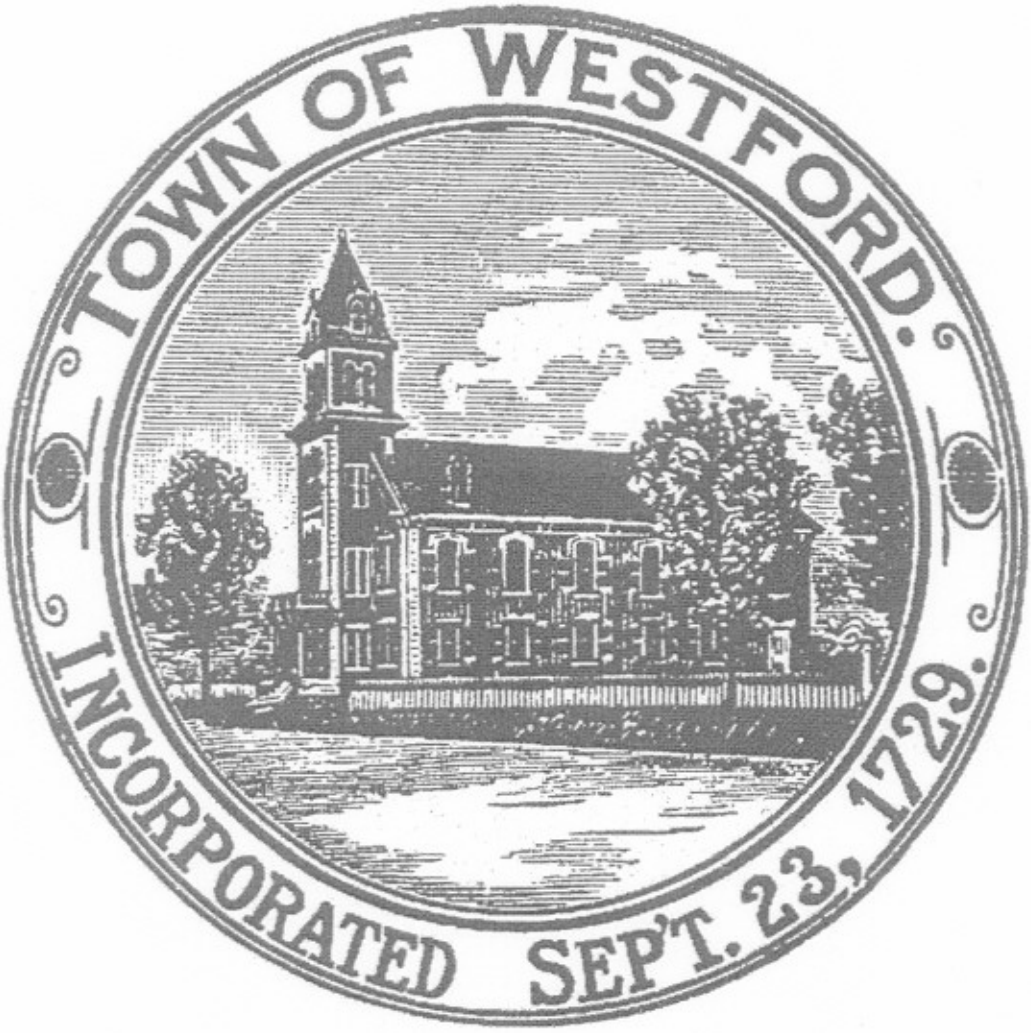
# Subdivision

# Rules and Regulations




## Chapter 218

## From the Code of the Town of Westford

**Edition: October 25, 2004**

# CHAPTER 218
# SUBDIVISION OF LAND

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[HISTORY: Adopted by the Planning Board of the Town of Westford 11-3-1981; amended through 1986. Subsequent amendments noted where applicable.]

[GENERAL REFERENCES: See Ch. 173, Zoning.]

## ARTICLE 1

### Authority and Purpose

**Sec. 218-1. Authority.**

Pursuant to the authority granted by The General Laws of Massachusetts Chapter 41, Section 81-Q, and for the purpose specified in Sec. 218-2, the Planning Board of the Town of Westford has adopted the following rules and regulations governing the subdivision of land in the Town of Westford.

**Sec. 218-2. Purpose.**

These subdivision regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town 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 bylaws;[1] for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions.

[1] Editor's Note: See Ch. 173, Zoning.

## ARTICLE II

### Definitions

**Sec. 218-3. Terms defined.**

For the purpose of these rules and regulations, the following words and terms used herein are hereby defined as follows:

ABUTTER — An owner or owners of property which has one (1) or more boundaries or parts thereof in common with the property being subdivided, or which has frontage in whole or in part directly opposite any portion of the property being subdivided, or which is deemed by the Planning Board to be affected by the proposed subdivision of land.

APPLICANT — A person who applies for approval of a plan of a subdivision or who applies for a determination that approval is not required. The "applicant" (or "applicants") shall be the owner (or owners) or the duly authorized agent or representative of the owner(s), or his or their assigns, of all land included in the subject request for action before the Planning Board. If a plan for a subdivision of land is to be submitted by one representing to be the agent or assign of an owner, a notarized certificate shall be submitted, signed by the owner, authorizing the person filing the plan to act as agent or assign.

BOARD — The Planning Board of the Town of Westford.

DESIGNER — A professional civil engineer, landscape architect, architect or land surveyor registered to practice in Massachusetts. All public and private utility design and other engineering practices as defined in G.L. Ch. 112, Sec. 81-D, shall be done by or under the direct supervision of and shall be endorsed by a registered professional engineer. All layouts of lands and subdivisions shall be done by or under the direct supervision of and shall be endorsed by a registered land surveyor.

FRONTAGE — An uninterrupted distance, secured through a fee-simple ownership of the full property length adjacent to and along a single way, or along two (2) or more intersecting ways, providing vehicular and pedestrian access to the principal use of a lot. **[Added 9-30-96]**

STREET — A public way or a way having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the proposed use of the land abutting thereon or served thereby (major, secondary and minor streets are defined in Article V of these regulations).

SUBDIVISION — The division of a tract of land into two (2) or more lots and as further defined in G.L. Ch. 41, Sec. 81-L.

SUBDIVISION CONTROL LAW — G.L. Ch. 41, Sec. 81-K to 81-GG, inclusive, and any acts in amendment thereof.

VERNAL POOL – A vernal pool as defined by the Massachusetts Natural Heritage and Endangered Species Program. **[Added 11-3-95]**

## ARTICLE III

### General Provisions

**Sec. 218-4. Basic requirements.**

A. Only those plans which constitute "subdivisions" as that term is defined in the Subdivision Control Law require approval of the Planning Board. However, all plans, whether subdivisions within the meaning of the law or not, must have either approval as a subdivision or endorsement that they do not require approval before they will be accepted for recording at the Registry of Deeds or registration at the Land Court.

B. No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted to and approved by the Board as hereinafter provided.

**Sec. 218-4.1. Minimum Standards.** **[Added 11-3-95]**

The Planning Board standards for subdivisions are minimums. A developer should not consider these minimums as a substitute for best engineering practices, and for giving full consideration to the many aspects of a development. In all cases construction shall be in full conformity with approved plans and specifications.

**Sec. 218-4.2. Compliance with Zoning Bylaws.** **[Added 11-3-95]**

All plans submitted shall be designed so as to be in compliance with all Zoning Bylaws or have all appropriate variances issued by the Board of Appeals in effect at the time of submission.

**Sec. 218-5. Administration.**

No plan shall be deemed to have been submitted to the Board until said plan, together with all application forms, fees and other items as required and executed as specified herein, has been delivered in person to the Board at a meeting thereof, the Planning Board delegates to the Town Planner, the authority to determine whether applications are complete and, therefore, deemed filed under these Rules and Regulations, or by registered or certified mail to the Board and by giving of notice by mail to the Town Clerk by the applicant. **[Amended 2-16-99; 1-3-00]**

**Sec. 218-5.1 Administrative Review**

All proposed amendments to an approved subdivision must be submitted to the Director of Land Use Management who shall make a determination as to whether the revisions are minor or major. If the amendments are determined to be minor, the Director shall submit such decision to the Planning Board for approval by majority vote. Upon such approval, the public hearing requirements shall be waived and the Director is empowered to proceed with the review and approval of the proposed amendments. If the Director determines that the amendments are major, or denies a minor amendment, the Director shall advise the applicant and the Planning Board within five (5) business days of submission by the applicant of the amendments. The applicant

may then submit the proposed amendments to the Planning Board for review and approval. Such submission shall be pursuant to the provisions relating to submission and approval of plans under G.L. Ch. 41, Sec. 81W. **[Amended 9-30-96]**

**Sec. 218-6. Certification of plans.**

All definitive plans submitted to the Board shall include a certification as to their conformance with these rules and regulations and as to the validity of their content, executed by a person registered in the Commonwealth of Massachusetts as a land surveyor or professional engineer, or both, as required by the Board. The Board suggests that the owner be represented at any meeting with the Board by the person responsible for design of the subdivision and the preparation of the plans.

**Sec. 218-7. Waiver of compliance. [Amended 5-18-93]**

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 intent and purpose of the Subdivision Control Law. Requests for waivers of the requirements of these rules and regulations for definitive subdivision plans previously approved shall only be allowed by vote of the Board following a new public hearing held in accordance with the requirements of G.L. Ch. 40A, Sec. 21, with the applicant being responsible for proper notification of abutters and residents of the subdivision (if any). All requests for waivers shall be accompanied by a letter signed by the applicant listing waivers from the terms of these Rules and Regulations. This letter shall include, for each waiver request, an estimate of the cost savings in initial cost and annual maintenance and an explanation of any public benefit served. **[Amended 6-21-04]**

**Sec. 218-8. Severability.**

If any section, paragraph, sentence, clause, or provision of these regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these regulations shall be deemed valid and effective.

**Sec. 218-8.1. Notification of abutters and parties at interest of public hearings. [Added 6-16-92]**

When notification of abutters or parties at interest is required for definitive subdivision plan submissions or for special permit applications, the applicant shall submit an Assessor's Department certified list of abutters or parties at interest, pursuant to the requirements of G.L. Ch. 40A, Sec. 11, using the form (Form D) as provided in these rules and regulations, two sets of abutter labels, and a check, made payable to the Town of Westford, as a pre-payment of the postage due. The Applicant shall also physically post the property at two locations visible from a public way. The posted notification shall be a minimum size of eleven by seventeen (11 x 17) inches, and clearly display information regarding the action requested, listing the reviewing board(s), date and time of meeting(s), and provide directions to contact the Westford Permitting Office for additional information. No public hearing shall open until proper notification has occurred. **[Amended 9-30-96; 2-16-99; 6-21-04]**

## Article IV

## Submission and Approval of Plans

### Sec. 218-9. Plan believed not to require approval.

A. General.

(1) Any person wishing to cause to be recorded in the Registry of Deeds or filed with the Recorder of the Land Court a plan of land in the Town who believes that the plan does not require approval under the Subdivision Control Law, G.L. Ch. 41, Sec. 81-P, may submit such plan to the Board with **eleven (11) prints of 24" x 36" and eleven (11) at 11" x 17"** thereof, together with an application in the form shown as Form A in the Appendix hereto,[2] and accompanied by the necessary evidence to show that the plan does not require approval, and also shall file (by delivery or registered mail, postage prepaid) with the Town Clerk a notice thereof stating the date of such submission and accompanied by a copy of the application. The applicant shall also submit a DWG computer diskette or CD copy of the plan. **[Amended 6-21-04; 10-25-04]**

(2) If the Board finds that the plan does not require approval, it shall, without a public hearing, endorse thereon the words "approval under the Subdivision Control Law not required." Such endorsement shall not be deemed to constitute any determination of compliance with requirements of the Zoning Bylaw.[3] If the Board determines that in its opinion the plan requires approval, it shall, within fourteen (14) days of plan submittal, give written notice to the Town Clerk and the applicant of its determination to that effect.

B. Contents of plan.

(1) Frontage of the land shown on the plan.

(2) Frontage and area of any remaining adjoining land owned by the applicant.

(3) Status and name of the way upon which the lot fronts and all abutting roads, giving the ownership, the width of the road layout and the width and material of the road surface; for a variable width road, the width information shall be provided every one hundred (100) feet for a distance of five hundred (500) feet or to the nearest intersection, whichever is less. **[Amended 4-7-92]**

(4) Present owner of the land shown on the plan and all abutting owners.

