardening, black-topping, and drainage. If the petition for public takeover is the first approved by the Planning Board, then the Board of Selectmen may act on the petition for acceptance without requiring satisfaction of any or all of the requirements listed in paragraph (a). (3/88)

(d) 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 (b) or (c), the Selectmen shall submit an article

to the next annual Town Meeting to the voters of the Town for their action on the petition. (9/71,3/88)

(e) 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) or (c) 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. (9/71,12/83,3/88)

### **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.

- 4) Fee: The fee for submission of preliminary subdivision plans shall be \$25.00, payable on filing of the preliminary subdivision plan with the Planning Board. (7/90)

#### **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 \$50.00 plus \$25.00 for each additional lot, to cover the cost of advertising and legal notices for all subdivision plans requiring a public hearing. *(12/55,9/71,11/77,6/78,3/88)*

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. Such names should not be more than two words (in addition to "road, street, etc.") and not create confusion with other names previously approved. *(9/71,2/93)*
- (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 forty-five 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. (9/71,3/88)
  
- 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 two prints thereof. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision. (9/71,12/83,3/88)

#### **Section IV. Design Standards.**

*(As amended by the Planning Board on November 12, 1986 by adoption of Sections (h) through (m))*

- (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 100% of the minimum area required shall consist of contiguous upland

exclusive of marsh, bog, swamp, beach, dune or wet meadows. (6/78,3/88)

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. (6/78,12/83,11/86)

- (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)
  - 1. 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)  
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 secure safety in the case of emergency. (9/91,3/88)
  - 2. The Board may disapprove a plan if it determines the access road to the subdivision is inadequate. (6/78,12/83,11/86)
  - 3. 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. (6/78,3/88)
- (g) 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. (9/71,12/83,11/86)
- (h) No street shall intersect any other street at less than sixty (60) degrees. (11/86)

(I) Street construction

1. The width of the pavement and the shoulders (four (4) feet from each side of the pavement) shall be cleared of all stumps, brush, roots, boulders, trees and like material. All such material shall be disposed of outside the subdivision unless authorized by the Planning Board.
2. All materials not suitable for foundation shall be removed from an area eight (8) feet wider than the paved width (four (4) feet from each side of the pavement) and to a depth of at least six (6) inches below finished grade. Peat, silt, loam or similar yielding materials shall be removed to a firm foundation for the same width.
3. Grades of streets shall be a reasonable minimum, but not less than five tenths (0.5) of a percent nor more than ten (10) percent except that the Planning Board may grant approval of grades up to twelve (12) percent for a distance of less than one hundred (100) feet. The roadway is to be constructed in true cross section with a crown of one quarter (1/4) inch per foot from the center line.
4. No side slopes resulting from grading of the street shall exceed one (1) foot vertical to two (2) feet horizontal in fill and in cut. Land between the outside of the layout and the pavement shall be graded so as to prevent surface water on the street from draining on to private land except into designated areas.
5. Traveled ways and shoulders shall be provided with a foundation consisting either of at least six (6) inches compacted thickness of good binding gravel satisfactory to the Project Engineer, clean, free of organic matter, and without stones over three (3) inches in diameter, or of six (6) inches of clay hardening or the equivalent. Any depressions that occur, either during or after rolling, must be filled with additional gravel or hardening and rolled until the surface is true and even.
6. The wearing surface of the roadways within the right of ways shall be two (2) course Type I bituminous concrete pavement (native stone aggregate allowed), applied with a two (2) inch (after compaction) base course and a one (1) inch finished course, in accordance with Massachusetts Department of Public Works Standard Specification 460. Pavement shall be centered in the roadway layout, unless the Planning Board approves a variation.
7. The minimum pavement width, exclusive of curbing or berms, shall be as follows: for roads that will never be able to serve more than ten (10) lots: eighteen (18) feet; more than fifteen (15) lots: twenty (20) feet; all other roads: twenty-two (22) feet.
8. Molded bituminous berms, sixteen (16) inches in width, or paved gutters shall be installed wherever pavement grades exceed three (3) percent, and shall be installed over the same bituminous base as the paved surface.
9. Road drainage, including lines and structures, shall be constructed to meet storm characteristics acceptable to current engineering standards. Grates and frames shall be of Massachusetts Standard grate type and shall conform with Massachusetts Department of Public Works specifications. Catch basins, leaching basins or leaching fields shall be adequate for the conditions encountered. Catch basins shall be of a solid construction (masonry or precast concrete) with sump, overflow and grate located in the road to receive surface water. Leaching

