

**WESTON PLANNING BOARD
RULES AND REGULATIONS**

ARTICLE I.
GENERAL INFORMATION

1.00 Purpose of the Subdivision Control Law (Section 81-M of M.G. L. Chp. 41)

The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board and of a Board of Appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for ensuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provisions for water, sewage, drainage, underground utility services, fire, police, and other similar municipal equipment, street lighting, and other requirements where necessary in a subdivision; and for coordinating the ways in neighboring subdivisions. Such powers may also be exercised with due regard for the policy of the commonwealth to encourage the use of solar energy and protect the access to direct sunlight of solar energy systems. It is the intent of the subdivision control law that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to subdivision of land; provided, however, that such Board may, when appropriate, waive, as provided for in Section 81R, such portions of the rules and regulations as is deemed advisable.

Added by st. 1953, c. 674, s. 7; amended by St. 1957, c. 265 and St. 1969, c. 884, s. 3, St. 1985, c. 637, s. 8

1.01 General

The Subdivision Control Law provides guidelines for the exercise of the powers of the Weston Planning Board. Thereunder, the Town of Weston Planning Board has adopted an Official Map, and has made studies of the location of streets and other ways in the Town. Copies of the Official Map and of such studies may be examined at the office of the Town Engineer. Subdivision plans filed with the Board shall comply with statutory standards, the Zoning Bylaw, and the Board's Rules and Regulations.

1.02 Definitions

Unless the context clearly requires some other meaning, the following words or phrases, and their equivalents, shall have the respective meanings. The word "shall" is intended to be mandatory, the word "may" is merely permissive, the singular includes the plural, and the present tense includes the future, and other words and phrases have the following meanings.

“Abutters”: owners of land sharing a common property line, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property lot line of the applicant as they appear on the most recent tax list, notwithstanding that the land of any such owner may be located in another municipality.

“Applicant”: the person who applies for the approval of a plan. The Applicant must be the owner or owners of all the land being divided. An agent, representative or other entity may act for an owner, provided written evidence of such fact is submitted.

“Board”: the Planning Board of the Town of Weston.

“Lot”: a contiguous area of land in one ownership with definite boundaries shown on a plan or deed (such plan being approved by the Planning Board and on file with the Town Engineer or such deed(s) and plan having being recorded in the Registry of Deeds).

“Municipal Services”: public utilities furnished by the Town.

“Nonresidential Subdivision”: A subdivision of land: (1) of which a part or all of the land is in a zoning district other than single family Residence A, B, C or D, or (2) on which a development, (other than conventional, single family detached residences), including but not limited to, clusters, townhouses, multifamily, congregate apartments, and all commercial, retail office, municipal and religious purposes.

“Owner”: Any individual or entity having 1% or more beneficial interest in the property under consideration.

“Residential Subdivisions”: A subdivision of land that is entirely in Residence District A, B, C, and/or D which is to be developed as conventional, single family detached homes.

“Streets”: a way, either public or private, that provides access to land so as to satisfy the purposes of MGL C. 41, Section 81-M.

“Subdivider”: the Applicant for the land being subdivided.

“Subdivision”: subdivision as defined in said Chapter 41, the Subdivision Control Law, section 81K through 81GG inclusive, and any amendments thereof, additions thereto, or substitutions thereof.

“Subdivision Control Law”: Chapter 41, Section 81K through 81GG inclusive of the Massachusetts General Laws, as amended from time to time.

1.03 Compliance with Zoning Bylaw

The location of buildings and other structures on land involved in subdivision or other plans submitted to the Board, and the subdivision of such land into lots, shall comply with the Town Zoning Bylaw then in effect or with a variance granted by the Zoning Board of Appeals.

1.04 No Expense to Town

a) All streets, sidewalks, water mains and pipes, hydrants, fire-alarm systems, drains, drain manholes, catch basins, culverts and other related facilities and municipal services shall be installed in subdivisions completed in accordance with these Rules and Regulations and without expense to the Town.

b) Water mains and pipes (other than service pipes), hydrants and fire-alarm systems will be installed by the Town at the expense of the subdivider.

c) In the event that the Planning Board determines that outside consultants are necessary to assist the Planning Board in evaluating the impact of the proposal, these costs will be borne by the Applicant.

1.05 Additional Requirements and Waivers

The Board may, in a particular case where such action is in the interest of good planning, in the public interest, and not inconsistent with the intent and purpose of the Subdivision Control Law:

a) require information and impose requirements and conditions in addition to those set forth in these Rules and Regulations.

and/or

b) waive strict compliance with these Rules and Regulations.

1.06 Severability

If for any reason any part or parts of these Rules and Regulations should be held to be invalid, such invalidity shall not affect the remainder.

1.07 Plan Format

Unless otherwise specified, all originals shall be on mylar or linen of size 24" x 36" and clear and legible throughout. Plans that do not meet these standards will not be recognized as a proper filing

1.08 Fees

- (1) Approval Not Required
- (2) Pre-submission Review
- (3) Preliminary Subdivision
- (4) Definitive Subdivisions
- (5) Others

1.09 Development Impact Report

No Applicant may file a Definitive Subdivision Plan for any subdivision of more than 10 acres or anticipated to generate 200 or more average daily vehicle trips (ADT) per weekday at buildout or in ten years whichever is sooner, without submitting a Development Impact Report (DIR). The required scope of the DIR will be established by the Planning Board within 14 days of the receipt of the filing, and may include the project's impact on the factors listed below, mitigating measures that can be taken for all adverse impacts, and alternative land uses considered, including the "No build" option. Data used to evaluate the impact of development must be local or regional where applicable. The Planning Board must approve the data base before accepting submission of the DIR.

- a) Traffic & parking
- b) Air quality
- c) Water quality & supply (surface and ground, public and private)
- d) Noise
- e) Dust/odors
- f) Light & shadow
- g) Erosion & sedimentation control
- h) Drainage
- i) Wildlife
- j) Public safety
- k) Public or community services, including but not limited to school, library, police, fire & infrastructure
- l) Historical or archaeological sites
- m) Hazardous materials
- n) Neighborhood & town characters
- o) Fiscal

The Planning Board, at its discretion, and based on a preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission.

In addition, the Planning Board will require a description of the long range anticipated use of all portions of the property on which the project is proposed which will not be developed currently as part of the project, as well as the anticipated long range use of all property owned or controlled by the Applicant which is contiguous to the property on which the project is proposed. For proposals subject to MEPA for which an EIR is required, the EIR may replace the DIR in whole or in part as directed by the Planning Board.

1.10 Metrowest Notification

If the project is covered under 1 or more of the following categories, or if the Planning Board determines the project to be of more than local significance, then the Subdivider must file a Development Notification Form (DNF), copy in the Appendix, with the Metrowest Growth Management

Committee office within 5 days of filing a Preliminary and Definitive Subdivision Plan(s). Proof of receipt will be required.

Projects in the following categories will require the filing of the DNF.

- a) Institutional, commercial or industrial developments in excess of 50,000 square feet of total floor area or which add 100 or more parking spaces.
- b) Residential developments in excess of 10 one- or two- family dwellings, or 50 multifamily dwelling units.
- c) Developments of any size that have access directly through another community.
- d) Any development, other than a one-or two-family residence, or any way or parking lot within 400 feet of the border of another community or of a numbered state or county highway.

ARTICLE II.
PLANS NOT REQUIRING APPROVAL UNDER SUBDIVISION CONTROL LAW. (SECTION 81-P)

2.00 General

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 who believes that the plan does not require approval under the Subdivision Control Law may submit the plan, completed application (Form A) and the filing fee to the Board under this Section for consideration for endorsement by the Planning Board.

2.01 Form of Plan

Each plan shall be prepared by a surveyor registered in Massachusetts, shall conform to the Rules and Regulations of the Registry of Deeds of the Commonwealth of Massachusetts, and when applicable, with the Manual of Instructions of the Massachusetts Land Court. The plan shall be drawn to a scale which, in the opinion of the Board, shows all details clearly. The plans shall be 24" x 36" only.

2.02 Content of the Plan

Each plan shall show the name of the owner of the land, address or location of the land, the name and address of the registered land surveyor who has prepared the plan, original seal and signature, and the scale and date of the plan. Each plan shall bear the legend "Subdivision approval not required" and the legend "Signing of this plan by the Weston Planning Board does not presume the creation of lots conforming to the Zoning Bylaws of Weston". Each plan shall show the entire lot being affected, street frontage in feet, a locus map at a scale of 1" = 500', all easements of record, buildings, deed references, notice of any decisions by the Zoning Board of Appeals concerning this property, and shall contain other information as is necessary, in the opinion of the Board, to identify the land involved and to enable the Board to determine to its satisfaction that approval under the Subdivision Control Law is not required. Each plan shall show the name of all abutters as determined by the Town's latest tax list.

Each plan shall show the zoning district or districts, including Overlay Districts in which the property is located. In the event that the property is within two zoning districts, the zoning district line shall be shown to the boundary lines of the property.