(5) Location of any easement or way, public or private, across the land, with a designation as to the use of the same.

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[2] Editor's Note: The appendix forms are on file in the office of the Planning Board.

[3] Editor's Note: See Ch. 173, Zoning.

(6) Any zoning district lines going through the property.

(7) A locus map of the land shown on the plan showing the location of the land in Town. **[Added 4-7-92]**

(8) Magnetic North point and true North point. **[Added 4-7-92]**

(9) Locations and setback dimensions of existing buildings, wells and underground sewerage disposal systems. **[Added 4-7-92] [Amended 6-21-04]**

(10) The Wetlands Areas and Buffer Zones as defined under both the Massachusetts Wetlands Protection Act (G.L. Ch. 131, Sec. 40) and Town of Westford Non-Zoning Wetlands Bylaw (Code of the Town of Westford, Chapter 171). **[Added 11-3-95]**

(11) Topographic information showing slopes in excess of ten percent (10%) at the lot frontage and for the first one hundred (100) feet of the lot back from the front lot line. **[Added 11-3-95]**

**(12)** Suitable delineated space to record the action of the Planning Board and signatures of the five members of the Planning Board. **[Added 6-21-04]**

**(13)** Existing and proposed boundary lines, including dimensions and areas of all lots shown. **[Added 6-21-04]**

**(14)** Lot and or house numbers. **[Added 6-21-04]**

**Sec. 218-10. Preliminary plan.**

A. General.

(1) A preliminary plan of a subdivision may be submitted by the applicant for discussion and action by the Board. The submission of such a plan will enable the applicant, the Board, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify any problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed for each subdivision. In the interest of obtaining as much information and feedback as possible during the preliminary review stage, the Board will notify abutters to the property of the beginning of the Preliminary Plan review. **[Amended 11-3-95]**

(2) A properly executed application Form B[4] shall be filed with the Preliminary Plan submitted to the Board, together with a filing fee as described in Article VII herein. The applicant must be the owner(s) of the land and the Form B shall bear original signatures of the owner(s), or if the land is in a trust, the applicant must

[4] Editor's Note: Form B is on file in the Planning Board office.

be the trustee(s) of the land trust, the Form B must bear original signatures of the trustee(s) and proof must be submitted with the application that the trustee(s) has/have authority to act on behalf of the Trust. ~~The filing fee shall be held by the Board as a deposit until the Board takes action upon the preliminary plan.~~[5] ~~At the time of taking action, the Board in its discretion may waive or refund such filing fee in whole or in part to the extent the Board determines that professional or other services were not required in consideration of the preliminary plan.~~ **[Amended 10-25-04]**

(3) The plan shall be submitted by delivery at a meeting of the Board or by registered or certified mail to the Board and by giving of notice by mail to the Town Clerk. In addition, a copy of the plan shall be submitted to the Engineering Department and Board of Health. **[Added 6-21-04]**

(4) Contents. The preliminary plan may be drawn on tracing paper twenty-four by thirty-six (24 x 36 inches in size with pencil, at a scale of one (1) inch equals two hundred (200) feet or larger, and twelve (12) prints shall be filed with the Secretary to the Board. The applicant shall also provide twelve (12) copies of a reduced plan of the subdivision on eleven by seventeen (11 x 17) inch paper. The applicant shall also provide a copy of the Preliminary Plan in a DWG computer Diskette or CD format to the Engineering Department. A signed copy of a 3rd Party billing form shall be submitted to the Board for advertising purposes. Said preliminary plan shall be identified as a preliminary plan and shall show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the definitive plan. Such information will include the material required by Sec. 218-11.B(1) to (7), inclusive, and B(13) of the contents of the definitive plan (Sec. 218-11.B), plus the legend and title "Preliminary Plan," name of the designer responsible for the plan, proposed system of drainage, approximate boundary lines of proposed lots or dwelling unit clusters, with approximate areas and dimensions and the topography of the land in a general manner. During discussion of the preliminary plan, the complete information required for the definitive plan will be developed. **[Amended 5-18-93; 11-3-95; 6-21-04]**

B. Action by Board.

(1) The Planning Board and the Board of Health shall either approve the preliminary plan or approve the plan with modifications suggested by each Board or agreed upon by the person submitting the plan. Such approval does not constitute approval of a subdivision but does facilitate the procedure in securing final approval of the definitive plan.

(2) The Board may also disapprove the plan. A disapproval will be accompanied by a detailed statement of reasons for the action.

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[5] Editor's Note: A current schedule of fees is included in Article VII herein.

(3) Each Board shall give notice of its action by certified mail to the applicant and the Town Clerk within sixty (60) days of the date of submission.

**Sec. 218-11. Definitive plan.**

A. General.

(1) Any person who submits a definitive plan of a subdivision to the Board for approval shall file with the Secretary to the Board the following:

(a) An original reproducible drawing on stable base material of the definitive plan (including all plans and cross sections required by Subsection B) and twelve (12) prints of the complete set of drawings, all prints to be dark line on white background, and complete set of any and all supporting materials submitted with the application. The applicant shall also provide twelve copies (12) of a reduced plan of the subdivision on eleven by seventeen (11 x 17) inch paper, and a DWG computer diskette or CD copy. A signed copy of a 3rd Party billing form shall also be attached for advertising purposes. All plans shall show true North (so labeled). **[Amended 2-21-89; 11-3-1995; 2-16-99; 6-21-04]**

(b) A properly executed application Form C shall be filed with the Definitive Plan submitted to the Board. The applicant must be the owner(s) of the land and the Form C shall bear original signatures of the owner(s), or if the land is in a trust, the applicant must be the trustee(s) of the land trust, the form C must bear original signatures of the trustee(s) and proof must be submitted with the application that the trustee(s) has/have authority to act on behalf of the Trust.[6] **[Amended 11-3-95]**

(c) Evidence that the definitive plan conforms to the approved preliminary plan or that the definitive plan includes the modifications required by the Board's action on the preliminary plan.

(d) A filing fee as described in Article VII herein, provided that the Board shall, in the case of a definitive plan evolved from a preliminary plan, credit against the required filing fee the amount of any filing fee paid (and not waived or refunded) by the applicant.[7] **[Amended 11-3-95]**

(e) A location plan of the subdivision at a scale of one (1) inch equals eight hundred (800) feet, indicating its position with the Massachusetts Coordinate System as specified in Chapter 47 of the Acts of 1941 and showing the right-of-way lines of all proposed streets in the subdivision and their location in relation to two (2) or more existing streets or portions thereof shown and readily identifiable as to locus on the Town Map and to

[6] Editor's Note: Form C is on file in the Planning Board office.

[7] Editor's Note: A current schedule of fees is included in Article VII herein.

such accuracy that the Town Map may be placed over the location plan for purposes of actual transfer.

(f) List of abutters (Form D).[8]

(2) The plan shall be submitted by delivery at a meeting of the Board or by registered or certified mail to the Board. In addition, a copy of the plan shall be submitted to the Board of Health and written notice shall be given by the applicant to the Town Clerk, by delivery or by registered or certified mail, that he has submitted such a plan.

B. Contents. The definitive plan shall be prepared by a designer and shall be clearly and legibly drawn. The plan shall be at a scale of one (1) inch equals forty (40) feet. Sheet size shall be twenty-four by thirty-six (24 x 36) inches. 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:

(1) Subdivision name, boundaries, date, scale, magnetic North point, and true North point. **[Amended 4-7-92]**

(2) Names and addresses or record owner and applicant.

(3) Names of all abutters as they appear in the most recent tax list, including owners of land separated from the subdivision only by a street, and also water resource protection and zoning district boundaries, if any. **[Amended 1-3-00]**

(4) Existing and proposed lines of streets, lots, proposed street numbering, rights-of-way, easements, public or common areas within the subdivision, abutting roads, and driveways and roads and driveways across existing streets from which the subdivision road(s) shall enter, giving the ownership, the width of the road layout and the width and material of the road surface; for a variable width road, the width information shall be provided every one hundred (100) feet for a distance of five hundred (500) feet, or to the nearest intersection, whichever is less. (The proposed names of proposed streets and proposed house numbers of the proposed houses shall be shown in pencil until they have been approved by the Board.) Purpose of easements shall be indicated. **[Amended 4-7-92; 11-3-95]**

(5) Location, names and present widths of streets bounding, approaching and within reasonable proximity of the subdivision.

(6) Location of natural waterways and water bodies within and adjacent to the subdivision, and the Wetlands Areas and Buffer Zones as defined under both the Massachusetts Wetlands Protection Act (G.L. Ch. 131, Sec. 40) and Town of Westford Non-Zoning Wetlands Bylaw (Code of the Town of Westford, Chapter 171) as shall have been confirmed by the Westford Conservation Commission

[8] Editor's Note: Form D is on file in the Planning Board office.

through appropriate applications and hearings. Base flood elevation (the level of the one-hundred-year flood) data shall be provided for proposals greater than fifty (50) lots or five (5) acres, whichever is the lesser, for that portion within the Floodplain District. **[Amended 11-3-95]**

(7) Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges, and outcroppings.

(8) Sufficient data, including length, bearings, radii and central angle, to determine the exact location, direction and length of every street and way line, lot line and boundary line and to establish these lines on the ground. The location of the subdivision shall be tied to the Commonwealth of Massachusetts Coordinate Mapping System (NAD83) by locating property line corners, indicating a base line or using a grid. **[Amended 6-21-04]**

(9) Location of all the permanent monuments and benchmarks and each proposed lot marker, properly identified as to whether existing or proposed. All bench marks shall be tied into and employ the United States Geological Survey datum system (NGVD29). **[Amended 6-21-04]**

(10) Boundary lines, areas in square feet and dimensions of all proposed lots, with all lots designated numerically and in sequence. **[Amended 6-21-04]**

(11) Name of the designers who prepared the plan; certificates and seals of the engineer and surveyor that they actually prepared the plan, and an additional certificate by the surveyor that all surveying conforms to the technical standards for property surveys of the American Congress on Surveying and Mapping.

(12) Suitable space to record the action of the Board and the signatures of the members of the Board on each sheet of the definitive plan. Where the applicant elects to secure completion of required improvements by covenant (rather than bonds or surety), there shall be a notation above such space as follows:

Approved _____, subject to covenant conditions set forth in a covenant executed by _____ dated _____, and to be (recorded) (registered) herewith.

(13) Existing and proposed topography at two (2) foot contour intervals, unless the Board agrees that the natural surface of the ground may be adequately represented by contours at larger intervals or by figures of elevation. (May be submitted on the same sheet as the definitive plan or on separate sheets.)

(14) Profiles on the right-of-way lines of proposed streets at a horizontal scale of one (1) inch equals forty (40) feet and a vertical scale of one (1) inch equals four (4) feet, or such other scale acceptable by the Board. All elevations shall refer to United States Geological Survey datum. Profiles shall also indicate the location of any intersecting public or private ways and the location of existing and proposed storm drains, water mains, sewers and their appurtenances, and other underground

utilities to be placed in the right-of-way. (May be submitted on the same sheet as the definitive plan or on separate sheets.)

(15) On the same sheet, there shall be drawn cross sections of the proposed streets, properly located and identified by station number, at such intervals along the street as will adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, planting strip, gutters, sidewalks, and similar physical features. (May be submitted on the same sheet as the definitive plan or on separate sheets.)

(16) The results of borings or test pits sufficient to delineate geology, soil conditions and water table within the subdivision. The number, depth and description of such investigation will be in conformance with accepted professional engineering geology practice, but in no case shall be less than one (1) pit or boring for every eighty thousand (80,000) square feet nor to a depth less than eight (8) feet. In the case of applications for a Special Permit for an Open Space Residential Development, the soil tests shall have been witnessed by the Westford Board of Health. **[Amended 11-3-95]**

(17) A landscaping plan shall be submitted that contains the following information: **[Added 10-16-00]**

(a) Proposed limits of work, beyond which no disturbance during construction would occur;

(b) Any isolated, vegetated areas within the overall limits of work that would remain after construction;

(c) Large trees in excess of ten (10) inches (25.4 centimeters) in diameter measured at breast height (4½ feet or 1.4 meters) that exist within the proposed roadways and/or that exist within twenty-five (25) feet (7.6 meters) off of the edge of the roadway or within ten (10) feet (3.1 meters) beyond the edge of any cut and fill for the roadway, whichever is a greater distance;

(d) The relocation of stone walls that would be disturbed during construction;

(e) Proposed plantings;

(f) A planting table of all proposed plantings containing the following information for each species:

[1] Botanical and common name;

[2] Caliper, height, and spread at planting and at anticipated maturity;

[3] Quantity intended to be planted; and

[4] Symbols used to represent the plantings on the plan.

