

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 -- September 8, 1971. (12/55,9/71)

Section II. General

A. Definitions:

"Subdivision" shall mean the division of a tract of land into two or more lots in such manner as to require provision for one or more ways, not in existence when the subdivision control law became effective in the Town of Truro, to furnish access for vehicular traffic to each and every lot, and shall include resubdivision.

"Board" shall mean the Planning Board of the Town of Truro.

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.

C. Subdivisions:

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. 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 the Town Meeting acting on the petition for acceptance of the private way.

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. Two 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.
- 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 two contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
 - (b) A properly executed Application Form to be secured from the Town Clerk.
 - (c) A deposit of \$25.00 to cover the cost of advertising and notices.

The applicant shall file by Special Delivery or Registered 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.

- 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 to the applicant and to all

owners of land abutting upon the subdivision as appearing in the most recent tax list.

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 Special Delivery or Registered Mail to the Applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. 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.

Section IV. Design Standards.

- (a) The Board shall require a minimum lot size of 22,500 square feet, minimum frontage of 150 feet on a way and a 25 foot setback from all lot lines.
- (b) The minimum width of street right-of-ways shall be 40 feet.
- (c) Property lines at street intersections shall be rounded to provide for a curb radius of not less than 20 feet.
- (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.
- (e) All streets in the subdivision shall be continuous wherever practicable.
- (f) Provisions satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property not yet subdivided.
- (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. The requirement for lot frontage on the lot served by this way may also be waived. 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 this 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.
- (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 the full width of 22 feet.
 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) To insure compliance with all applicable requirements of these Design Standards, all plans shall have the following notes lettered adjacent to record Board approval as a condition of approval:
"Lots may be conveyed, but no building permits will be issued by the Town of Truro until all applicable requirements of Section IV, Design Standards, of the Subdivision Regulations have been met."
- (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. (Lot number assigned or stamped deed are evidence of recording.)
- (m) Before approval of a Definitive Plan of a subdivision, the Board may require that a bond be filed by the subdivider, in an amount determined by the Board to be sufficient to cover the cost of the improvements specified above, and approved as to form and sureties by the Town Treasurer, conditioned on the satisfactory completion of such improvements within such period of time, if any, as the Board may specify in the bond. A total or partial

release from such bond may be obtained when the requirement improvements are complete, in whole or in part, as set forth in the bond.

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.

In such case the approval of the Board of the Definitive Plan of the subdivision may be rescinded.

- (n) 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.
- (o) All utility lines and cables shall be underground.

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 18GG inclusive of Chapter 41 of the General Laws. *(12/55,9/71)*