Each parcel on the plan shall show the coefficient of irregularity as defined by the Zoning Bylaw.

2.03 Filing Procedure

Each plan shall be filed with the appropriate filing fee in the Town Planner's office, and shall be accompanied by a completed and signed application form substantially in the form of Form A attached to these Rules and without a copy of the plan) shall also be filed with the Town Clerk by the Applicant. Proof of receipt by the Town Clerk shall be attached to the Form A delivered to the Town Planner.

2.04 Number of Copies

In addition to the linen or mylar original submitted to the Board for signature, one reproducible and one print of the plan shall be filed with the Board at the time of filing the application. The signed original will be returned to the Applicant.

2.05 Plans Not Requiring Action by Planning Board

A person may file a plan in the Registry of Deeds or the Land Court without application to the Board, provided that the following certificate appears on said plan: (two prints shall be delivered to the Planning Board for the Town files.)

“I hereby certify that the property lines shown on this plan are the lines dividing existing ownership, and the lines of the streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown.”

Signed _____
Registered Land Surveyor

ARTICLE III.
SUBDIVISIONS

3.00 General

Article III details the procedure for submission and approvals of Preliminary and Definitive subdivision plans. The Board endeavors to follow a standard procedure in the processing of an application, but recognizes that it can be modified on a case by case basis. The general procedure is set forth as follows, but the Board reserves the right to depart from these guidelines in any lawful way it deems appropriate and necessary.

3.01 Pre-submission Review

Prior to undertaking extensive design efforts, it often proves useful to review a conceptual plan of the proposed development with the Planning Board before a Preliminary or Definitive Subdivision application is filed. The Board is open to such initial informal conferences where general approaches and potential problems can be freely explored. The applicant is, however, cautioned that no commitments or approvals of a subdivision are inferred or granted by the Board at any point other than those issued by the Board in the formal decision on an Application for a Definitive Subdivision.

3.02 Preliminary Subdivision Application

A. Submission Procedure An applicant, before submitting a Definitive Subdivision application may, for a residential project, and shall, for a nonresidential project, submit a Preliminary plan together with the Filing and Review fee. Within five business days of submission of a Preliminary plan the applicant shall contact the Town Planner to verify that the application is complete, and to schedule an appointment with the Planning Board.

B. Content of Preliminary Subdivision Plans A Preliminary Subdivision plan shall be shown on sheets of size 24" x 36", consecutively numbered, submitted to the Town Planner and Planning Board's Consulting Engineer and be drawn at a scale of one inch to fifty feet (1"—50'). Such plan shall contain, in addition to other information that may be requested by the Board, the following:

- a) the subdivision name (if any), boundaries, north arrow, date, scale, legend, and title "Preliminary Plan";
- b) the names of all Owners, the Applicant (if different from the Owner) and the name of the designer, engineer or surveyor;
- c) the names of all abutters, and their entire property lines;
- d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision, including street connections and extensions to adjoining land;
- e) the proposed system of drainage, including adjacent existing natural waterways, and information on the proposed sewage disposal system for each lot;
- f) the approximate boundary lines of proposed lots, with approximate areas and dimensions and coefficient of irregularity.

- g) the names, approximate location and widths of adjacent streets;
- h) the topography of the land in a general manner, including
 - (1) land within 100 feet of the property boundary;
 - (2) contour lines shown at two (2) foot intervals on the National Geodetic Vertical Datum;
 - (3) existing buildings;
 - (4) major site features such as rock ridges, ledge outcroppings, swamps and bodies of water;
 - (5) limits of wetland vegetation and flood elevations;
 - (6) location of existing utilities.
- i) profiles of proposed streets at an horizontal scale of one inch to each fifty feet (1"=50') and a vertical scale of one inch to each five feet (1"=5') and, when requested by the Board, cross-sections of the proposed streets, at specified locations drawn at a scale of 1"5' horizontal and vertical, i.e., no distortion of scale.
- j) zoning classification of land to be subdivided, and zoning district boundaries where applicable, including any Overlay Districts.
- k) Any easements, covenants or restrictions applying to the area proposed to be subdivided, prior variances and special permits.
- l) An area-wide plan showing information required by B(c) and B(d) together with C.

C. Overall Development Plan In the case of only part of any contiguous property in one ownership being subdivided, the Preliminary plan shall be accompanied by a separate plan showing schematically the proposed development including all the contiguous land in one ownership and indicating the section for which approval is sought.

D. Projections of Streets Streets within the subdivision shall be projected to connect with existing, planned, or potential streets.

In order for the Board to determine appropriate street projections, the subdivider shall provide a 24" x 26" Area wide Property and Street Reference Map which shall show, at a scale of 1"=300', lot lines, easements therein for trails, drainage or other purposes, all public lands, wetlands and water bodies minor and major roads, land parcels and developments. This map may be compiled from the Town Assessors maps, wetland maps, USGS Quadrangle sheets, etc.

If adjoining property is, in the opinion of the Board, suitable for eventual development, provision shall be made for proper projection of streets into such property by continuing appropriate streets within the subdivision to the perimeter thereof.

Streets with temporary dead ends, laid out to allow future projection, shall conform to the provisions of alignment, width, and grade that would be applicable to such streets if extended.

E. Adequacy of Streets Submission must include information on the adequacy as to design and capacity of existing external and internal streets to handle the expected traffic from the subdivision. No subdivision shall be approved unless the Planning Board, following its public hearing and consultation

with the Police Chief, Fire Chief, and Highway supervisor, determines that access will be adequate in light of the expected traffic.

In order to properly evaluate existing traffic under “worst case” conditions, recorded traffic volumes must be adjusted to represent the heaviest traveled period of the year.

F. Site Walk After the meeting with the Planning Board where the Preliminary filing is discussed, the Planning Board may schedule a field walk of the proposed subdivision. In order to optimize the usefulness of a field walk, the Board shall be accompanied on the visit by the Applicant or his representative, and the Engineer of record who prepared the Plans. The locus shall be further physically identified as to the location of perimeter boundaries, abutting properties, proposed right of way, centerline stationing, wetlands, and other physical features all of which shall be shown on a half scale plan furnished to each Planning Board member and shall be identified on the property in accordance with the flagging specifications set forth in an Appendix to these Rules and Regulations.

G. Action by the Board on a Preliminary Plan Within 45 days of submission of a complete Preliminary Plan application, the Board may approve, approve with modifications, or disapprove the plan. No such decision by the Board constitutes a waiver of the Board’s right to take any action it deems appropriate on the Definitive Subdivision submission independent of any prior action.

3.03 Definitive Subdivision Application

A. Submission Procedure

a) To Planning Board A Definitive Subdivision Plan shall be submitted to the Planning Board through the Town Planner with 1) the Filing and Review Fee; 2) a completed Application Form B; and 3) all the information required for a Definitive Subdivision Plan as set forth below including lotting plan(s), topographic plans, plan/profile(s) of each proposed street, detail sheets and studies and reports as may be necessary and 4) an area—wide plan showing information required under 3.02 B (c) - (h) and C.

The Applicant shall also give written notice of such filing to the Town Clerk either by delivery or by registered mail, postage prepaid, and shall also provide the Town Clerk with a duplicate Application Form B.

b) Submission to Other Agencies Simultaneous with the submission to the Board, a complete set of definitive subdivision plans shall be submitted to the Police Chief, Fire Chief, Highway Department, Water Department, Town Engineer and Planning Board’s Consulting Engineer, and the Board of Health by the applicant for such action as they deem appropriate under the governing statutes or circumstances. The applicant shall obtain a receipt acknowledging submission of the plan, and submit such receipt or a copy thereof to the Board. A filing shall not be complete until the Town Planner has received such receipts.

c) 3. Effective Date of Filing An Application shall not be deemed filed until 1) all information required for a Definitive Subdivision Plan herein has been furnished to the Town Planner, 2) the Filing and Review fee has been paid; and 3) the Town Planner has provided Applicant with a written receipt which shall include a statement by the Town Planner that the Application is complete. The Town Planner has five (5) business days from the date of submission to certify that the application is complete. The date of submission of

the Definitive Plan shall be the date of mailing or delivery, or if the Application was incomplete at that time, then the date such Application was made complete.

d) Form of Plans The plans of each Definitive Subdivision Submission shall be prepared by a surveyor or engineer registered in Massachusetts and shall be clearly and legibly drawn on mylar in ink. Sheet size shall be 24" x 26" only and consecutively numbered, and at a scale of 1" = 50' unless otherwise specified.