(g) A detail of the typical coniferous tree, deciduous tree, and shrub planting and, if applicable, a tree well.

(18) In filing a definitive plan the applicant shall submit an environmental impact statement consisting of the following information unless otherwise waived in whole or in part by the Board as inappropriate or not applicable:

(a) The general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, scenic and historical features, trails and open space links and indigenous wildlife, describing how the project will affect these features.

(b) Location, extent and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project.

(c) Estimated increase of peak runoff caused by altered surface conditions and methods to be used to return water to the soils.

(d) Any limitations on proposed project caused by subsurface soil and groundwater conditions and methods to be used to overcome them.

(e) On-site sewage disposal methods proposed, evaluating the impact on groundwater quality and nearby surface water bodies.

(f) Estimated traffic flow at peak periods and proposed circulation patterns and parking requirements.

(g) The effect of the project on the Town water supply and distribution system, on police and fire protection services, on Public Works Department services, and on educational services.

(h) The proximity of the site to local shopping, educational and recreational facilities; the types of on-site recreational facilities to be provided, including those for active or passive recreation.

(i) A tabulation of proposed buildings by type, size (number of bedrooms, floor area) and ground coverage, and a summary of the percentage of the tract to be occupied by buildings, parking and other paved areas and usable open space.

(j) A brief summary of the environmental impact on the entire Town, with supporting comments, listing the adverse impacts and discussing methods with can be used to mitigate adverse impacts.

(19) In the case of applications for approval of Open Space Residential Developments, a properly completed draft of the required Conservation Restriction for the Common Land Open Space pursuant to G.L. Ch. 184, Sec. 31-33 as required by the Westford Zoning Bylaw (Code of the Town of Westford, Sec. 173-20.E(2)) shall be submitted at the time of application. Homeowners' Association documents shall also be submitted at the time of the filing of the Definitive Subdivision Plan. **[Added 11-3-95]**

C. Review by Board of Health. At the time of filing of the definitive plan, the applicant shall also file with the Westford Board of Health two (2) prints of the definitive plan, dark line on white background. The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Planning Board in writing its approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings and the reasons therefor in such report and, where possible, shall make recommendations for the adjustment thereof. A copy of such report, if any, shall be sent by the Board of Health to the person who submitted the plan. Any approval of the plan by the Planning Board shall then only be given on condition that no building or structure shall be built or placed upon areas designated without prior consent of the Board of Health. The Planning Board shall endorse on the plan such condition, specifying the lots of land to which such condition applies. Failure of the Board of Health to report within forty-five (45) days shall be deemed approval, and the Planning Board shall note on the plan that the health approval is by failure to report. **[Amended 2-21-89]**

D. Review by Conservation Commission. The applicant shall furnish evidence satisfactory to the Board that he has filed copies of all plans with the Conservation Commission.

E. Public hearing. Before approval, modification and approval or disapproval of the definitive plan is given, a public hearing shall be held by the Board in accordance with the Subdivision Control Law, G.L. Ch. 41, Sec. 81-T. If the applicant requests a waiver of any of the requirements of these rules and regulations, such request must be submitted in writing to the Board at the public hearing.

F. Performance guarantee. **[Amended 10-25-04]**

(1) Before endorsement of approval the Board will require provision for the completion of construction of ways and the installation of municipal services in accordance with the rules and regulations of the Board. The construction of ways and installation of municipal services within the period required by the Board shall be secured by one, or in part by one and in part by the other, of the following-described methods, which methods may be varied from time to time by the applicant:

(a) By a covenant acceptable to the Board (see Form E),[9] executed and duly recorded by the owner of record, running with the land, whereby such improvements as shown on the plan shall be provided to serve any lot

[9] Editor's Note: Form E is on file in the Planning Board office.

before such lot may be built upon or conveyed, other than by mortgage deed. Conveyance of either the entire parcel of land shown on the plan or all lots not previously released by the Planning Board by a single deed shall not be prohibited, but such land shall be subject to such covenant.

(b) By a bank passbook (see Form F)[10] or negotiable security in an amount determined by the Board to be sufficient to cover the cost of the improvements shown on the plan. The status of such passbook or security shall be reviewed annually by the Planning Board and may be increased to reflect increases in estimated costs for completion of the construction. **[Amended 3-1-04]**

(2) The applicant shall submit, as indicated in subsection (5), to the Board a Street Improvement Guarantee statement (Form G)[11] which sets out the estimated current cost for construction of all improvements as required in the plan, as well as, the associated fee (see Fee Schedule – Section 218-26). This figure shall be used to determine the fifteen percent (15%) retainage that shall be required as a guaranty that the applicant properly complete the requirements for application for street acceptance and shall be held until such times as the street(s) are accepted by the Town. (See Subsection H.) **[Amended 5-18-93; 11-3-95; 4-5-99; Amended 3-1-04]]**

(3) Deposit. **[Amended 5-18-93]**

(a) Upon written application of the applicant stating reasons therefor, the amount of any deposit held hereunder may~~, from time to time,~~ be reduced at the discretion of the Board if it determines that improvements have been installed in a satisfactory manner in sufficient amount to warrant reductions in the security. **Bond Reductions may be requested a maximum of three times excluding final release.** (See Subsection G.) **[Amended 10-25-04]**

(b) In all cases the amount of security required shall be calculated as follows: the current net cost using the Highway Superintendent's price list shall be calculated for the remaining work to complete the way. This current net cost shall be multiplied by one and twenty-five hundredths (1.25) to account for engineering and contingencies; the resulting number shall be multiplied by an adjustment for cost increases from the date of the establishment of the Highway Superintendent's price list by dividing the current Construction Cost Index as listed in the Engineering News Record (ENR) by the Construction Cost Index as listed in the ENR at the time of establishment of the Highway Superintendent's price list; the resulting number shall then be multiplied by one and twenty-five hundredths (1.25) to provide for escalation to expiration. In no case shall the performance

[10] Editor's Note: Form F is on file in the Planning Board office.

[11] Editor's Note: Form G is on file in the Planning Board office.

security be reduced below fifteen percent (15%) of the original estimated current cost for construction improvements as determined in subsection (2). **[Added 5-18-93; Amended 11-3-95; Amended 3-1-04]]**

(4) Prior to the issuance of any building permits by the Building Commissioner for any subdivision lot created under these rules and regulations, the following condition shall have been met: the construction of roads or ways shown on the subdivision plan shall be completed at least through the binder pavement course, including full completion of all drainage control structures, installation of curbing and a Curb Cut/ Driveway permit shall be submitted to and approved by the Town. **[Added 4-7-92; Amended 3-1-04]**

(5) The following procedures shall be implemented within thirty (30) days after the Definitive Plan has been recorded and submitted to the Board and the Town Engineer. These procedures shall be completed and the Form G approved by the Board prior to any lot release, bonding of construction or construction on the site being implemented: **[Added 3-1-04]**

(a). The Applicant shall submit a written request including a copy of the submitted Form G to the Board stating a desire to have a pre-construction conference held on a specific date and time agreeable to all attendees. Upon receipt of the written request, the Board shall forthwith transmit the request to the Engineering Department.

(b) The Town Engineer shall then convene the Pre-construction Conference at which the attendance shall consist of the Town Engineer, the Applicant or a duly authorized representative, the Town Planner, a Conservation Commissioner or their designee (as needed) and any other person who the Town Engineer considers relevant to the discussion. The purpose of the pre-construction conference is for the Town departments and the Applicant to discuss the bond amount, processing of the Form G, project scheduling, construction problems, rules and regulations, quality expectations and procedural issues.

(c) The Applicant or a duly authorized representative shall submit a request for a street opening permit and any necessary Shade Trees Hearings shall be applied for prior to the Pre-construction conference. The Street Opening Permit must be approved prior to the setting of the bond amount. Additional Street Opening Permits will be required for any work that will alter the installed work as defined in the Interim As-Built or the base course of the roadway once installed.

(d) The Town Engineer shall then submit to the Board a recommended Form G bond amount and comments regarding the discussion during the pre-construction conference to the Board within 30 days of the Pre-construction Conference completion.

(e) At the next available regular meeting of the Board after receipt of the recommended Form G bond amount and pre-construction comments, the Board shall schedule the approval or modification and approval of the Form G bond amount.

G. Procedures for inspection of the required improvements and evidence of satisfactory performance. **[Amended 5-18-93]**

(1) Upon receipt of application for a reduction in the amount of security being held for completion of a street or streets within a subdivision, the Board shall obtain from the Highway Superintendent, or other qualified individual or agency as the Board shall determine, a report as to whether the work required by these rules and regulations claimed to be complete has been completed for each way in question and that he/she approves of the methods used in the performance of such work.

(2) The **Town Engineer** or other responsible individual/agency shall be notified in writing at least twenty-four (24) hours before each required inspection as listed in Section VII.[12] All requests to the **Town Engineer** for new road construction inspections for the purpose of road bond reduction must be received no later than 12:00 noon on the Thursday before the next Planning Board meeting. All notifications to the **Town Engineer** will be accepted and logged at the **Engineering** Department offices during the **hours of 7:30 a.m. to 3:30 p.m.** Any inspections that are not scheduled for normal working hours of the **Engineering** Department will require a forty-eight (48) hour notice. The developer shall be responsible for reimbursing the **Engineering** Department for costs incurred for all inspections that require an inspector on the job that are not during normal work hours. The developer shall also be responsible for the costs of any required tests and certifications by approved engineering labs of subgrade materials, asphalt, pavement cores, and any other laboratory or engineering services as deemed necessary by the **Town Engineer**. No reports shall be issued until said costs have been paid in full by the developer. **[Amended 10-25-04]**

H. Release of performance guaranty. Upon the completion of improvements required under Article VI, security for the performance of which was given by deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant shall send by registered or certified mail to the Town Clerk and to the Board a written statement, in duplicate, that the said construction or installation in connection with such deposit or covenant was given has been completed in accordance with the requirements contained in these rules and regulations, such statement to contain the address of the applicant. If the Board determines that said construction or installation has been completed satisfactorily, it shall release the interest of the Town in the covenant or performance security, except for fifteen percent (15%) of the original net cost of all improvements as described in Subsection F(3)(b), which shall be held until the streets have been accepted by the Town. If the Board determines that said construction or installation has not been completed, it

[12] Editor's Note: Section VII is on file in the office of the Planning Board.

shall specify to the applicant and the Town Clerk in a notice sent by registered mail the details wherein said construction and installation fails to comply with the requirements contained in these rules and regulations. Upon failure of the Board to act on such application within forty-five (45) days after the receipt of the application by the Town Clerk, all obligations under the deposit shall cease and terminate by operation of law and any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such specification or without the release and return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded. **[Amended 5-10-93; 11-3-95]**

I. Approval, modification or disapproval. After the required hearing but within the period specified in the Subdivision Control Law of submission of the definitive plan, the Board shall take final action thereon. It may approve, modify and approve or disapprove said plan, as provided by statute.

J. Certificate of approval.

(1) A certificate of the Board's action in respect to such plan shall be filed with the Town Clerk and sent by registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in detail the reasons for its action and wherein the plan does not conform to the Board's rules and regulations or the recommendations of the Board of Health. Approval, if granted, shall be endorsed on all of the original plan sheets of the definitive plan by the signatures of a majority of the Board but not until the statutory twenty (20) 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, or if appeal has been taken, not until the entry of a final decree of the court sustaining the approval of such plan. The Applicant must seek endorsement of approval within sixty (60) days of the expiration of the aforementioned twenty-day appeal period or within sixty (60) days after the entry of a final decree by the court sustaining the approval of the plan if appeal has been taken. Failure to seek endorsement of approval within this sixty (60) day period will be grounds for rescission. Within ten (21) days after the definitive plan has been approved and endorsed, the applicant shall furnish the Board and the Town Engineer with a photographic Mylar, a digital copy in DWG format suitable to the Town Engineer and orientated in reference to the Massachusetts State Plane Coordinate System (meters) as further defined by the Town Engineer and three (3) copies of the plans on bond paper, as well as, a Registry of Deeds stamped copy of the approved plan and associated documents as evidence of their recording. **[Amended 2-16-99; 6-21-04]**

(2) Final approval of the definitive plan does not constitute the laying out or acceptance by the Town of streets within a subdivision. The applicant shall furnish the Board a street plan or plans, as the case may be, at a scale of one (1) inch equals eight hundred (800) feet, suitable for recording and in a form acceptable to the Board and the Town Counsel and showing such data and

boundaries as is necessary for the Town to properly lay out and accept the street or streets shown thereon.