basins shall be of a masonry or pre-cast concrete construction, located off the road a minimum of two (2) feet and connected to catch basins with concrete, asphalt-coated, corrugated aluminum or steel pipe with a minimum diameter of ten (10) inches. All leaching basins shall have a two (2) foot minimum width of one and a half (1 and 1/2) inch stone around the circumference and for the full depth of the leaching portion of the basin. Covers shall be precast concrete.

Swales shall be constructed of the same material and specifications as the road surface and shall direct surface water away from the road pavement a minimum distance of five (5) feet to an area of suitable drainage so as not to cause erosion or puddling.

10. All telephone, cable television and similar lines and cables shall be underground. *(11/86, 2/93)*
  11. Topsoil removed during the course of construction shall be redistributed so as to provide at least four (4) 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.
  12. The subdivider shall clean up all debris caused by street construction and installation of utilities, drainage or other services; prior to release of security, the street right of way shall be similarly cleaned.
  13. Street signs of a design and material approved by the Planning Board shall be furnished and installed to identify each street at each intersection.
  14. Guard rails of a design and material approved by the Planning Board shall be required at points along the roads where necessary for safety in the opinion of the Board. *(11/86)*
- (j) Monuments shall be installed at all angle points and points of curvature of all lot lines and all ways, and at other points, where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall be at least five (5) inches by five (5) inches by thirty (30) inches of concrete or granite. No permanent monuments shall be installed until all construction which would disturb the monuments is completed. This rule shall not apply to any corner, as herein defined, which is permanently marked as a result of proceedings in the Land Court. *(9/71, 11/86)*
- (k) As-Built Plans: The project engineer shall inspect each step in the construction of the road(s) and drainage, in the installation of utilities and monuments. Upon completion of road construction, installation of the drainage, utilities and monuments, an "as-built" plan shall be prepared, certified, and submitted to the Planning Board by the project engineer for approval by the Planning Board. This plan shall include the position of monuments, drainage, and underground utilities, and shall highlight and deviations from the approved plan. With the as-built plan, the developer shall also furnish proof of compliance with the Truro Selectmen's Memorandum #28 (Curb Cuts) and, if applicable, compliance with Massachusetts State Highway requirements and curb cut permits. *(11/86, 5/02)*
- (l) Road construction and drainage shall be completed within two (2) years of plan approval or shall be required to meet the standards in place at the time of completion. *(11/86)*



- (m) Prior to the issuance by the Building Commissioner of an occupancy certificate for any structure in any subdivision approved subsequent to the adoption of this By-law, streets serving the lot, or lots, for which the permit is desired must meet all requirements of subdivision design standards. (11/86)
- (n) 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. (9/71,6/78,11/86)

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. (9/71,11/86)

In such case the approval of the Board of the Definitive Plan of the subdivision may be rescinded. (9/71,11/86)

- (o) 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. (9/71,6/78,11/86)
- (p) 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. (9/71,12/83,11/86)
- (q) 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 shall be preserved during the process of grading. 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. (6/78,12/83,11/86,3/88)

- (r) Homeowners Association: Prior to the release of any of the lots of subdivision, the developer shall present to the Planning Board a declaration of trust creating a Homeowner's Association. The responsibility for the maintenance, repair, improvement and public safety clearing of the newly created road will reside with this trust. The Homeowner's 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. (5/02)

## **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)