In addition to other information as may be required by the Board, all Applications for Definitive Subdivisions shall include the following:

e) Number of Copies One duplicate tracing transparency and two prints of each plan sheet shall be filed with the board.

f) Content of Definitive Subdivision Plans

(1) Lotting Plans Each lotting plan shall contain the following information:

(2) Subdivision name, if any, perimeter boundary lines showing all metes and bounds, legend, north point, date, scale and legend;

(3) Name of the owner(s) and the Applicant;

(4) Name and address of the person preparing the plan together with his or her Massachusetts registration certificate number as land surveyor or engineer;

(5) Names of all abutters, and approximate lot lines;

(6) Zoning classification of land to be subdivided and zoning district boundaries where applicable, including Overlay Districts;

(7) Any easements, covenants or restrictions applying to the area proposed to be subdivided, notes as to prior variances and special permits;

(8) Location, width and name of all existing and proposed streets and ways; location and width of all existing and proposed easements and rights of way on or within 100 feet of the subdivision; and location, area and all metes and bounds of all proposed lots and public and common areas within the subdivision;

(9) Location and outline of all existing buildings, structures, utilities, cesspools and septic tanks within the subdivision and within 100 feet of the subdivision;

(10) Location and size of all existing and proposed wells, streams, brooks, drains, catch basins, culverts, drainage facilities, water mains and appurtenances and sidewalks not otherwise shown on the plans and profiles of streets;

(11) Bearings and distances or radii and arcs shall be shown on all pertinent lines, as shall the location of existing and proposed monuments;

(12) Location, widths and names of all streets bounding on, or otherwise in the opinion of the Board pertinent to the subdivision;

(13) Wetlands and Flood Plain district boundaries; Aquifer Protection Overlay District boundaries; Coefficient of Irregularity for each lot, and zoning district boundaries;

(14) Further define locus i.e. extent of surrounding property to be included. An accurate area wide plan of the entire subdivision drawn at a scale of one inch to each

five hundred feet (1" = 500') on the first sheet of the lotting plans together with items required under B(b);

(15) A statement that an individual sewage disposal permit for each lot must be obtained from the Weston Board of Health.

(16) Each lotting plan to be recorded in the Middlesex South Registry of Deeds shall contain appropriate space for signatures, date of endorsement and a form of endorsement for approval by the Board. Normally such endorsement shall read:

“Approved _____, 20___, subject to terms and conditions of an agreement dated _____, 20___, between the Weston Planning Board on behalf of the Town of Weston and _____, a copy of which agreement is recorded herewith and subject also to recording of this plan and, said agreement in the Middlesex South Registry of Deeds on or before 20___.”

(17) Each lotting plan to be recorded in the land Court shall bear the following endorsement:

“Approved _____, 20___, subject to terms and conditions of a covenant dated _____, 20___.”
 _____, 20___ Weston Planning Board

(18) Each lotting plan shall bear the following endorsements of the Town Clerk:

“Notice of Approval received and filed _____, 20___, No Notice of Appeal was received during the 20 days next after the above receipt filing.
 _____, 20___ Town Clerk

(19) Each lotting plan shall contain appropriate space to list all waivers granted by the Board and Signature block for the Board.

2. Topographic/Site Plan Each topographic/site plan shall contain the following information.

a) All those requirements listed in paragraph D.1 (a) through (k) above.

l) Topography of the land to include an area at least 100' around and outside the subdivision boundary, as directed by the Planning Board, including contour lines at two-foot intervals based on the National Geodetic Vertical Datum. Reference must be made to an established Town Benchmark. The Plan shall indicate existing and proposed grades;

m) Location, size and species of any trees having a caliper of 6" at 12" above ground or greater and major site features such as rock outcroppings, swamps, and bodies of water and stone walls. Trees that are proposed to be removed as part of the development shall have an "X" shown on the Plan;

n) Spot elevations of centerline of watercourse 200' up and down stream from boundaries;

o) Limit of 100' buffer around wetlands boundary as defined under the Wetlands Protection Act and limit of 200' buffer as defined under the Rivers Protection Act;

p) Location and logs of all soil borings, test pits, observation holes;

q) Boundaries of Wetlands and Flood Plain Protection Districts A and B with their elevations based on National Geodetic Vertical Datum, and Aquifer Protection Overlay District;

- r) For each lot, locations of sufficient percolation and groundwater tests to define at least one area capable of accepting the septic tank effluent from a four bedroom house with a garbage disposal unit under the currently existing Board of Health requirements, which tests were witnessed by an agent of the Board of Health;
- s) The potential septic field area, defined by the test holes, delineated by a dashed line;
- t) A statement that a Board of Health approval of a leaching site plan does not constitute the issuance of a septic system permit, which must later be obtained for each lot; and that Board of Health certification does not grant the buyer of the lot immunity from more stringent requirements for subsurface disposal which may be adopted after the subdivider's tests;
- u) A dashed line on the Plan that delineates the line of clearing/regrading necessary for construction, labeled "limit of clearing line";
- v) A comprehensive erosion and sedimentation plan, submitted to the Board, the Planning Board's consulting engineer and the Town Engineer showing the stages of construction and the measures to limit water borne and wind induced erosion, which shall include quick rooting vegetation, expeditious stabilization of disturbed areas, hay bales, siltation fences and diversions.

3. Plan/Profile Plans Each plan/profile shall, be drawn at a horizontal scale of 1"=50' and a vertical scale of 1"=5'. Both the horizontal and vertical datum shall tied be to the State horizontal control system and NGVD vertical datum with reference to an established Town Bench Mark.

Each plan/profile sheet shall contain:

- a) Boundary lines of ways, north point, scale, and date of plan;
- b) Name and address of person preparing the plan together with a Massachusetts registration certificate number as land surveyor or engineer;
- c) Bearings and distances, radii and arcs, central angle and tangent distances on all curves, with stationing on the center line;
- d) The existing ground contour on the street center line in a solid black line, the existing right side in a short dash line and the existing left side in a long dash line; the proposed grade shall be shown in a heavy line;
- e) The grade of all existing streets intersecting the proposed streets shall be shown for at least 200 feet each side of the intersection of the new street center lines;
- f) The proposed water mains and appurtenances, drainage, catch basins, manholes, pipes and any other drainage facilities, together with the location of the proposed footpaths, shall be shown on both plan and profile, with all utility crossings shown by elevation;
- g) Such additional information as the Board may deem necessary;

E. Overall Development Plan In the case of only part of a parcel of land held in one ownership being subdivided, the Definitive Subdivision plan shall be accompanied by a separate plan showing schematically a proposed development of all the contiguous land held in one ownership and indicating the section for which approval is sought.

F. Projections of Streets Streets within the subdivision shall be projected to connect with existing, planned, or potential streets.

In order for the Board to determine appropriate street projections, the subdivider shall provide a 24" x 36" Area wide Property and Street Reference Map which shall show, at a scale of 1"=300', lot lines, easements therein for trails, drainage or other purposes, all public lands, wetlands and water bodies, minor and major roads, land parcels and developments. This map may be compiled from the Town Assessors naps, wetland maps, USGS Quadrangle sheets, etc.

If adjoining property is, in the opinion of the Board, suitable for eventual development, provision shall be made for proper projection of streets into such property, by continuing appropriate streets within the subdivision to the perimeter thereof.

Streets with temporary dead ends, laid out to allow future projection, shall conform to the provisions of alignment, width, and grade that would be applicable to such streets if extended.

G. Adequacy of Streets Submission must include information on the adequacy as to design and capacity of existing external and internal streets to handle the expected traffic from the subdivision. No subdivision shall be approved unless the Planning Board, following its public hearing and consultation with the Police Chief, Fire Chief, and Highway supervisor, determines that access will be adequate in light of the expected traffic.

In order to properly evaluate existing traffic under "worst case" conditions, recorded traffic volumes must be adjusted to represent the heaviest traveled time of day and period of the year.

H. Site Walk After the meeting with the Planning Board where the Preliminary filing is discussed, the Planning Board may schedule a field walk of the proposed subdivision. In order to optimize the usefulness of a field walk, the Board shall be accompanied on the visit by the Applicant or his representative, and the Engineer of record who prepared the Plans. The locus shall be further physically identified as to the location of perimeter boundaries, abutting properties, proposed road right of way, centerline stationing, wetlands, and other physical features all of which shall be shown on a half scale plan furnished to each Planning Board member and shall be identified on the property to be in accordance with the flagging specifications as set forth in Appendix to these Rules and Regulations.

I. Public Hearing The Board will not take action on a Definitive Subdivision plan until it shall have held a public hearing with respect to such plan. Notice of each such public hearing shall be given by the Board in accordance with the laws of the commonwealth of Massachusetts.

J. Action by the Board After the public hearing, the Board will approve, approve with conditions, or disapprove the Definitive Subdivision. Nothing shall be construed as a limitation on the authority of the Board to condition its approval of any plan upon the fulfillment of conditions whether or not such conditions are specifically set forth in these Rules and Regulations.

The Board will then file a Certificate of Action with the Town Clerk and will send notice of its action by certified mail to the applicant at the address stated in the application. The Board will send a copy of the decision to any person upon written request stating the name and address of the person to whom the decision shall be sent.

K. Time Limit on Subdivision Approval The Planning Board's approval of a Definitive Subdivision plan shall expire at the end of five months unless it is duly recorded in the Middlesex Registry of Deeds or with the Recorder of the land Court including all easements and restrictions.