K. Recording of plan in the registry of Deeds or in Land Court. **[Amended 6-21-04]**

(1) All plans must be prepared in accordance with the requirements of the Registry of Deeds or Land Court and the Town of Westford Planning Board. **[Added 6-21-04]**

(2) Approval of all subdivisions are subject to the condition that, unless an appeal has been taken from such approval as provided by Chapter 41, Section 81-BB, M.G.L., the Applicant/ Subdivider will record the subdivision definitive plan, as approved and endorsed, in the Middlesex Registry of Deeds and, in the case of registered land, with the recorder of the Land Court, within six (6) months from the date of it's endorsement and the Applicant shall notify the Board, in writing, within ten (10) days after the Definitive Plan has been recorded, that said plan has been so recorded and filed with the Middlesex Registry of Deeds or Land Court giving Date Recorded, Plan, Book and Page Number or Certificate Number and shall furnish two (2) copies to the Board, one (1) copy to the Town Engineer and one (1) copy to the Building Inspector of the plan as recorded. The Applicant shall be responsible for paying all recording fees as well as ensuring verification with the Town Planner that the sheets have been recorded as approved within the ten (10) days mentioned above. Failure of the Applicant to file said plan as mentioned above shall render any approval of the plan by the Board subject to rescission. **[Added 6-21-04]**

## ARTICLE V

## Design Standards

### Sec. 218-12. General guidelines.

The following are guidelines or design objectives, which shall be accommodated in the plans for roadways, utilities and related site improvements in the subdivision. Designers are urged to make a careful analysis of the features of the land and to apply the guidelines listed below with creativity and sensitivity.

A. Environmental protection.

(1) Vegetative cover and runoff characteristics shall be maintained as close as possible to conditions before development by reducing cut and fill and other considerations.

(2) Important local water resources shall be protected, including floodplains, wetlands, aquifer recharge areas, and Town well fields.

(3) Unique natural features shall be preserved, including but not limited to watercourses, vernal pools, scenic vista points, historic areas, clusters of evergreens or flowering trees, or rock outcroppings. The area around a vernal pool may be significant habitat of the animals that breed in the pool. **[Amended 11-3-95]**

B. Streets.

(1) Streets shall be designed to provide safe vehicular travel through the proper provision of adequate sight distances, width of pavement, grades, intersection design, and other engineering standards. A cul-de-sac shall not be approved wherever a through street or loop is practicable, except where the cul-de-sac is clearly the only practical design of the subdivision. **[Amended 11-3-95]**

(2) Streets shall be classified and designed according to their intended use and relationship to other streets in the hierarchy. Specific classifications of streets include major streets, secondary streets and minor streets (see following section for definitions and design requirements).

(3) Residential subdivision streets shall be built to Town standards, and dead-end streets shall not be longer in length than necessary to service ten (10) lots [approximately one thousand (1,000) feet], and shall be required to have two (2) means of access via roadways also built to Town standards. When a new street is to be constructed as an extension from an existing single access street(s), the house lots fronting on the existing street(s) shall be added to the proposed new lots in determining compliance with the above standards. **[Amended 9-30-96; 4-5-99]**

(4) Dwelling unit driveway access to major streets shall be avoided, and the number of dwelling units on separate lots served by a common driveway shall not exceed five (5). **[Amended 2-21-89; 4-7-92]**

(5) In designing and laying out the street system of the subdivision, the designer shall make use of the following Town data resource maps and others as may be developed from time to time to assure proper integration between the subdivision streets and the public streets to which they connect:

(a) Functional classification (Massachusetts Department of Public Works).

(b) Traffic flow (A.D.T. counts).

(c) Intersections (with limitations).

(d) Roadway land uses.

(e) Roadway physical characteristics.

C. Utilities.

(1) Provisions shall be made for water supply and fire protection to each lot. Whenever feasible, the water supply shall be from a public water system and a fire protection system shall use fire hydrants located along the streets of the subdivision. When a subdivision is to be served by public water, then the hydrants shall be installed and the water supply connected to the hydrants and the system shall be functional and accepted by the Fire Chief prior to the issuance of any building permits for lots within the subdivision. **[Amended 2-21-89; ; 4-7-92; 11-3-95]**

(2) When a subdivision is not to be served by public water, then water storage cisterns, or other system, in a size and in locations as approved by the Fire Chief shall be shown on the Definitive Plan and shall be installed and functional and accepted by the Fire Chief prior to the issuance of any building permits for lots within the subdivision. **[Amended 4-7-93]**

(3) Since there is no public sewerage system in the Town, disposal of sanitary sewage wastes shall be by on-site sewage disposal systems in accordance with the requirements of Title 5 of the State Environmental Code and the regulations of the local Board of Health.

(4) Other utilities required in a subdivision include stormwater drainage, telephone, electricity, and street lighting and may include gas, fire alarm systems, and cable television. All required utilities, exclusive of transformers, shall be placed underground. In the case of cable television, this utility shall be installed in coordination with the local cable television provider at the same time the trench dug for installation of other utilities is open. If this is not possible, then Schedule 40 PVC conduits shall be installed to allow for future installation of cable television in the conduit without excavation or disruption of the street surface,

curb, sidewalks, drainage structures, and any and all other utilities and infrastructure serving the subdivision. **[Amended 2-21-89]**

**(5) No structures or appurtenances, including but not limited to catch basins, manholes, hydrants, stone bounds, or poles, shall be located within five (5) feet of driveway entrances. Proposed driveways shall conform to the standards set out in the Town Detail Sheets.** **[Added 10-25-04]**

D. Pedestrian and bicycle circulation systems.

(1) Public sidewalks or bikeways are required in ~~residential~~ all subdivisions to provide access to schools, recreation areas, shopping facilities, or other community facilities. **[Amended 10-25-04]**

(2) Sidewalks shall be provided along both sides of each road in ~~a residential~~ **all** subdivisions. The horizontal layout of the sidewalk may take a meandering path parallel to the roadway, provided that certain critical dimensions are maintained as enumerated in Sec. 218-13.F. **[Amended 10-25-04]**

(3) Pedestrian-vehicular separation shall be considered where possible. Design solutions, which achieve this separation, shall receive priority consideration.

(4) Walkways through protected open space lands should be constructed wherever reasonable and should connect to existing trails on adjoining property.

E. Drainage.

(1) Storm drains, culverts and related facilities shall be designed to permit the unimpeded flow of all natural watercourses, to ensure adequate drainage at all low points along streets and to control erosion.

(2) To the maximum extent feasible, stormwater shall be recharged rather than piped to surface waters. Over critical aquifer recharge areas, this may require the use of open drainage systems along streets in a subdivision. Applicants are encouraged to implement current stormwater management guidelines as established by the Department of Environmental Protection. **[Amended 1-3-00]**

(3) **Grassed open drainage systems are not recommended in preference to closed drainage systems except when otherwise approved by the Town Engineer to mitigate flow on a Common Driveway or other minor roadway.** A retention pond in which there is always some water is preferred as more attractive and useful than a detention basin. **[Amended 10-25-04]**

(4) Curbs and gutters will be required to handle runoff for the section of the roadway to which they are applied or, where necessary, for the maintenance of the pavement and prevention of pavement edge raveling.

(5) Curbs and gutters may be eliminated along certain roadways where drainage is provided in swales and/or detention basins as desirable to recharge the groundwater aquifer.

F. Miscellaneous.

(1) The design of the subdivision shall emphasize measures to conserve energy and to permit use of solar heating features and equipment.

(2) Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town without the consent of the Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

(3) Multifamily residential buildings may be erected on large lots in developments which are not subdivisions, but these design standards may be applied to such developments as specified in Sec. 173-20 and 173-25 of the zoning chapter of the Town of Westford.

(4) In order to reduce erosion accompanying the installation of ways, utilities and drainage systems, a sediment control plan shall be prepared and implemented, including control methods such as berms, dikes, detention ponds, mulching, and temporary sodding.

(5) In order to avoid flood hazards, the following steps shall be taken:

(a) Subdivision design shall be consistent with the need to minimize flood damage within the flood-prone area through the use of clustering, open space preservation, street profile design, and drainage.

(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage.

(c) Drainage systems shall be designed in consideration of possible flooding to the base flood elevation.

(6) All residential and commercial construction activities shall occur no earlier than 7:00 a.m. and no later than 7:00 p.m., Monday through Saturday. No work is permitted on Sunday. **[Added 9-30-96]**

G. Handicap access. Notwithstanding any of the requirements for the construction of the new way as listed in these rules and regulations, all streets and sidewalks and all other relevant aspects of the proposed improvements shall be designed and constructed in strict conformity with the requirements of the Massachusetts Architectural Access Board and the Federal Americans with Disabilities Act. **[Added 5-18-1993]**

**Sec. 218-13. Specific design requirements.**

The following are standards for the design and layout of subdivisions. They may be waived or modified by the Board if a determination is made that the general guidelines enumerated in the previous section can be better implemented by a waiver or modification of a specific design requirement.

Nominal values for the widths of new roads are given in the following table [A.(1)]. For each section of road, the width should be designed with reference to this simplified table and also with consideration of site specifics, including, but not limited to:

- whether it is a single access or multiple access configuration;
- the number of houses accessed;
- the width and nature of the existing road(s) providing access to the new road(s);whether the road is to include curbing;
- wetlands and other environmental resources that may be affected by construction;
- topography and proposed cuts and fills; and
- any extraordinary safety concerns arising from the proposed design.

A. Streets.

(1) Design standards. **[Amended 11-3-95; 4-5-99; 9-18-00; 10-16-00]**

| | Major Street | Secondary Street | | Minor Street | Private Street | Common Driveway |
|---|---|---|---|---|---|---|
| | | Nonresidential | Residential | | | |
| Right-of-way width (feet) | 60 | 60 | 50 | 50 | 50 | 30 |
| Pavement width (feet) | 40 | 30 | 27 | 22 | 18 | 16 |
| Number of sidewalks | 2 | 2 | 2 | 2 | 2 | 1 |
| Maximum grade | 5% | 7% | 7% | 9% | 9% | 10% |
| Sight distance (feet)* | 500 | 350 | 350 | 200 | 200 | -- |

*Sight distance (feet) – site distance when intersecting specified street.

(2) Classification of streets.

(a) Types.

[1] Major street: a street, which is being used or will be used as a thoroughfare between different portions of the Town.

[2] Secondary street: a street intercepting several minor streets and which may carry traffic from such minor streets to a major street or community facility, including the principal access/ circulation streets of a residential subdivision and all streets of a business or industrial subdivision.

[3] Minor street: a street used to provide access to abutting lots and which is not intended for use by through traffic.

[4] Private street: an otherwise minor street with various standards waived and thus not able to be accepted by the Town. **[Added 9-18-00]**

(b) All streets in a residential subdivision shall be assumed to be secondary streets unless the developer can prove by the design of the subdivision or deed restriction that the streets will not be extended to serve other adjacent properties in the future.

(c) All streets identified in this section shall be subject to a performance guarantee, inspections, and release of performance guarantee as outlined in Section 218-11.F through H. **[Added 9-18-00]**

(3) Other requirements.

(a) The minimum grade of all streets shall be one point five percent (1.5%). A new road shall not be less than four hundred (400) feet in length. **[Amended 4-7-92; 6-21-04]**

(b) The minimum radius at the edge of the roadway shall be thirty (30) feet for major and secondary streets and twenty-five (25) feet for minor streets.

(c) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty degrees (60°).

(d) Streets entering opposite sides of another street shall be laid out preferably opposite one another or there shall be a minimum of one hundred twenty-five (125) feet between their center lines measured along the center line of the intersected street.

(e) Where the angle of intersection between two (2) streets varies more than ten degrees (10°) from a right angle, the radius of the curve at the curbline at the obtuse angle shall be less and at the acute angle shall be correspondingly greater than the radius specified in Subsection A(3)(b) above to the extent approved or required by the Board.

(f) Dead-end streets shall be provided with a circular turnaround at the end having an outside curb radius of not less than seventy (70) feet. There

shall be a landscaped center island, which shall not be required to have curbing. **[Amended 2-21-89]**

(g) The sight distances required above are the minimum unobstructed views, which must be maintained to permit a traveling vehicle to stop safely from design (average) speeds of travel to avoid striking an object in the roadway or intersection ahead. Such sight distances shall be provided along the length of new streets and at the intersections of all new streets and at the intersections of new subdivision streets with existing Town public streets.

(h) The subdivision must have access to a public or private way which, in the opinion of the Planning Board, is of sufficient width, suitable grade and adequate construction to provide for the needs of vehicular traffic in relation to the proposed subdivision abutting thereon.

(i) Driveways shall be at least twelve (12) feet (3.7 meters) wide and have a curb return at the roadway of two (2) feet (61.0 centimeters) in radius if vertical granite is used. Sloped granite when used shall terminate into driveways avoiding sharp projections. Sloped granite when used shall terminate into driveways avoiding sharp projections. Driveways shall be no greater than twenty-four (24) feet (7.3 meters) in width at the curb line. Any two driveways shall not be within thirty (30) feet (9.1 meters) of each other at their intersections with the front lot line. **[Added 3-6-00]**

(j) Any sites that are over 1 acre in disturbed area or for other reasons are required to submit a NPDES Stormwater permit under the EPA shall be required to submit to the Town Engineer a copy of the original submission, approved permit, all plans, calculations and other relevant information used to indicate compliance. **[Added 6-21-04]**

(4) Private Streets. This section contains the guidelines and procedures to be followed by applicants wishing to submit subdivision private streets to the Planning Board for the release of performance guarantee, as outlined in Section 218-11.H. Private streets, by definition, are not able to be accepted by the Town and thus fifteen percent (15%) of the original net cost in the performance guarantee shall not be held after the Board determines that said construction or installation has been completed satisfactorily. **[Added 9-18-00]**

(a) No application for release of performance guarantee shall be made until the following minimal requirements are met:

[1] The private street must be fully completed in accordance with the approved plans and have the Town Engineer's approval;

[2] All conditions as listed on the certificate of approval of a definitive plan as issued by the Planning Board must have been met;

[3] The applicant shall have received a certificate of compliance from the Conservation Commission in the case where an order of conditions has been issued for the construction of the roadway and/or its drainage system;

[4] All required legal documents shall have been properly approved by the Town Planner and then Registry of Deeds recorded copies of all required legal documents shall have been submitted to the Permitting Office; and

[5] All fees and taxes due the Town or any of its boards in regard to any aspect of the project shall have been paid.

(b) Upon submittal of an application for release of performance guarantee, applicants shall also submit as-built plans in accordance with Sec. 218-24.

(5) Common driveways. By grant of a special permit, pursuant to the provisions of Sec. 173-13 of the Zoning Bylaw, the Planning Board may approve a common driveway serving two (2), three (3), four (4), or five (5) lots, each with approved frontage on a public way, and subject to the requirements described below. **[Added 4-7-92; Amended 11-3-95]**

(a) The special permit approval shall be subject to a covenant between the developer and the Planning Board recorded in the Registry of Deeds and running with the land, prohibiting the occupancy of buildings constructed upon the lots served by the common driveway until such time as the common driveway has been installed, or completion has been secured pursuant to the provisions of G.L. Ch. 41, Sec. 81U, and the Planning Board rules and regulations. The special permit shall also be subject to a covenant by and between the developer and the Planning Board recorded in the chain of title and running with the land, on a form approved by the Planning Board, acknowledging that the common driveway special permit was granted in consideration of the conditions contained within the special permit and the grant of covenant, and that the common driveway is a private driveway that happens to serve more than one (1) lot, and the developer, his heirs, executors, successors and assigns, agree that the common driveway shall never by submitted to Town Meeting for a vote to have it become an accepted street. A copy of the above-required covenant shall be submitted by the applicant for procedural review prior to endorsement of the certificate of approval by the Planning Board. A recorded copy of the Covenant and Deed for the property referencing the Covenant shall be submitted to the Town Planner and Town Engineer prior to the issuance of a building permit for the subdivision. **[Amended 6-21-04]**

(b) The approval shall also be subject to a document of restrictive covenants and easements binding present and future owners of the lots for

responsibility for maintenance and repair of the common driveway, which shall also be recorded in the Registry of Deeds.

(c) The design standards for the common driveway include a sixteen (16) foot paved surface, twelve (12) inch (30.5 centimeters) gravel base, and a three and one-half (3½) inch (8.9 centimeter) bituminous concrete surface. There shall be a three (3) foot (0.9 meters) stabilized grass shoulder at each side of the pavement surface. The driveway shall be laid out within an easement area with a width of at least thirty (30) feet (9.1 meters). No curbing shall be required, however suitable drainage appurtenances shall be provided as required. Normal Planning Board standards for utilities, streetlights, street signs, and planting strips shall be required. The design shall provide for adequate access for emergency vehicles as determined by the Town's public safety officials, and shall meet the requirements of the Fire Chief regarding proper fire protection measures, including a turnaround for vehicles as necessary on long driveways. **[Amended 11-3-95; 10-16-00]**

(d) The special permit including common driveway and utilities must be fully completed in accordance with the approved plans, have been inspected by the Town Engineer and found to comply with the items listed in the previous section "Private Streets" sub-section (a) prior to release of the performance guarantee. The said inspection will be based on compliance with special permit requirements, engineering standards, and Town of Westford Subdivision Rules and Regulations. **[Added 6-21-04]**

B. Drainage.

(1) For normal drainage design, peak runoff rates should be estimated using the rational method or SCS model, with analyses of every subcatchment, reach and detention pond provided for the two-year-, ten-year-, twenty-five-year-, and one-hundred-year-frequency storms. The drainage system shall be designed such that there is no increase in the peak rates of runoff from any of the watershed areas at the discharge point(s) from the site for any of the modeled storms. All detention or retention structures shall be designed on the basis of a one-hundred-year-frequency storm. At drainage discharge points, provision shall be made for velocity reduction using appropriate technologies so as to prevent erosion at point of discharge and down gradient. **[Amended 2-21-89]**

(2) Pipe drains, where used, shall have a minimum diameter of twelve (12) inches (30.48 centimeters). In general, they should be designed to flow full with the hydraulic gradient at the crown. In determining the capacity of concrete pipe drains, the Manning formula should be used. The minimum velocity at design flow should be two and five-tenths (2.5) feet per second for the ten (10) year frequency storm event and the maximum fifteen (15) feet per second for the twenty-five (25) year frequency storm event. **[Amended 3-6-00]**

(3) Stormwater runoff in street gutters shall not be permitted to flow upon the surface for a longer distance than four hundred (400) feet (121.9 meters) before it enters the underground system. Catch basins shall be located on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet (121.9 meters), at all sags in the roadway and near the upstream corners of the roadway at intersecting streets unless the intersection is at the top of a vertical curve. The standard depth (sump) of catch basins shall be four (4) feet (1.2 meters) below the invert of the lowest drain. In no instances shall catch basins be located along a driveway cut. Catch basins shall not be tied to one another but should rather be manifolded into a drain manhole and shall be designed and located so that surface water does not cross the roadway. **[Amended 6-21-04]**

(4) When an open drainage system is used, the swales shall be designed to fit the natural contour of the land as much as possible. Disturbed land shall be landscaped to conform to the surrounding area and planted to eliminate possibility of erosion and siltation. Swales and drainage channels shall have a minimum grade of five-tenths percent (0.5%) and a maximum grade of five percent (5%). Drainage channels and swales shall be provided with easements, which shall permit access, by the Town for maintenance purposes.

(5) When in the design of a surface water drainage system, the outlet discharges water that has been collected within the confines of the subdivision in a concentrated stream onto land of others, and this land being located beyond the external boundaries of the subdivision to within reasonable proximity of the subdivision, the applicant, at his/her expense, shall be required to obtain an easement, suitable for recording, which would legally allow such surface drainage to flow onto or over such land of others. **[Added 4-7-92]**

(6) Detention basins and retention basins shall not have side slopes steeper than two and one-half (2.5) feet (76.2 centimeters) horizontal to one (1) foot (30.5 centimeters) vertical. The top of the berm shall be flat and at least six (6) feet (1.8 meters) in width. Detention and retention basins shall be capable of controlling the hundred (100) year storm event. The pipe inlet inverts discharging into the basin shall be at or above the twenty-five (25) year storm event capacity of the basin. The maximum discharge velocity shall be fifteen (15) feet per second. Detention basins constructed by berming shall be designed and constructed as a dam. Banks shall be stabilized to prevent seepage. Detention basins shall be designed so that the maximum depth, including freeboard shall not exceed eight (8) feet. A minimum thirty (30) foot (9.1 meters) setback as measured from the top of the inside slope to all property lines shall be required. **[Added 6-5-00]**

C. Underground utilities.

(1) The locations of underground utilities shall be as shown on Figure A showing roadway cross sections.[13] Storm drains shall have a minimum of four (4) feet (1.2

[13] Editor's Note: Figure A is included at the end of this chapter.

meters) of cover and shall be laid to true line and grade. Electric and telephone conduits shall have a minimum of two and five-tenths (2.5) feet (0.8 meters) of cover and gas mains three (3) feet (0.9 meters), all of which shall be properly marked on the surface.

(2) Streetlights shall not be required in new residential subdivisions as a general rule, however, the Planning Board reserves the right to require developers to install streetlights at intersections and/or other locations which in the opinion of the Board, with the advice of the Traffic Safety Officer, pose a danger to traffic and/or pedestrians. Privately-owned, pole-mounted, and residential-style light fixtures, however, shall be required to be installed within ten (10) feet (3.0 meters) of the property line, and adjacent to the driveway, for each lot within the development. Streetlights shall also be manufactured and installed in conformance with electric utility standards. **[Amended 2-21-89; 5-18-93; 6-5-00]**

D. Water.

(1) Public water mains shall not be less than twelve (12) inches (30.5 centimeters) in nonresidential subdivisions and not less than eight (8) inches (20.3 centimeters) in residential subdivisions except on short cross-connections of five hundred (500) feet (152.4 meters) or less, in which case they may be reduced to six (6) inches (15.2 centimeters). A hydrant shall be located at each street intersection and not more than six hundred (600) feet (182.9 meters) apart in residential subdivisions and not more than three hundred fifty (350) feet (106.7 meters) apart in nonresidential subdivisions.

(2) If a public water system is located within one thousand five hundred (1,500) feet (457.2 meters) of the subdivision, the applicant shall connect all lots to the public water system. For purposes of this subsection the one thousand five hundred (1,500) feet (457.2 meters) shall be measured from the access point to a Town way along existing ways to the nearest location of the public water system. If a public water system is not located within one thousand five hundred (1,500) feet (457.2 meters), the applicant may install private on-lot or communal water systems. **[Amended 2-21-89; 11-3-95]**

E. Curbing.

(1) In all subdivisions, curbing shall be installed along each edge of the roadway.

(2) Curbing shall be either standard vertical or sloping granite.

F. Sidewalks.

(1) For secondary and minor streets in residential subdivisions, two (2) sidewalks are required, one on each side of the proposed roadway. Its horizontal alignment may vary within the fifty (50) foot (15.2 meters) right-of-way; however, there shall be required a planting strip of a minimum of five (5) feet (1.5 meters) between the roadway pavement and the sidewalk. **[Amended 4-5-99]**

(2) The width of the sidewalk(s) shall be five (5) feet (1.5 meters). They shall have a finished grade to two and zero-tenths percent (2.0%) sloping toward the roadway. **[Amended 10-16-00]**

G. Street name signs. Developers shall erect a street name sign at each street intersection prior to any lots being released within the new subdivision. Street name signs shall be erected at the inside curb edge and have the street name on each side of the sign so it can be visible from either approach. **[Amended 7-10-00]**

H. Monuments. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points as shown on the definitive plan and where, in the opinion of the Board, permanent monuments are necessary. In the case of Open Space Residential Developments, monuments as specified in Article V, Section 218-22, and visual features such as stone walls or indigenous plantings shall be installed at appropriate locations to show the boundary between private land and common land in the subdivision and between private land and common land subject to the required conservation restriction pursuant to the Westford Zoning Bylaw (Code of the Town of Westford, Ch. 173-20.E(2)) in the subdivision. **[Amended 11-3-95]**

I. Easements.

(1) Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twelve (12) feet (3.7 meters) wide for electric and telephone and twenty-five (25) feet (7.6 meters) wide for drainage, sewerage and water.