3.04 Other Information

A. Endorsement of Plans Prior to endorsement of the Definitive Subdivision plans:

1. the statutory appeal period must be over without an appeal being filed;
2. all easements and other documents must be submitted to the Board for approval as to form;
3. the Subdivider shall prepare for the Board's execution the Agreement and Contract (Forms D & E);
4. Subdivider shall provide for long-term provisions for maintenance of the proposed streets within the subdivision until such time as all the houses are constructed and/or the performance guarantee is released. Such provision shall be in the form of a recordable instrument. The Subdivider, or any heir, successor or assignee shall be bound by such provisions.
5. all other conditions that were part of the approval and subject to action prior to endorsement must be satisfied.

B. Provision of Performance Guarantee Before endorsing an approved Definitive Subdivision Plan, the Planning Board shall require that the Subdivider file with the Planning Board a performance guarantee to secure the construction of ways and the installation of municipal services. The following section outlines the kinds of performance guarantees permitted under MGL Chapter 41, Section 81-U. The guarantees are of two kinds: a covenant and sureties. While the method may be selected and varied from time to time by the Subdivider or successor in interest, the Planning Board prefers the use of an Agreement/Covenant and may submit other forms of performance guarantee to Town Counsel for review as to form, and manner of execution. The Planning Board will not accept any bond or other surety that has a fixed expiration date. Letters of credit or negotiable securities are unacceptable.

Listed below are the methods by which the installation of ways and municipal services are secured, and which are allowed and specified in MGL Chapter 41, Section 81-U.

(1) By a Covenant/Agreement, executed and duly recorded by the owner of record and running with the land, providing that the ways and services shall be constructed to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed. However, 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/ Agreement which provides that no lot shall be built upon until such ways and services have been provided to serve such 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 Definitive Subdivision Plan _____ of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the Agreement/Covenant but not later than three (30 years from the date of such deed. See Form D for Agreement/ Covenant format.

This Agreement/Covenant shall be referred to on the Definitive Subdivision Plan as follows:

“A Conditional Approval Agreement/Covenant between the Weston Planning Board and _____ (the Subdivider and owner), dated_____, to secure the completion of required ways and utilities has been executed and is recorded at the Middlesex South Registry of Deeds with this Plan.”

(2) By a deposit of money or by proper bond, sufficient in the opinion of the Planning Board, to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the Plan, each bond or deposit contingent upon the construction and such installation within such period as the Planning Board shall determine.

If the Planning Board shall decide at any time during the term of the performance guarantee that the character and extent of the subdivision requires additional improvements, previously waived, then the Planning Board may modify its requirements in accordance with MGL Chapter 41, Section 81 W for any or all such improvements and the face value of such performance bond, or amount of deposit of money or value of securities may be increased by an appropriate amount. Such increase may be requested by the Planning Board and consented to by the Applicant, or imposed through the procedure for amending an approved Definitive Subdivision Plan.

(3) By delivery to the Planning 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 shall provide for the retention by the lender of funds sufficient in the opinion of the Planning Board and otherwise due to the applicant, to secure the construction as ways and installation of municipal services. Said agreement shall also 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 to the Town of Weston for the completion of the required ways and utilities.

C. Copies of Endorsed Plan After a Definitive Subdivision plan has been endorsed by the Board, the applicant shall furnish the Board one set of 1/2 scale reproducible copies of each drawing of the Subdivision plans.

D. Recording of Plan Within ten (10) days after the Definitive Subdivision plans, as approved and endorsed, along with the Certificate of Action, have been recorded in the Registry of Deeds or in the case of registered land, with the records of the Land Court, the applicant shall notify the Board in writing of the date of such recording and show evidence of the recording of the plan and the Certificate of Action and the Agreement/Covenant, if applicable. The Applicant shall file one reproducible of the recorded subdivision with the Town Planner and one print with the Building Inspector, Town Engineer, Assessor, Board of Health and Police and Fire Department.

E. Release of Lots The Town will not release lots in a subdivision for building purposes until utilities are installed and binder placed on the subdivision roadways, and inspection and approval granted by the Planning Board’s consulting engineer, pursuant to Section VI. B. 1. Minimum Requirements, in the Zoning By-Law and in consideration of public safety.

3.05 Time Period and Extensions for Construction of Required Improvements

Construction of all required improvements shall be completed within two (2) years of the date of recordation of the approved Definitive Subdivision Plan. A subdivider may request an extension to the two year period in which the required improvements may be constructed. The request may be submitted in writing to the Planning Board stating what further time period to complete the required improvements is required and the reasons why an extension is requested. The Planning Board may grant an extension of not more than one (1) year on the motion of four members. More than one extension may be granted.

As a condition of permitting the extension, the Planning Board shall have the right to revise the amount of sureties to ensure that sufficient adequate funds to insure the completion of the required improvements are retained and shall have the right to revise the Agreement/Covenant to reflect the increased construction period and any additional conditions to ensure satisfactory completion of the subdivision improvements.

3.06 Certificate of Construction

Following completion of the Subdivision construction, the applicant must record in the Registry of Deeds or with the Recorder of the Land Court a certificate from the Board that the conditions have been satisfied (Form G).

Each Certificate of the Board will be issued only after the Board is satisfied that all conditions have been satisfied and after the filing with the Board of a completed and signed request form substantially in the form of Form F, and the receipt by the Board of the written approval of the Town Engineer, the Superintendent of Streets, the Chief of the Fire Department and any other Town official concerned with the performance of any other conditions contained in the agreement between the subdivider and the Board.

3.07 Procedures for the Release or Reduction in Performance Guarantees

Upon completion of some or all of the improvements for which a performance guarantee was given, the subdivider may request a full or partial release of the bond, deposit or covenant by sending a statement of completion and a request for release by registered mail to the Planning Board.

Such written request shall be accompanied by two (20 copies of a certificate by a Registered Professional Engineer which shall describe work completed in the subdivision and its conformity with the approved Definitive Subdivision Plan. The Planning Board, upon receipt of such written notice and certificate, shall consult with the Town Planner, Planning Board's consulting engineer and any other relevant Boards or Departments to determine whether the subdivider has complied with all requirements of the approved Definitive Subdivision Plan and these Rules and Regulations.

In the event of deviation from the Approved Definitive Subdivision Plan, such deviation shall be described in the certificate from the Registered Professional Engineer, and shall be accompanied by two (2) copies of the street layout plan, the topographic plan and the road profile showing the deviation.

If the Planning Board determines that said construction and installation has been completed in accordance with these Rules and Regulations, it shall release the full or partial interest of the Town in such land, or deposit to the person who furnished the same, or release the covenant or specific lots within the covenant by an appropriate instrument, duly acknowledged, which may be recorded.

If the Planning Board determines that required construction or installation has not been completed, it will specify the details wherein the construction or installation fails to comply with its Rules and Regulations.

The Town shall retain up to 50% of the bond or deposit until all work has been completed to the Planning Board's satisfaction and a Certificate of Performance has been issued.

For a partial release of surety or deposit, the subdivider shall submit a written request as set forth in the preceding section, detailing what work is claimed to be satisfactorily completed. The subdivider shall also provide a detailed estimate, specifying the remaining incomplete improvements and their construction costs, and shall calculate the amount of guarantee to secure the remaining work.

The Planning Board, if satisfied that the work has been completed as specified in the Subdivider's request, and satisfied that the proposed reduced amount of surety is sufficient to cover the cost of completing the remaining work, may accept a new surety in the revised amount and release the previously provided surety.

3.08 Withholding of Final Release

The Board shall withhold final release of any security deposited until the Board is satisfied as to: (a) pavement integrity after one winter; (b) any required planting areas have been installed for a sufficient time and are in a healthy condition so that the Planning Board may be satisfied that the vegetation has been established. The required time period shall be one (1) year from the time of planting plus whatever time through to July 1st for grassed areas and two (2) years from the time of planting plus whatever time through to July 1st for shrubs and trees. The Planning Board shall retain a surety in the amount of five (5)% of the total cost of improvements to ensure the establishment of the vegetation.; (d) functional integrity of all parts of the drainage, system; (e) satisfactory installation of utilities as required by the Board; and (f) compliance by the subdivider with the provisions of Paragraph 5.13 below; (g) Compliance by the Subdivider with the provisions of paragraph 3.09 below; (h) all improvements have been completed and verified as completed by the Planning Board's consulting engineer

3.09 Progress and Final As-Built Plans

Upon installation of water, gas, and/or underground electrical systems and prior to the installation of pavement binder course, the subdivider shall submit to the Town Planner, Planning Board's consulting engineer and the Town engineer definitive data identifying the location and elevation of all structures and services for water, gas, and /or electrical systems including shut of valves and lateral stubs serving each lot in the subdivision. This information shall be submitted as a "Progress As-Built Plan" which shall indicate the actual location of the subdivision improvements completed to date.