(2) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, the Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width to conform to the lines of such watercourse, drainageway, channel, or stream and to provide for construction or other necessary purpose.

(3) The easement shall be shown on the Definitive Plan as "Access and Utility Easements" and include an unencumbered right to construct, access, and maintain any utilities and other appurtenances. **[Added 6-21-04]**

**(4) Prior to the Pre-construction Conference required in Section 218.11 F. (5), the Applicant shall show evidence to the Planning Board that all easements have been duly and properly recorded at the Middlesex North Registry of Deeds.** **[Added 10-25-04]**

(5) A 20 foot wide temporary easement shall be provided on both sides of the roadway right-of-way for the purposes of grading, street tree installation, erosion control and maintenance access that will be in full effect until street acceptance. **[Added 6-21-04]**

J. Open spaces. Before approval of a plan, the Board may also in proper cases 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 not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Board may, by appropriate endorsement on the plan, require that no building be erected in such park or parks for a period of not more than three (3) years without its approval.

K. Stone walls. The Board will require the applicant to rebuild on site in a like manner, or relocate to match existing style, stone walls which are disturbed during construction. **[Added 11-3-1995]**

L. **Retaining Walls. All retaining walls shall be designed as required by the Massachusetts Highway Department 1977 Construction Standards and 2001 Supplemental Drawings Manuals. Larger walls or alternative designs shall meet or exceed the structural strength of the reinforced concrete retaining wall design shown in the detail sheets and be approved by the planning board. The front fascia of the retailing wall shall be submitted to the Board for approval. The proposed retaining wall shall be shown in detail on the definitive plans and be designed and stamped by a structural engineer. The design engineer shall make all necessary inspections and test samples to insure all design standards are met. The design engineer shall certify in writing that the wall was built to the Board approved design standards prior to any bond reduction for the retaining wall or lot releases for the surrounding lots. Vertical and horizontal reference baselines shall be generated and monitoring of the retaining wall in relation to these baselines shall be conducted and bonding shall be held for a period of not more than three years after the wall has been constructed, said period to be determined at the discretion of the Board. [Added 10-25-04]**

M. **Traffic Studies. All traffic reports required by the Planning Board, Highway Superintendent or Town engineer shall adhere to the guidelines set forth in the "Town of Westford, Guidelines for Preparation of a Transportation Impact Assessment" on file at the Engineering Department. [Added 10-25-04]**

N. Detail Sheets. All plans submitted to the Town for review must comply with the Town of Westford Standard Detail Sheets on file at the Engineering Department. **[Added 6-21-04]**

## ARTICLE VI

### Construction Standards for Required Improvements

**Sec. 218-14. General requirement.**

Streets shall be constructed and municipal services installed by the applicant. The following specific public improvements in accordance with the design standards of Article V are required within a subdivision.

A. Current Massachusetts Highway Department Standard Specifications for Highways and Bridges (SSHB) shall be referred to in any case where this section does not specify a material or method used in the construction of any street and associated appurtenances to be maintained by the Town. Any item to be used for roadway and related construction not covered in the following sections or in the Standard Specifications for Highways and Bridges shall be brought before the Planning Board for review and approval. **[Added 6-2-97]**

B. Site Clearing. Before clearing and grubbing operations within the project take place the contractor shall place all erosion protection measures as directed by the plans and Order of Conditions (if applicable). The contractor shall also identify in the field, the limits of clearing for the Town's review. All erosion protection measures and limit of clearing shall be inspected by an agent of the Conservation Commission and the Town Engineer prior to any site clearing. The first one hundred fifty (150) feet (45.7 meters) of the main entrance to the subdivision shall have a minimum depth of six (6) inches (15.2 centimeters) of stone, one and one-half (1½) inch (3.8 centimeters) minimum size placed in the roadway a minimum of twenty (20) feet (6.1 meters) wide to control dust and or mud migrating from the site. **[Added 6-2-97]**

**Sec. 218-15. Street grading.**

A. The area within the right-of-way lines necessary for installation of the roadway(s), sidewalks, utilities, drainage, and other infrastructural requirements shall be cleared and grubbed of all stumps, brush, roots, boulders, and like material. All topsoil shall be removed and all rock shall be removed to a sixteen (16) inch (40.1 centimeters) depth. **[Amended 2-21-89; 6-2-97]**

B. Upon removal of existing topsoil and organic matter, the Town Engineer shall inspect the exposed soil and make a determination on the suitability of the material for use as a roadway subgrade. The subgrade shall be stable and free of excess fines, ledge and organic material. **Test pit data will be required as requested by the Town engineer and at locations every three hundred fifty (350) feet along roadway centerlines or a minimum of two equally spaced test pits along the proposed roadway, plus areas where the proposed grade is three feet or more below existing grades, and probings will be required along the roadway centerline and sideline at twenty-five (25) foot intervals where the roadway crosses wetlands or other unsuitable material.** If subgrade material is found to be unsuitable upon inspection by the Town engineer **and review of the testing results**, appropriate measures shall be taken by the contractor to

replace or amend the subgrade. **The subgrade shall be compacted to the proper percentage of the maximum dry density of the material (95%), at the discretion of the Town Engineer**. Large fills shall be placed and compacted in lifts not exceeding twelve (12) inches (30.5 centimeters). **[Added 6-2-97] [Amended 10-25-04]**

C. After the subgrade has been inspected and approved by the Town, gravel meeting the SSHB material specification M1.03.0 gravel borrow type b (Maximum three (3) inches (7.6 centimeters) size aggregate), shall be placed at a minimum of **twelve (12)** inches (**30.5** centimeters). All gravel material shall be inspected **by the Town Engineer and** submitted to an approved soil-testing agency for determination of gradation and maximum dry density. Gravel base shall be spread and compacted in accordance with Massachusetts Highway Department standards latest edition. Compaction testing shall be performed by an approved testing agency at a minimum of every one hundred (100) feet (30.5 meters) along the roadway. All test results and reports related to gravel base testing and placement shall be furnished to the Town Engineer. Source of gravel base shall also be furnished to the Town Engineer. **[Amended 6-2-97; 10-25-04]**

D. All materials used for roadway embankments also to a depth of nine (9) inches (22.9 centimeters) shall conform to the Massachusetts Highway Department Specifications for Highways and Bridges, Section 150. **[Amended 6-5-00]**

E. Before the base is spread, the **subbase** shall be shaped to a true surface conforming to the proposed cross section of the road, which shall consist of a parabolic crown and shall be compacted to the proper percentage of the maximum dry density of the material [95% ASTM Specifications D-1557]. **[Amended 10-25-04]**

F. Sloped granite edging is to be installed as shown in figure B, except in areas where curb radius is less than forty (40) feet (12.2 meters). **[Added 6-2-97; Amended 6-5-00]**

**Sec. 218-16. Surfacing.**

A. A base course of four (4) inches (10.2 centimeters) of Dense Graded Crushed Stone conforming to Massachusetts Highway Department Specifications for Roads and Bridges material section M2.01.7 shall be laid in a separate course over the subbase in accordance with section 402.61. **[Amended 7-10-00]**

B. After Dense Graded Crushed Stone, as defined in Sec. 218-16.A above, has been inspected and approved by the Town Engineer the pavement shall be laid in two separate operations: a two and one-half (2½) inch (6.4 centimeter) thick (compacted) layer of Class I bituminous concrete type I-2 and a one and one-half (1½) inch (3.8 centimeter) thick (compacted) layer of Class I type I-1 bituminous concrete type I-1 in accordance with Section 460 of the SSHB. Paving operations shall not take place unless the surface temperature to be paved is at least forty degrees (40°) Fahrenheit (4.4° Celsius) in the shade and rising. Finish course pavement shall not be placed until all driveways are constructed and houses are substantially complete. All pavement must be in place for one year prior to street acceptance. The first course of pavement shall be placed within forty-eight hours of approval of processed gravel base. Before finish coarse is applied,

roadway shall be swept, leveling course added as needed and bituminous tack coat shall be applied at a rate of 1/20 gallon per square yard (0.2 liters per square meter) by mechanical means. An agent from the Planning Board or approved inspection agency shall observe paving for thickness and compaction. All reports from the testing agency as well as copies of tonnage slips from paving contractor shall be furnished to the Town Engineer. All costs of testing are to be paid by the contractor. Inspection of pavement by a testing agency does not relieve the contractor from correcting deficiencies in pavement observed by the Town Engineer's periodic inspections. Driveway openings are to be constructed as shown in Figure C. All pavement **shall** be "water tested" **with the Town Engineer present before the release of pavement bonding monies** to insure that water flows along gutters, into catch basins or inlets and not into driveways. Contractor will take the necessary measures to correct the roadway profile if water sheets across the roadway. Water testing shall be performed by the contractor and observed by a representative from the **Engineering Department**. **[Amended 6-2-97; 6-5-00; 7-10-00; 10-25-04]**

C. **No excavation, trenching, paving or other significant activity shall be allowed within the proposed roadway right of way as indicated in the Town's Street Opening Permit: between November 15th and April 15th, during periods of rain, snow or when roadway temperatures are under 40 degrees, except in the case of an emergency, which shall be determined by the Highway Superintendent. Any violation of this requirement shall result in the contractor being required to fully bond all work in the roadway until street acceptance and for a period of not more than five years after acceptance in a maintenance agreement with the Town. The bonding period of time shall be determined at the discretion of the Planning Board. [Added 10-25-04]**

**Sec. 218-17. Utility installation, grading and surfacing.**

The construction of streets and the installation of public utilities shall conform to the standard locations shown in the following subsections and on Figure A[14].

A. All water mains shall have a minimum of five (5) feet (1.5 meters) of cover, laid to line and grade in a workmanlike manner, and all necessary fittings, valves, low point drains, hydrants, and other necessary features installed. Types of materials to be used and installation methods shall be as stated in the written specifications for water mains and services by the Board of Water Commissioners.

B. Each hydrant shall be served directly from the water main through a six (6) inch (15.2 centimeter) lateral connection. It shall be gated with a five (5) inch (12.7 centimeter) bottom valve and shall have two (2) two-and-one-half (2½) inch (6.4 centimeter) hose outlets and one (1) four-and-one-half (4½) inch pump outlet. Valves shall be located in such number and locations that lines by individual block may be isolated for maintenance purposes.

[14] Editor's Note: Figure A is included at the end of this chapter.

C. Private on-lot water systems shall be located in accordance with Westford Board of Health regulations. **[Amended 8-18-97]**

D. Community-type systems or the joint use of wells shall not be allowed except in cases where there is no reasonable alternative. Such systems shall be subject to approval by the Westford Water Department and Massachusetts Department of Environmental Protection. **[Amended 8-18-97]**

E. Storm drains shall have a minimum of four (4) feet (1.2 meters) of cover. However, depth will be as required to adequately sewer or drain the subdivision. Sewers shall be laid to true line and grade. Catch basins, manholes, headwalls, and other required drainage structures shall conform to Massachusetts Department of Public Works Construction Standards (1977). **All sewer or drainpipes used shall be RCP reinforced concrete pipe only. Double inlet catch basin structures must have a five (5) foot inside diameter. All catch basin frames shall be six (6) inch and three (3) flange. Frames or covers shall be placed on all structure to current grade, within the pavement area prior to binder course installation. Steel plates shall be utilized in place of frames and covers during the compaction of gravel and pavement of binder course. Within ten (10) working days, or seventy two (72) hours for catch basins, after the installation of binder course, all utility structures shall be adjusted flush to the binder grade. All vertical adjustments of frames and covers shall be made with Hardened Sewer Brick (no concrete bricks will be allowed) and shall be shall be a two (2) brick minimum and a four (4) brick maximum layer above the pre-cast structure.** **[Amended 10-25-04]**

F. Electric and telephone conduits shall have a minimum cover of two and five-tenths (2.5) feet (0.8 meters) and gas mains three and zero-tenths (3.0) feet (0.9 meters), all of which shall be properly marked on the surface. Utility installation shall proceed in the manner outlined in Sec. 218-12.C(4) of these rules and regulations. **[Amended 2-21-89]**

G. Filling of trenches.

(1) Unsuitable material below normal pipe inverts shall be removed and replaced by material approved by the appropriate public official. Unsuitable material shall not be used for trench backfill.

(2) Width of trench shall be equal to four-thirds (4/3) diameter of the pipe or conduit plus eighteen (18) inches (45.7 centimeters).

(3) Sheeting, if used, shall be cut off twelve (12) inches (30.5 centimeters) above top of pipe or conduit.

(4) Pipe and conduits shall be surrounded by six (6) inches (15.2 centimeters) of compacted screen gravel if set in earth and twelve (12) inches (30.5 centimeters) if set in rock.

(5) Backfill shall be compacted to ninety percent (95%) of the maximum dry density of the material as determined by the American Association of State Highway

Officials, Designation T-180 D. Uncompacted lifts shall be no greater than twelve (12) inches (30.5 centimeters). **[Added 8-18-97] [Amended 6-21-04]**

H. All underground utilities shall be tested and approved prior to installation of base course(s) and pavement.

I. All lot connections shall be installed to the right-of-way line and so marked or surveyed as to be easily located in the future.[15]

J. All drainage not shown on approved definitive plans shall be prohibited. All foundation and perimeter drains shall be accommodated on site. **[Added 8-18-97]**

**Sec. 218-18. Shoulders.**

Such shoulders shall consist of a layer of select gravel mixed with good quality loam conforming to SSHB materials section M1.05.0 in the ratio of two to one. In subdivisions where shoulders are allowed, a stabilized grassed shoulder having a width of at least five (5) feet (1.5 meters) may, at the option of the applicant, be constructed within the roadway at its outer edge. Such shoulders shall consist of a layer of select gravel mixed with good quality loam in the ratio of two (2) parts gravel and one (1) part loam, placed on the side of the pavement surface, on top of the base layer, rolled and compacted to a transverse grade meeting that of the finished pavement and seeded with hayseed applied in sufficient quantity to assure adequate coverage. The seed shall be rolled in when the soil is moist.

**Sec. 218-19. Sidewalks.**

**A.** In constructing all sidewalks, the material shall be removed for the full width of the sidewalk to a subgrade at least ten (10) inches (25.4 centimeters) below the approved finished grade, and also all soft spots and other undesirable material below such subgrade shall be replaced with a good binding material and rolled with a two-ton roller or equivalent. Unless the applicant elects to install cement concrete sidewalks (built according to specifications of Massachusetts Highway Department), the excavated area shall be filled with at least eight (8) inches (20.3 centimeters) of **gravel borrow type c as defined by the Massachusetts Highway Department (maximum two (2) inches (5.1 centimeters) size aggregate)** select gravel containing some binding material and compressed and rolled to a surface slope of two percent (2%) toward the roadway. Sidewalks shall then be paved to a thickness of three (3) inches (7.6 centimeters) with bituminous concrete pavement, applied in two (2) one and one-half (1½) inch (3.8 centimeter) courses. **[Amended 2-2-98; 10-25-04]**

**B. Driveway aprons shall be constructed in conjunction with the sidewalk and a Curb Cut/ Driveway permit shall be obtained from the Town prior to building permit approval.** **[Added 10-25-04]**

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[15] Editor's Note: Former Subsection J, Streetlights, which immediately followed this subsection, was repealed 5-18-1993.

C. **Sidewalks including where they cross at driveway aprons and at handicap ramps shall be inspected prior to bond reduction for these items and must meet or exceed ADA requirements. The Town's inspection of the sidewalks in no way relieves the applicant of the responsible that the sidewalks meet ADA requirements. [Added 10-25-04]**

**Sec. 218-20. Planting strips.**

A. The finished grade of planting strips shall be two percent (2%) sloping toward the roadway. Where unusual physical land characteristics or topographic conditions exist, the Board may approve the construction of a planting strip at a slope greater than two percent (2%), provided that the finished slope will not project above or below a plane sloped two (2) horizontal to one (1) vertical upward or downward from the edge of the roadway.

B. No trees or other obstruction shall be placed or retained within the planting strip so as to be closer than two (2) feet (0.6 meters) to the edge of the roadway. Tree species and planting locations shall be approved by the Planning Board to determine if future growth of limbs and root systems will be a detriment or nuisance to the roadway infrastructure system or impact the safety of vehicular and pedestrian traffic. Root barriers of a style and design acceptable to the Town Engineer shall be installed at locations where street trees are closer than ten (10) feet (3 meters) to a roadway or sidewalk. **[Amended 2-2-98; Amended 6-5-00]**

C. The top four (4) inches (10.2 centimeters) of planting strips shall consist of good quality loam, screened, raked and rolled with at least a one-hundred (100) pound roller to grade. The loam shall be seeded with lawn grass seed applied in sufficient quantity to assure adequate coverage, rolled when the loam is moist.

**Sec. 218-21. Side slope.**

A. The area in back of the sidewalk or, where no sidewalk is constructed, in back of the required planting strip, shall be graded to a point where it coincides with the finished grade of abutting lots in such a manner that no portion thereof within the right-of-way lines of the street will project above a plane sloped three (3) horizontal to one (1) vertical from the edge of the sidewalk or grass lot or be below a plane sloped three (3) horizontal to one (1) vertical downward. Steeper side slopes may be allowed in cases of demonstrated hardship as determined by the Planning Board, but shall not be steeper than two (2) horizontal to one (1) vertical. **[Amended 2-2-98]**

B. The top four (4) inches (10.2 centimeters) of side slopes shall consist of good quality loam, screened, raked and rolled with at least a one-hundred (100) pound roller to grade. The loam shall be seeded with lawn grass seed applied in sufficient quantity to assure adequate coverage, rolled when loam is moist.

**Sec. 218-22. Trees.**

Trees, not less than twelve (12) feet (30.5 centimeters) in height and at least two and one-half (2½) inches (6.4 centimeters) in diameter measured at twelve (12) inches (30.5 centimeters)

above finished grade and of a native species approved by the Board shall be planted on the lots **approximately ten (10) feet, but not more than twenty (20) feet behind the exterior street lines,** including within cul-de-sac center islands **in the right of way**, in the subdivision wherever, in the opinion of the Board, existing woodlands or suitable individual trees are not retained. Placement of trees shall be in naturalized formations at intervals averaging fifty (50) feet (15.2 meters) apart on center along both sides of each street. In cul-de-sac center islands there shall be a minimum of three (3) trees planted if existing vegetation is unable to be preserved. The Applicant shall be responsible for any trees, which do not remain upright, and in good health until the street has been accepted by the Town or in the case of a private street the Board has released the performance guarantee. **[Added 10-16-00] [Amended 10-25-04]**

**Sec. 218-23. Monuments and markers.**

A. Granite monuments four (4) feet (1.2 meters) in length dressed to six (6) inches (15.2 centimeters) at the top with a three-eighths (3/8) inch (1.0 centimeter) drill hole in the center and not less than six (6) inches (15.2 centimeters) square at the bottom shall be set to finish grade. **[Amended 9-30-96]**

B. No permanent monuments shall be installed until all construction, which could destroy or disturb the monuments is completed.

**Sec. 218-24. Cleaning up.**

A. The entire **roadway** area must be **swept and** cleaned up so as to leave a neat and orderly appearance, free from debris and other objectionable materials. All catch basins **and appurtenant drainage structures including detention areas** shall be properly cleaned out **on a regular basis and prior to street acceptance**. **[Amended 10-25-04]**

B. Following the completion of this and all other items of work, a final inspection shall be made.

**Sec. 218-25. As-built plans.**

As-built plans showing the location, grades and other significant information regarding utilities shall be prepared by the applicant and turned over to the Town Clerk with a copy to the Planning Board following the final approval of the improvements herein provided and before submitting for acceptance by the Town.

The following shall be shown on as-built plans:

- Rims and inverts of all drainage structures, as they would appear on the profile section of the plan.
- Location size and type of material for the water main.
- Location of gas mains.
- All underground electrical installations.
- All underground cable installation.
- All underground telephone wiring.
- Line water gates and ties.
- Curbing.

- Encroachments on private property.
- Driveway curb cuts.
- Hydrants and water gates.
- Utility poles and guys.
- Street lights.
- Electric transformers.
- All drainage, drainage structures, drainage easements, off-site drainage, appurtenances, pipe sizes, and materials. All of this information shall be shown both within the right-of-way and any easement. Drainage swales shall be shown in contour intervals of one (1) foot. Detention basins shall be shown in one (1) foot (30.5 centimeter) contour intervals and all piping, inlets and spillways also shown.
- Location of survey monuments.
- Trees within right-of-way.
- Centerline profile (fifty (50) foot (15.2 meters) stations with high and low points).
- Centerline stationing.
- Benchmarks.
- Width of roadway layout.
- Width of roadway pavement.
- Street signs.

**[Added 6-5-00]**

**Interim As-Built Plans shall be provided to the Highway and Engineering Departments for review by the owner/developer/contractor. They shall be prepared by a Registered Professional Engineer/Professional Land Surveyor and submitted within 1 week after binder course pavement is installed and all frames and grates have been adjusted flush to the binder grade. The Interim As-Built Plans shall include plan and profile of the following: centerline elevations of the roadway every 50 feet, elevations and locations of all structure in the roadway, all municipal services and all of these items shall be shown with both definitive and as-built information. Certification by a licensed Land Surveyor shall be provided on the As-Built plans that the right-of-way and all items listed above are in compliance with the approved definitive plans or revised as noted on the plan. Bonding will remain at 100% until the Interim As-Built Plan has been properly prepared, submitted and approved by the Town Engineer. [Added 10-25-04]**

**The Surveyor/Engineer shall submit, as part of the As-Built Plan, a list of the changes from the approved plan observed and found in the field and shown on the as built plan. The Surveyor/Engineer shall comment and explain each change and certify that the change meets the design intent of the approved plan. Typical changes shall include, but are not limited to, slopes, structure elevations, structure location, curbing, and encroachments into the right-of-way and any other observed field change. The certification statement shall include the Surveyor/Engineer's stamp and signature. [Added 10-25-04]**

As built plans shall also be submitted to the Highway Department for review and field verification. As-built plans shall be made on a reproducible medium meeting the current standards set forth by the Middlesex North Registry of Deeds for record plans. A digital copy of the as-built plan in DWG format suitable to the Town Engineer **and orientated in reference to the Massachusetts State plan coordinate system (meters) as further defined by the Town**

**Engineer** shall be provided to the Planning Board, Town Engineer, and Northern Middlesex Council of Governments. **[Amended 2-2-1998, 6-5-00; 10-25-04]**

## ARTICLE VII

### Fee Schedule

**[Added 6-16-92; Amended 11-3-95; Amended 3-1-04]**

**Section 218-26 General Provisions:**

A. Introduction
The Planning Board shall assess an Application Fee to cover the cost of processing all Planning Board applications. The fee shall be deposited in the General Fund of the Town of Westford. Application Fees are to be submitted as part of the initial application. An application filed without the inclusion of these fees will be considered incomplete and not received and no review work shall commence until the fee has been paid in full. All checks submitted shall be made out to the Town of Westford. No permits shall be issued until all fees are paid in full.

B. Refund of Application Fees
Once the application has been received, there shall be no refunding of Application Fees, including the case of withdrawals by the Applicant. For this reason it is important the Applicant consult with the Planning Board office prior to formal application to ensure that the appropriate permits and reviews are being sought. Notwithstanding this consultation it is the sole responsibility of the applicant to ensure that all necessary permits, licenses and reviews are sought and obtained.

C. Legal Notices
Applicants for Subdivisions shall be responsible for the cost of publication of the required legal notices. A signed 3rd party Billing Form shall be submitted with the application or the application will be deemed incomplete.

D. Postage Fee
The Applicant shall provide a check made out to the Town of Westford to accommodate 2 mailings for both the notice of public hearing and the notice of decision. This check shall be made out to the Town of Westford.