Upon completion of construction, and before release of a performance guarantee, the subdivider shall have prepared and submitted a "Final As Built Plan" at the same scale as the street plans, which shall indicate:

Boundaries of ROW; Boundaries of Roadway Improvements; Driveway locations, Permanent monuments; locations and inverts with elevations of the required utilities; hydrants and drainage including the location, with ties and depth of water laterals serving each lot; location of any other underground utilities, such as natural gas, electricity, cable, telephone lines and street lighting.

A Registered Land Surveyor or Registered Professional Engineer retained by the subdivider shall certify the completion of the construction of ways and services as shown in the final as-built plans and certify the accuracy of the final as-built plans themselves. The final as-builts must be satisfactory to the Planning Board in terms of their content and form. Certification of monumentation shall be made upon the final as-built plan. Upon determination by the Planning Board that the Final As-Built is satisfactory, the subdivider shall submit to the Planning Board, the Board's consulting engineer and the Town Engineer hard copy of the plans along with a CAD drawing files, compatible with the Town's CAD system.

3.10 Approval Not to Constitute Acceptance of Streets or Sidewalks

Approval by the Board of a definitive subdivision plan shall not constitute the laying out or acceptance by the Town as a public way of any streets or sidewalks within a subdivision. Such action requires Town Meeting acceptance.

ARTICLE IV.
DESIGN STANDARDS

4.00 Design Goals

Consideration shall be given to natural features of the land, such as trees, watercourses, scenic points, and to historic features, parks, open area and other community assets.

All developers of subdivisions shall be encouraged to consider designs and improvements consistent with the following:

Reduce, to the extent reasonably possible:

- volume of cut and fill;
- area over which existing vegetation will be disturbed, especially on land near a river, pond, or stream, or, having a slope of more than 15%;
- number of mature trees removed; extent of waterways altered or relocated;
- visual prominence of man-made elements which are not necessary for safety or orientation; visibility of building sites from existing streets; blockage of vistas through new development; removal of existing stone walls;
- number of driveways exiting onto existing streets or collector streets;
- alteration in groundwater or surface water levels or chemical constituents;
- disturbance of important wildlife habitats, outstanding botanical features, scenic or historic environs; soil loss or instability during and after construction.

4.01 General

All streets shall be designed so as to provide safe travel for vehicles and pedestrians. The Board will give due regard to the prospective character of the proposed subdivisions, whether open residence, dense residence, business or industrial, nature of terrain, the prospective amount of travel upon the various streets and sidewalks therein, and the prospective extension of such streets if the adjoining property has not been developed.

4.02 Standards

The right of way shall be cleared according to the requirements of the Standard Cross Section (Exhibit A) prior to any other work, except that trees of aesthetic value and over 4-inch caliper may be allowed to remain provided that they are located at least 5 feet from the proposed edge of pavement of the roadway and approved by the Board.

Street right-of-ways shall not be less than 50 feet wide and the sidelines shall be parallel throughout their length.

The traveled way shall be centered on the center line of the street and the paved surface thereof shall be not less than 24 feet in width. Along each side of the paved surface a four-foot wide shoulder shall be constructed at grade, as shown on Exhibit A. Granite edging, type VA-4, shall be installed at edges of pavements where the longitudinal slope of the street exceeds 4%, at street

intersections and elsewhere as required by the Board. Each shoulder shall be graded with topsoil satisfactory to the Board to a depth of four (4) inches and shall be seeded either with a permanent grass mixture rolled, fertilized, watered, mowed and maintained until approved by Town Engineer or otherwise covered with a ground cover material satisfactory to the Board.

4.03 Radii

Street right-of-way side lines at intersections shall be cut back so as to provide for curved radii of not less, than 35 feet and pavement lines at intersections shall be cut back so as to provide curb radii of not less than 48 feet. The minimum centerline radii of streets shall be 250 feet.

4.04 4.04 Grades

Grades of streets shall be not less than 1.00% nor, shall grades be greater than 6%. All streets shall be graded so as to provide not less than 250 feet of clear sight distance at 4 1/2 feet above pavement. At an intersection, no grade shall exceed 3% within a distance of 225 feet of the centerline intersections of the two roads. The minimum vertical curve shall be 200 feet.

4.05 Dead-end

Subdivision plans providing for permanent dead end streets will not be approved. However, the Board may determine in a particular case that circumstances exist where a dead end street may be allowed. If a waiver is granted a circular turnaround shall be required. The exterior line of the circular turnaround layout shall have a minimum radius of 70.00 feet; the outer edge of the pavement shall have a minimum radius of 57.00 feet; the inner edge of the pavement shall have a minimum radius of 33.00 feet.

Where a waiver has been granted for a dead-end road in contemplation of future extension to adjoining land, the area of the turning circle between the outside of the circular right of way and the future straight/parallel right of way lines forced by the extension of the approved right of way width, may be relinquished to the adjacent properties upon extension of the road over the projected route.

4.06 Reserve Strips

Reserve Strips or barriers which may have the effect of prohibiting access to streets or adjoining property will not be approved.

4.07 Intersection Geometry

Street lines shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street lines at less than 60 degrees. The distance between the centerline of a proposed street and the centerline of any other street, existing or proposed, shall be at least 250 feet at all points.

4.08 Side Slopes

All slopes resulting from construction of streets are to be graded to a slope not steeper than 2 on 1 in earth not more than 4 on 1 in ledge. Slopes and other areas where topsoil has been removed shall be loamed with a topsoil satisfactory to the Board to a depth of at least 4 inches, and seeded as provided in Section 4.02. In the event that such slopes cannot be contained within the street side lines, the subdivider shall provide slope easements. No grading shall be permitted on abutting land unless written permission from the abutter is submitted to the Board prior to the Public Hearing. If retaining walls are necessary, in the opinion of the Board, they shall be constructed of reinforced concrete, stone, brick, or other materials deemed suitable by the Board.

4.09 Driveways

Driveway connections to street pavement shall slope from the street right-of-way line up or down to the edge of the pavement at a minimum grade of 1/4 inch per foot.

4.10 Sidewalks

On one side of the street, there shall be a paved sidewalk at least five (5) feet wide, which shall be located along the street side line, as shown on Exhibit A, constructed in conformance with the Architectural Barriers guidelines.

4.11 Pedestrian Easements

Easements for pedestrian ways will normally be required to provide convenient circulation or access to schools, playgrounds, shopping areas, churches, transportation, parks, conservation areas and/or other facilities, and shall consist of an easement at least 20 feet wide.

4.12 Easements

Easements for water mains, storm drains, utilities, conservation, and other appurtenances and purposes, shall be provided where such are located outside the street line, and shall be at least 20 feet wide.

4.13 Signs

Street signs shall be erected to designate the name of each street in a subdivision. Signs shall be erected as specified by the Board of Selectmen.

4.14 Utilities

All gas, telephone, electricity, fire alarm lines and other utilities shall be installed underground in the locations as shown on Exhibit A.

4.15 Guard Rails

Guard rails shall be installed where deemed necessary by the Board and shall be as specified by the Board of Selectmen.

4.16 Open Spaces

Before approval of a plan, the Board may require the plan to show a park or parks suitably located for playground or, recreation purposes or for providing light and air. The park or parks shall be of reasonable size. Land designated for park or playground purposes shall not include wetlands or other land unsuitable for recreation purposes. Pedestrian ways will normally be required to provide access from each of the surrounding streets, if any, to which the open space, park, or playground has no frontage. Such parks and/or playgrounds may be required to have maintenance provided for by covenants and agreements acceptable to the Board, until public acquisition is accomplished by the Town, but in no case longer than three (3) years. The Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval for a period of three (3) years.

4.17 Shade Trees

Shade trees, not less than 12 feet in height and of a species approved by the Planning Board shall be planted on each side of every street in the subdivision wherever, in the opinion of the Planning Board, existing woodlands or suitable individual trees are not adequate. Trees shall be located outside the exterior street lines, and at such distance therefrom, and at such spacing, as the Planning Board shall specify, in accordance with the most recent general practice of the Town relating to planting trees on private property along public ways.

4.18 Fire Alarm

A fire alarm system shall be installed underground in accordance with the specifications and requirements of the Weston Fire Department as promulgated and amended from time to time.

4.19 Drainage

The subdivider shall provide drainage for the subdivision in accordance with generally accepted engineering principles. All street drain pipe, manholes, catch basins, laterals to catch basins, and discharge culverts for street drainage shall be designed for a 25 year storm expectancy; swales and ditches shall be designed for a 50 year storm expectancy; retention/detention areas, and major streams and culverts shall be designed for a 100 year storm expectancy.

The drainage system shall be designed so that there is no net increase in the pre v. post peak rates of storm water discharge for the 2, 20 and 100 year storm events. The subdivider shall demonstrate to the satisfaction of the Planning Board that the project is designed to have no measurable or significant impact to existing vegetation, topography, wetlands and other natural or man made features. Where groundwater elevations allow, infiltration of storm water runoff into the ground shall be promoted in order to reduce the quantity of runoff from a site. All storm water plans and calculations shall be prepared by a Professional engineer registered in the Commonwealth of Massachusetts. The Planning

Board requires that proper calculations and plans be submitted to the Town Planner, Town engineer and the Planning Board's consulting engineer.

The system shall be designed to treat storm water to applicable standards of Federal, State and local agencies. System design shall promote on site infiltration and minimize the discharge of pollutants to ground and surface water.

Design Criteria: The subdivider shall use the best available drainage systems. The suitability of the drainage design shall be based on the natural features, such as soil types, slopes, vegetative cover, water table etc. of the site. Drainage plans shall be developed in consultation with the Planning Board office and the Board's consultant with the following objectives in mind:

- a) protect surface and ground water quality;
- b) promotion of environmentally sensitive design. The most consideration will be given to the BMP that closely matches natural processes including but not limited to vegetated swales, filter swales, created and extended wetland systems, and other similar "green" storm water management techniques., referred to as "Low Impact Design Strategy Techniques";
- c) attractiveness of the plan, minimizing disruption to existing features and successful imitation of natural systems;
- d) on site detention facilities shall be designed to function as natural wetlands, having characteristics of side slopes, gradients, vegetation and topographic location which follow naturally occurring wetlands;
- e) when clearing and/or regrading is unavoidable, vegetation shall be reestablished in conformity with an approved landscape plan, submitted by the subdivider, including areas covering subsurface infiltration facilities and within detention/retention basins or manufactured wetlands;
- f) test holes shall be conducted by a licensed soil evaluator in each detention/retention basin in accordance with 310CMR.

4.20 4.20 Streams, etc

Streams and water courses shall remain open except at street crossings.

4.21 Street Lights

Street lights shall be provided in accordance with the requirements of the Town of Weston.

4.22 Water Supply

The Board will not approve a subdivision plan unless water, suitable in the opinion of the Board for domestic use and fire protection, will be available throughout the subdivision a minimum standard of 750 gallons per minute open hydrant flow, with at least 20 pounds per square inch residual pressure. In addition, the Board may require the installation of booster pumps in buildings to assure at least 20 pounds per square inch pressure throughout such buildings.

4.23 4.23 Buffer Requirement

Proposed subdivision streets shall be designed so that the right-of-way lines are no closer to an abutting owners lot line than the distance of the minimum setback from the street sideline less the minimum setback from a lot line. If the land of the proposed subdivision is in a different zone than the abutting lot, the greater of the two setback distances shall be used. This regulation may be waived by the Planning Board only upon the Subdivider providing a written statement from the abutting lot owner that the regulation may be waived as it pertains to his lot.

Where the distance between proposed streets and abutting lots is less than 25 feet, the land between the street sideline and abutting lots shall be planted with evergreen-type trees at least 12 feet high and spaced so that they will provide a visual buffer.

ARTICLE V.
CONSTRUCTION STANDARDS

5.00 General Standards

Except as otherwise provided herein all materials and construction methods shall conform to the Commonwealth of Massachusetts Department of Public Works “Standard Specifications for Highways, Bridges and Waterways,” current edition.

5.01 Testing & Quality Assurance

Clerk of the Works may be required by the Board at the expense of the Subdivider.

5.02 Notice to Superintendent of Streets and Town Engineer

Notice shall be given to the Superintendent of Streets and to the Town Engineer and Planning Board consulting engineer at least 10 days before the subdivider commences construction of any street, sidewalk, drain, catch basin, culvert, or other facilities or installations approved by the Planning Board.

5.03 Standard Cross Section

Street construction shall conform to the “Standard Cross Section of a Fifty Foot Street” included as Exhibit A with these Rules and Regulations.

5.04 Removal of Material from Streets

Organic, and unsuitable material shall be removed from streets to at least the full width of the right of way and to such depth as may be required, in the opinion of the Board, to provide a lasting and safe street. Rocks and stones shall be removed to at least 18 inches below finished grade.

5.05 Subgrade

Streets shall be brought to subgrade 15 inches below finished grade as shown on the approved profile, with bank gravel compacted to 95% modified procter density. A licensed soils laboratory shall conduct density testing of subgrade, at the Subdividers expense, at a frequency specified by the Town Engineer. Written test reports shall be filed with the Town Engineer within 24 hours of the test. Samples of material shall be supplied and location of borrow pits furnished to the Superintendent of Streets for inspection purposes. Water mains and storm drains, culverts and catch basins shall be installed before the finished subbase (see Paragraph 5.06) is put in place. To the extent feasible, other utilities shall be installed also before the finished subbase is put in place.

5.06 Finished Subbase

The finished subbase of gravel for all streets shall consist of (a) 8 inches of well compacted clean gravel (containing no stones over 4 inches in diameter) laid in two 4" lifts, each of which shall be rolled after spreading, with the same type of roller. Such grading shall be brought to a grade 3 inches below the finished grade shown on the approved profile and shall be treated with a bituminous asphalt oil (at a rate of 1/3 of a gallon per square yard) as approved by the Town Engineer or the Superintendent of Streets of the Town.

5.07 Pavement

All streets shall have 4 inches of Type I-1 bituminous concrete pavement laid in two courses, the first of which shall be 3 inches in thickness and the second of which shall be one inch in thickness, compacted measure.

5.08 Paving of Sidewalks

Sidewalks shall be brought to subgrade by the necessary excavation and filling and shall receive a coat of selected gravel at least 8 inches in thickness, free of all stone over 1 inch in diameter and free from loam, clay, and other foreign matter. Thereafter, each sidewalk shall receive a two-course bituminous paving at least 2 1/2 inches in total thickness after compaction.

5.09 Drains, Catch Basins, etc.

Storm drains, culverts, ditches, and related installations, including catch basins, gutters, and manholes shall be installed as necessary, in the Board's opinion to provide adequate disposal of surface water, including control of erosion, flooding, and standing water, from or in the subdivision and adjacent land. A catch basin-to-manhole system is required. Oil and gas separators are required in catch basins.

Proper connections shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the subdivision is not subdivided, provision shall be made for proper extension of the drainage system by continuing appropriate drains to the exterior boundaries of the subdivision at such size and grade as will allow for such extension.

Drainage rights which are appropriate and sufficient in the opinion of the Board shall be secured for the Board.

Drains shall be at least 12 inches in diameter and shall be of good quality reinforced concrete. A minimum of 3 feet of cover will be required over all pipes.

Catch basins and manholes shall be spaced as required by the Planning Board's consulting Engineer and shall be at least 6 feet deep and 4 feet in diameter by inside measurements. They shall be constructed with standard cement concrete blocks, with brick and mortar or, of precast reinforced concrete substantially in conformance with the Construction Standards of the Commonwealth of Massachusetts. Catch basins located in pavements shall have curb inlets.

Drains, catch basins, and manholes shall not be back-filled until inspected and approved by the Town Engineer.

5.10 Street Monuments

Bounds shall be placed at all changes of direction on the right of way, at the beginning and end of all curves, at all intersections of streets, and at such other places as may be required by the Planning Board's consulting Engineer.

Bounds shall be of granite or reinforced concrete, not less than 48 inches long and not less than 6 inches square and installed flush with the ground as shown on Exhibit A. A drill hole shall be placed in the top of each bound. Wrought-iron rods may be used where the points fall on exposed ledge.

5.11 Perimeter Boundary Monumentation

Monuments of a permanent nature acceptable to the Town Engineer shall be set at points on the perimeter of the subdivision as required by the Town Engineer.

5.12 Shade Trees

All trees of 4" caliper 12" above ground shall be preserved unless determined by the Board to be unsuitable or otherwise not appropriate for preservation. Where in the opinion of the Board, existing trees are inadequate, shade trees having a diameter of at least 1 1/2" to 2" and of a variety suitable, in the opinion of the Board, shall be planted; such planted trees shall usually be spaced not more than 40 feet apart, in one half (1/2) cubic yard of topsoil satisfactory to the Board.

5.13 Cleaning Up

Upon completion of the work, the Subdivider shall clean up any debris thereon caused by street construction, installation of utilities, and other operations of the subdivider. All areas within a right of way or foot path destroyed, damaged, or altered in construction operations shall be restored to vegetation or other finish satisfactory to the Board. Any areas which are used for the disposition of excess fill, stumps, rock, and similar materials which may have accumulated during the prosecution of the work shall, as soon as practicable (and no later than the time of completion of the work), be excavated and then recovered, graded, and landscaped by the Subdivider. The Subdivider shall leave the subdivision area in a neat and orderly condition.

ARTICLE VI.
STANDARDS FOR COMMON DRIVEWAYS

6.00 General Standards

Common driveways as authorized in the Zoning Bylaw for 1, 2, or 3 lots shall be of sufficient dimensions so as to provide safe travel for vehicles and pedestrians. Where appropriate the specific standards set forth below may be modified. The Board will give consideration to the number of residences on the common driveway, the character of the neighborhood and the nature of the terrain in setting standards for a common driveway.

6.01 Width of Driveway

Common driveways shall have an easement width of not less than 24 feet and shall have a paved or graveled width of not less than 18 feet. The side lines of such driveways shall be parallel throughout their length.

6.02 Shoulders

A three-foot wide shoulder shall be constructed along each side of the paved or graveled driveway.

6.03 Radii of Common Driveways

The minimum centerline radii of driveways shall be 60 feet.

Grades of Driveways Grades of common driveways shall be not less than 0.5%. Within 50 feet of street line no grade shall exceed 3%.

Driveway Connection with Street The driveway connection to a public street shall be perpendicular to the street pavement and shall slope from the street right-of-way line up or down to the edge of the street pavement at a minimum rate of one-quarter inch per foot.

ARTICLE VII.
FEE SCHEDULE

7.00 Fees

The following fees are classified as “Filing Fees”. Refer to the Planning Board document entitled “ *Project Review Fees*”, for information on additional fees required under the Subdivision Process. Filing fees are non refundable.

- 7.01 ANR Plan that creates no new building lots-----\$250.00
- 7.02 ANR Plan that creates new building lots ----- \$700.00 for the Plan and
\$150.00 for each new building lot
- 7.03 Preliminary Subdivision Plan----- \$ 1500.00 for the Plan
- 7.04 Preliminary Density Plan under Flexible Development ----- \$1500.00 for the Plan
- 7.05 Conventional Definitive Subdivision Plan preceded by a Preliminary Plan--- \$1.00 per
linear foot of proposed roadway as shown on the Plan, or \$2000.00, whichever is greater, plus
\$400.00 for each new lot proposed
- 7.06 Flexible Development Plan ----- \$ 1.00 per linear foot of proposed roadway
as shown on the Plan, or \$2000.00, whichever is greater, plus \$355.00 for each new lot
proposed
- 7.07 7.07 Definitive Plan not preceded by a Preliminary Plan-----1.00 per linear feet of
proposed roadway as shown on the Plan or \$2000.00, whichever is greater, plus \$500.00 for
each new lot proposed.
- 7.08 Advertising Fee – a \$50 advertising fee shall be required for any application requiring
public notice under Massachusetts General Law or the Bylaws of the Town of Weston.”

**WESTON PLANNING BOARD
RULES AND REGULATIONS**

APPENDIX

FIELD MARKINGS REQUIRED BY APPLICANT

PRIOR TO SITE WALK BY WESTON PLANNING BOARD

Perimeter of Parcel:

All bend points (B.P.) flagged in orange.
Where distances are more than 100 feet, flag every 100 feet in orange.
Where new proposed lot lines intersect, flag in orange.
Where abutter's property lines intersect boundary, flag in green.

Proposed Road - Centerline and right-of-way

All bend points/points of curvature, flag in red.
Where distances are more than 100 feet, flag every 100 feet in red.
On centerline, flag in red every 100 foot station.
Where new/proposed lot lines intersect right-of-way, flag in orange.
Center of cul-de-sac flag in red.

Lot Lines

At all bend points between right-of-way and perimeter boundary, flag in orange.

Wetland/Flood Plain

Flag every 50 feet along boundary in blue.

WESTON PLANNING BOARD

FORM A

FORM OF APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL

_____ ,20 _____

To the Weston Planning Board
Weston Town Hall
Weston, Massachusetts 02493

Enclosed is a plan of land owned by _____ in the Town of
Weston. This plan is submitted to you for your determination and endorsement that approval under the
Massachusetts Subdivision Control Law is not required.

The applicant believes that Planning Board approval is not required for the following reasons:

_____.

Address of Owner: _____

Surveyor preparing plan: Name and Reg #: _____

Address: _____

Date of Plan: _____

Zoning District: _____

Location of Property: (Address) _____

Signature of Applicant

Address

Signature of Owner (if different)

Address

Xc: Town Clerk:

Received: _____ , 20 _____

Endorsed: _____ , 20 _____

Filing Fee: \$ _____ Paid

WESTON PLANNING BOARD

FORM B

FORM OF APPLICATION FOR APPROVAL OF
SUBDIVISION PLAN

To the Weston Planning Board _____, 20_____
Weston Town Hall
Weston, Massachusetts 02493

Enclosed is a plan of land owned by _____ in the Town of
Weston. This plan, together with the related plans and profiles of streets, are submitted to you for your
approval under the Massachusetts Subdivision Control Law.

The names and addresses of abutters are attached. The following additional information is furnished for
your assistance:

Name of Subdivision, if any: _____

Name of Subdivider: _____

Address: _____

Surveyor preparing plan: Name and Reg #: _____

Address: _____

Location of Property _____ Zoning District _____

A copy of the plan and a copy of this application were filed with the Weston Board of Health
on _____.

Signature of Applicant

Address

Signature of Owner (if different)

Address

Xc: Town Clerk

Received: _____, 20 _____

Endorsed: _____, 20 _____

Filing Fee: \$ _____ Paid

WESTON PLANNING BOARD

FORM C

FORM OF BOARD APPROVAL OF SUBDIVISION
PLAN FILED WITH TOWN CLERK

_____, 20_____

Town Clerk
Weston, Massachusetts 02493

Dear Sir/ Madam:

The Weston Planning Board hereby certifies that at a meeting of said Board on _____, 20____, at which a majority and quorum was present, following a public hearing by the Planning Board on _____, it was

VOTED: That a subdivision plan and plan and profile of _____ dated _____ 20____, and drawn by _____ registered as an engineer or land surveyor in Massachusetts, submitted for the Board's approval by _____ owner hereinafter called the "Subdivider", be and hereby are approved on condition that prior to the Board's endorsement of its approval thereon the Subdivider shall execute an Agreement with the Weston Planning Board, on behalf of the Town of Weston, that no lot depending on said _____ Road for its legal street frontage shall be conveyed, or buildings or structures erected or placed on, or application for building permits made with respect to any such lot until:

A. Utilities

(1) _____ Road as shown on said plan and profile has been completed in accordance with Article V of the Rules and Regulations of the Board, as applicable, including installation of catch basins, drains, man-holes, culverts, and other drainage facilities;

(2) Facilities for water, electricity and gas, if any, have been installed throughout _____ Road in accordance with the Rules and Regulations of the Board and the requirements of the Weston Water Commissioners;

(3) The Subdivider has constructed a footpath on one side of _____ Road in accordance with paragraphs 4.10 and 5.08 of the Rules and Regulations of the Board;

(4) Stone bounds or other permanent marks to establish the lines of said road have been installed in accordance with the Rules and Regulations of the Board;

(5) A fire alarm system has been installed in accordance with the requirements of the Weston Fire Department.

(6) A survey of the existing improvements, in accordance with paragraph 3.08 of the Rules and Regulations of the Board has been furnished to the Board.

B. Alternatively, the Subdivider has executed a contract with the Weston Planning Board, on behalf of the Town of Weston accompanied by appropriate security to secure performance of the terms and

conditions thereof, to complete or install the improvements in accordance with Paragraph A above; and

- (1) A Subdivision plan bearing the Board's signed endorsement thereon and a signed copy of this Agreement have been recorded in the Middlesex South Registry of Deeds (or Registry District of the Land Court);
- (2) Instruments creating the easements shown on the plan have been recorded in the Middlesex South Registry of Deeds (or Registry District of the Land Court) and copies thereof furnished to the Board; and
- (3) A certificate of the Board that the conditions specified above have been performed or have been amended, modified, revoked, waived or released by the Board, has been recorded in the Middlesex South Registry of Deeds (or Registry District of the Land Court).

The Planning Board's approval of a subdivision plan shall expire at the end of five years unless the plan is duly recorded in the Middlesex South Registry of Deeds (or Registry District of the Land Court).

Respectfully Submitted,

WESTON PLANNING BOARD

By _____

WESTON PLANNING BOARD

FORM D

FORM OF AGREEMENT BETWEEN THE
PLANNING BOARD AND A SUBDIVIDER
AGREEMENT

I, _____ of _____, Massachusetts, the owner, and hereinafter called the "Subdivider", for myself, my heirs, executors, administrators, successors and assigns, hereby covenant and agree with the Weston Planning Board, hereinafter called the "Board", on behalf of the Town of Weston, in consideration of the approval by the Board on _____, 20____, of a subdivision of land in Weston, Massachusetts, shown on a plan by _____ registered as an engineer or land surveyor in Massachusetts, dated _____, 20____, and of the Board's approval of a plan and profile dated _____, 20____, of _____ Road included in said subdivision, that no lot shown on said subdivision plan shall be conveyed, or buildings or other structures erected or placed on, or application for a building permit made with respect to, any lot shown thereon, until:

A. Utilities

- (1) _____ Road as shown on said plan and profile has been completed in accordance with Article V of the Rules and Regulations of the Board, as applicable, including installation of catch basins, drains, man-holes, culverts, and other drainage facilities;
- (2) Facilities for water, electricity and gas, if any, have been installed throughout _____ Road in accordance with the Rules and Regulations of the Board and the requirements of the Weston Water Commissioners;
- (3) The Subdivider has constructed a footpath on one side of _____ Road in accordance with paragraphs 4.10 and 5.08 of the Rules and Regulations of the Board;
- (4) Stone bounds or other permanent marks to establish the lines of said road have been installed in accordance with the Rules and Regulations of the Board;
- (5) A fire alarm system has been installed in accordance with the requirements of the Weston Fire Department;
- (6) A survey of the existing improvements, in accordance with paragraph 3.08 of the Rules and Regulations of the Board, has been furnished to the Board.

B. Alternatively, the Subdivider has executed a contract with the Weston Planning Board, on behalf of the Town of Weston accompanied by appropriate security to secure performance of the terms and conditions thereof, to complete or install the improvements in accordance with Paragraph A above; and

- (1) A Subdivision plan bearing the Board's signed endorsement thereon and a signed copy of the Agreement have been recorded in the Middlesex South Registry of Deeds (or Registry District of the Land Court);
- (2) Instruments creating the easements shown on the plan have been recorded in the Middlesex South Registry of Deeds (or Registry District of the Land Court) and copies thereof furnished to the Board; and
- (3) A certificate of the Board that the conditions specified above have been performed or have been amended, modified, revoked, waived or released by the Board, has been recorded in the

Middlesex South Registry of Deeds (or Registry District of the Land Court).

The Planning Board's approval of a subdivision plan shall expire at the end of five years unless the plan is duly recorded in the Middlesex South Registry of Deeds (or Registry District of the Land Court).

This instrument shall take effect as a sealed instrument.

WITNESS my hand this _____ day of _____, 20 ____.

(Signature of Subdivider)

Commonwealth of Massachusetts
Middlesex, ss.

Then personally _____ appeared and acknowledged the foregoing instrument to be his free act and deed, before me

Notary Public

My Commission expires:

Approved:

Weston Planning Board

By _____

WESTON PLANNING BOARD

FORM E

**FORM OF CONTRACT BETWEEN THE
PLANNING BOARD AND A SUBDIVIDER**

CONTRACT

I, _____, of _____, Massachusetts, the owner, and hereinafter called the "Subdivider", for myself, my heirs, executors, administrators, successors and assigns, here-by covenant and agree with the Weston Planning Board hereinafter called the "Board", on behalf of the Town of Weston, in consideration of the approval by the Board of a subdivision of land in Weston, Massachusetts, shown on a plan by,

_____ registered as an engineer or land surveyor in Massachusetts, dated _____, 20____, and of the Board's approval of a plan and profile dated _____, 20____ of _____ Road included in said subdivision, that prior to _____, 20____, the Subdivider will:

- (1) Complete _____ Road as shown on said plan and profile in accordance with Article V of the Rules and Regulations of the Board, as applicable, including installation of catch basins, drains, manholes, culverts, and other drainage facilities;
- (2) Install facilities for water, electricity and gas, if any, in _____ Road in accordance with the Rules and Regulations of the board and the requirements of the Weston Water Commissioners;
- (3) Construct a footpath on one side of _____ Road in accordance with paragraphs 4.10 and 5.08 of the Rules and Regulations of the Board;
- (4) Install stone bounds or other substantial marks permanently to establish the lines of said road in accordance with the Rules and Regulations of the Board;
- (5) Install a fire-alarm system in accordance with the requirements of the Weston Fire Department;
- (6) Furnish to the Board a survey of the existing improvements in accordance with paragraph 3.08 of the Rules and Regulations of the Board.

As security for the faithful performance of the covenants contained herein the Subdivider will deposit the sum of \$ _____ in a certified or bank cashier's check with the Town Treasurer prior to obtaining a release from the Board of any lot for sale or prior to applying for a building permit for any lot in this subdivision.

The Planning Board shall have the right to review the amount of security on the annual anniversary date of this contract and may increase the amount of security required. Such an increase shall not, however, be greater than the increase in the Engineering News Record - Construction Cost Index for that period.

In case of a default on the Subdivider's part in connection with such construction, the Town, at its election, may use the proceeds of the certified or bank cashier's check in the amount of \$ _____ dollars (\$ _____) deposited by the Subdivider with the Town Treasurer and Collector as security for the performance of this contract, to remedy such default, the Board being the sole judge of the amount of such proceeds necessary for it to use for such purpose,

repaying to the Subdivider, the unused portion thereof, if any, or, in case there is no default on the Subdivider's part, repaying the entire amount thereof.

In case of default on the Subdivider's part in connection with such construction, the Town, its officers and agents and those authorized by it, may enter upon the land included in such subdivision and remedy such default. The Subdivider shall defend, indemnify and save harmless the Town, its officers, agencies, and employees from and against all claims, demands, payments, suits, actions recoveries, judgments of every nature and description brought or recovered against it or them by reason of any action, omission or neglect of said Town, its officers, agents, or employees in remedying such default undertaken in good faith; and the Subdivider will likewise indemnify and save harmless the Town, its officers, agents, and employees from all costs of investigating and defending any actions or suits brought against it or them by reason of any action, omission or neglect of said Town, its officers, agents, or employees in remedying such default undertaken in good faith.

The certified or bank cashiers check above referred to may be cashed and its proceeds mingled with other funds in the hands of the Town Treasurer and Collector, but shall be segregated on the Town's books in a separate "agency account" for the said construction. Neither the Treasurer and Collector nor the 'Town shall be responsible to the Subdivider for any proceeds of said check lost through bank failure.

This instrument is to take effect as a sealed instrument.

EXECUTED under seal this _____ day of _____, 20 _____

Signature of Subdivider

WESTON PLANNING BOARD

WESTON PLANNING BOARD

FORM F

FORM OF APPLICATION FOR CERTIFICATE OF
PARTIAL PERFORMANCE OF CONDITIONS OF
SUBDIVISION AGREEMENT AND RELEASE OF LOTS

_____, 20__

To the Weston Planning Board
Weston Town Hall
Weston, Massachusetts 02493

The undersigned, owner of the land being subdivided pursuant to a plan entitled

_____ ,

drawn by _____ registered as an engineer or land
surveyor in Massachusetts, dated _____, 20 __ believes that the conditions set
forth in his agreement with the Board dated _____, 20 __ , have been satisfied with
respect to the following described premises with the following exceptions:

The undersigned certifies that said plan dated _____, 20 __, bearing the
Board's signed endorsement thereon, and a signed copy of said agreement were recorded with the
Middlesex South Registry of Deeds (or with the Registry District of the Land Court) on
_____, 20 __ in Book _____, Page _____.

Enclosed is proper bond or deposit of money in the amount of \$ _____ payable to the
order of the Town of Weston which is deposited as security for complete performance of a contract dated
_____, 20 __, between _____ and the Weston
Planning Board, on behalf of the Town of Weston.

Accordingly, it is requested that the Board issue its certificate of compliance with such conditions.

Signature of Owner

Approved:

Superintendent of Streets

Town Engineer

Chief of the Fire Department

Filing Fee \$ _____ Paid

Date: _____

WESTON PLANNING BOARD

FORM G

FORM OF RELEASE OF CONDITIONS
OF PLANNING BOARD APPROVAL

_____, 20 ____

The undersigned, being authorized agents of the Planning Board of the Town of Weston, Massachusetts, hereby certify that the conditions set forth in an agreement dated _____, 20 ____ and recorded with Middlesex South Registry of Deeds in Book _____ Page _____ (or registered with Middlesex South Registry District of the Land Court as Document No. _____) which were imposed by the Board at the time of its approval of a subdivision plan of land owned by _____ and drawn by _____, registered as an engineer or land surveyor in Massachusetts, dated _____, 20 ____ said plan being filed with said Registry of Deeds in Book _____ Page _____ (or said Registry District with Certificate of Title No _____ in Book _____, Page _____), are hereby released as to lots shown on said plan as lots numbered _____, _____, _____, _____, and located at _____ (streets) in Weston, Massachusetts.

Authorized Agents of the Town of Weston

Commonwealth of Massachusetts
Middlesex, ss.

Then personally appeared _____
(the above authorized agents)

of the Planning Board of the Town of Weston, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me

Notary Public

My Commission Expires:

Filing Fee \$ _____ Paid

Date: _____

WESTON PLANNING BOARD

FORM H

**FORM OF APPLICATION FOR RELEASE OF DEPOSIT
TO SECURE PERFORMANCE OF SUBDIVISION CONTRACT**

To the Weston Planning Board
Weston Town Hall
Weston, Massachusetts 02493

The undersigned, owner of the land being subdivided pursuant to a plan of land owned by _____, drawn by _____, registered as an engineer or land surveyor in Massachusetts, dated _____, 20____ believes that the conditions set forth in his contract with the Weston Planning Board, on behalf of the Town of Weston, dated _____, 20____, have been satisfied with respect to _____.

Accordingly, it is requested that the Board release \$ _____ of the \$ _____ security deposit given to the Board pursuant to said contract.

Signature of Owner

Approved:

Superintendent of Streets

Town Engineer

Chief of the Fire Department

Filing Fee \$ _____ Paid

Date: _____