E. Schedule of Application Fees
The filing fee for an application under the Town of Westford Planning Board Rules and Regulations and Zoning Bylaw shall be as listed below.

| TYPE OF APPLICATION | FILING FEE |
|---|---|
| FORM A (ANR Plan) | $200.00 Per lot |
| Moving interior lot line on already approved plan | $100.00 Per Lot |
| FORM B (Preliminary Subdivision) | |
| Residential (conventional or open space) | $600.00 Per lot |
| Non Residential | $6.00 per linear foot of roadway |
| FORM C (Definitive Subdivision) | |
| Residential (Conventional or Open Space) | $1900.00 per lot* |
| Residential (Flexible Development, Senior Residential Multifamily) | $600.00 per unit |

| | |
|---|---|
| Nonresidential | $19.00 per linear foot of roadway* |

*Less amount of filing fee paid during the preliminary subdivision plan stage

| TYPE OF APPLICATION | FILING FEE |
|---|---|
| Street Acceptance | $2,000.00 per street, plus $0.25 per linear foot in excess of 1,000 feet |
| Bond Establishment | $800.00 Flat fee up to 1,000 linear feet of roadway, plus $0.30 per linear foot in excess of 1,000 feet. |
| Bond Adjustment | $400 Flat fee up to 1,000 linear feet of roadway adjusted plus $0.15 per linear foot adjusted in excess of 1,000 feet |
| Bond Release | $600.00 Flat fee up to 1,000 linear feet of roadway adjusted plus $0.15 per linear foot adjusted in excess of 1,000 feet |
| Administrative Review to Approved Plans | $300.00 |

F. Modification of Application

For those applications that are assessed Application Fees calculated in part by the number of lots or units being sought, which during the review process undergo a change in design resulting in a change in the number of lots or units being sought, the following rules shall apply:

1. If the number of lots or units being sought increases over the number indicated in the Application, the Applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots or units. No review of these additional lots or units shall take place until this additional fee is paid to the Planning Board office, and failure to make this payment within fourteen (14) days after requesting additional lots shall be grounds for denial of the application.

2. If the number of lots or units being sought decreases from the number originally sought, a refund of that portion of the application fee predicated on those lots or units shall be granted only if, in the judgment of the Planning Board, no review of those lots or units has taken place or no incremental expense has been incurred by the Board in the review process which would not have been incurred in the absence of the lots or units deleted. Such judgment by the Planning Board shall require a motion carried by the majority of elected Board members and the Boards' judgment in such matters shall be deemed final.

## ARTICLE VIII

### Street Acceptance Procedures

**[Added 5-18-93]**

**Sec. 218-27. General provisions.**

A. This section contains the guidelines and procedures to be followed by those applicants wishing to submit subdivision streets to the Town for acceptance at Town Meeting.

B. It is imperative that applicants, attorneys and engineers review, understand and follow these procedures, especially as to documents required and deadlines, in order to eliminate confusion and delay to all parties.

C. Final approval of the "Form C" definitive subdivision plan does not constitute the laying out or acceptance by the Town of streets within a subdivision, nor entitle the streets to such acceptance.

D. Street acceptances within a subdivision are the financial and legal responsibility of the applicant.

**Sec. 218-28. General guidelines.**

No application for street acceptance may be made until the following minimal requirements are met:

A. The way must be completed in every respect including installation of utilities and drainage control structures as shown on approved plans and have the Highway Superintendent's approval;

B. All conditions as listed on the certificate of approval of a definitive plan as issued by the Planning Board must have been met;

C. The applicant shall have received a certificate of compliance from the Conservation Commission in the case where an order of conditions has been issued for the construction of the roadway and/or its drainage system;

D. All fees and taxes due the Town or any of its boards in regard to any aspect of the project shall have been paid;

E. In the case of an open-space residential subdivision approved pursuant to Sec. 173-20 of the Zoning Bylaw, all required documents, including the conservation restriction pursuant to G.L. Ch. 184, Sec. 31 through 33, and the declaration of covenants and restrictions as outlined in Sec. 173-20.E of the Zoning Bylaw shall have been properly approved and recorded at the Registry of Deeds.

**Sec. 218-29. Procedure sequence.**

A. At least ninety (90) days prior to Town Meeting the applicant shall submit an application for street acceptance to the Planning Board with all required documents and plans as listed in Sec. 218-30[16]. Failure to include all required documentation shall result in rejection of the application. The Board shall forward all properly completed applications and documents to Town Counsel and the Highway Superintendent for review and approval.

B. At least seventy-five (75) days prior to Town Meeting, Town Counsel and the Highway Superintendent shall complete their review of the application and documents and shall notify the Planning Board in writing of approval or disapproval of these applications and documents. Those applications and documents found defective shall be returned to the applicant with explanations of the deficiencies. Those applications and documents found to be satisfactory shall be forwarded to the Board of Selectmen who shall schedule and hold a public hearing pursuant to the provisions of G.L. Ch. 82, Sec. 22.

C. The Selectmen shall conduct the public hearing, and, if finding the way ready for acceptance, shall place an Article on the Town Meeting Warrant proposing acceptance of the street by Town Meeting voters. **After the Selectmen vote to accept the layout of the road, the layout with the boundaries and measurements of the way shall be filed with the Town Clerk. Said filing with the Town Clerk shall be made at least seven days prior to Town Meeting.** **[Amended 10-25-04]**

D. Town Meeting shall vote upon the motion to accept the subdivision street(s).

**E The selectman shall then sign the street acceptance plan(s).** **[Added 10-25-04]**

**F. All deeds, covenants, easements and Street Acceptance Plans relating to the acceptance of the subdivision street shall be recorded at the Middlesex North Registry of Deeds and a copy of all recorded documents and plans shall be provided to the Board and the Town Engineer.** **[Added 10-25-04]**

**Sec. 218-30. Street acceptance documentation.**

The applicant shall submit the following documents and materials to the Planning Board:

A. Mylar plan and four (4) paper prints thereof showing the street or streets to be accepted. This plan shall be entitled "Street Acceptance Plan" and shall show the streets and all appurtenant easements by bounds, courses and distances. A digital copy of the Street Acceptance Plan in DWG format suitable to the Town Engineer **and orientated in reference to the Massachusetts State coordinate system (meters) as further defined by the Town Engineer** shall also be provided to the Planning Board, Town Engineer, and Northern Middlesex Council of Governments. (Note: This plan is not to be confused with the "as-built" plan required under Sec. 218-25 of these rules and regulations.); **[Amended 10-25-04]**

[16] Editor's Note: Said documents are on file in the Planning Board office.

B. Instruments suitable for recording running to the "Inhabitants of the Town of Westford" for all easements which are not a part of the street or streets (including, but not necessarily limited to drainage, water and other utilities). These instruments must be signed by all parties having an interest or rights in such easements;

C. Deed for the street itself, running to the "Inhabitants of the Town of Westford". This deed shall contain a legal description of the street named in the acceptance application and shall be signed by all parties having any rights or interests in such street. **The Applicant shall provide a certificate of title indicating ownership of the street; [Amended 10-25-04]**

D. Deed of gift in trust for "open space" parcels (if applicable) running to the "Inhabitants of the Town of Westford" in the form acceptable to the Westford Conservation Commission;

E. Certificate of compliance for any and all orders of conditions issued by the Westford Conservation Commission or Massachusetts Department of Environmental Protection for work in relation to construction of the roadway, drainage or any associated infrastructure;

F. A statement from the Westford Fire Chief certifying that all fire protection requirements, including but not necessarily limited to installation of hydrants and cisterns, have been provided and are satisfactory;

G. Certificate(s) signed by the applicant and/or his/her attorney certifying that all necessary parties have signed all easement instruments, street deeds and open space deeds;

H. Names and addresses of each property owner and mortgagee having rights or interests in the streets, easements and open space, and the names and addresses of each abutter thereto, along with a request for a public hearing by the Board of Selectmen for street acceptance pursuant to G.L. Ch. 82, Sec. 22; and

I. Check made payable to the Town of Westford for the recording of **all** instruments and deeds **for filing at the Middlesex Registry of Deeds at the** prevailing rate at the time of filing. **Copies of these easement instruments and deeds shall be submitted to the Town Planner and Town Engineer for review prior to recording. [Amended 10-25-04]**

J. **Using the certification of monuments form (Form M) the applicant shall produce certification that the granite bounds were placed as required by the approved planning board definitive plans and this form shall be stamped by a Registered Land Surveyor. [Added 10-25-04]**

K. **At such time that a complete Street Acceptance application has been submitted in full compliance with Article VII (Street Acceptance Procedures), of the Planning Board Rules & Regulations, and that the subject roadway is found to be in full compliance with Articles V (Design Standards) & VI (construction Standards for Required Improvements), of the Planning Board Regulations, and said application and roadway construction compliance, and upon scheduling of the subject submittal on the next available Fall Town Meeting, the Applicant shall be eligible for a**

**reduction in the road bond currently being held by the Planning Board as surety for completion of all required public improvements. The minimum retainage required in this situation shall be determined by taking the number of stations (each 100 l.f. of roadway) or fraction thereof, of the affected subdivision roadway and multiplying that by $1,000.00. For instance, subdivision with 1,450 l.f. of roadway will be required to hold a minimum retainage of $14,500.00 (1,450/100 x $1,000.00 = $14,500.00).** [Added 10-25-04]

**L. The Applicant shall execute and provide to the Board an instrument, in a form approved by the board (Form L), transferring to the Town, without cost, valid unencumbered title to all sanitary and storm sewers, water mains and appurtenances thereto, constructed and installed in the subdivision or approved portion thereof, and shall convey to the Town, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanity and storm sewers and water mains, with any manholes, pipes conduits and other appurtenances, and to do all acts incidental thereof, and if any such sanitary and storm sewers, water mains and appurtenances thereto has been constructed and installed in land not within such streets, then in, through and under the land within that easement.** [Added 10-25-04]

# Supplemental Street Acceptance Policy

[Adopted July 20, 1998]

**(Deleted 10-25-04)**

At such time that a complete Street Acceptance application has been submitted in full compliance with Article VII (Street Acceptance Procedures), of the Planning Board Rules & Regulations, and that the subject roadway is found to be in full compliance with Articles V (Design Standards) & VI (Construction Standards for Required Improvements), of the Planning Board Regulations, said application will be scheduled for the first available Fall Town Meeting. Upon such determination of a completed application and roadway construction compliance, and upon scheduling of the subject submittal on the next available Fall Town Meeting, the Applicant shall be eligible for a reduction in the road bond currently being held by the Planning Board as surety for completion of all required public improvements. The minimum retainage required in this situation shall be determined by taking the number of stations (each 100 l.f. of roadway) or fraction thereof, of the affected subdivision roadway and multiplying that by $1,000.00. For instance, subdivision with 1,450 l.f. of roadway will be required to hold a minimum retainage of $14,500.00 ($1,000.00 = $14,500.00)

# Town of Westford Planning Board Rules and Regulations for Special Permit and Site Plan Review

## Fee Schedule

**[Adopted 3-1-2004]**

A. Introduction

The Planning Board shall assess an Application Fee to cover the cost of processing all Planning Board applications. The fee shall be deposited in the General Fund of the Town of Westford. Application Fees are to be submitted as part of the initial application. An application filed without the inclusion of these fees will be considered incomplete and not received and no review work shall commence until the fee has been paid in full. All checks submitted shall be made out to the Town of Westford. No permits shall be issued until all fees are paid in full.

B. Refund of Application Fees

Once the application has been received, there shall be no refunding of Application Fees, including the case of withdrawals by the Applicant. For this reason it is important the Applicant consult with the Planning Board office prior to formal application to ensure that the appropriate permits and reviews are being sought. Notwithstanding this consultation it is the sole responsibility of the applicant to ensure that all necessary permits, licenses and reviews are sought and obtained.

C. Legal Notices

Applicants for Site Plan Review and Special Permits shall be responsible for the cost of publication of the required legal notices. A signed 3rd party Billing Form shall be submitted with the application or the application will be deemed incomplete.

D. Postage Fee

The Applicant shall provide a check made out to the Town of Westford to accommodate 2 mailings for both the notice of public hearing and the notice of decision. This check shall be made out to the Town of Westford.

E. Schedule of Application Fees

The filing fee for an application under the Town of Westford Planning Board Rules and Regulations and Zoning Bylaw shall be as listed below.

| **TYPE OF APPLICATION** | **FILING FEE** |
|---|---|
| SITE PLAN REVIEW | |
| Filing fee (for Applications up to 1000 gross square feet) | $3,000.00 |
| 1,001 - 20,000 gross square feet | $3,000.00 + $100.00 for every additional 1,000 gross square feet |
| 20,001 - 75,001 gross square feet | $4,900.00 + $50.00 for every additional 1,000 gross square feet in excess of 20,000 gross square feet |
| 75,001 or more | $7,650.00 + $25.00 for every additional 1,000 gross square feet in excess of 75,000 gross square feet |
| For Plan principally without Structures | |
| Filing Fee | $1,000.00 |
| + additional fee per 40,000 Square feet of gross land area | $300.00 |

| TYPE OF APPLICATION | FILING FEE |
|---|---|
| SPECIAL PERMITS | |
| Townhouse/Multifamily Development | Use Form B and C fees |
| Open Space Residential Development | Use Form B and C fees |
| Assisted Living Facilities | Use Form B and C fees |
| Flexible Development - based on # of units in development (excluding affordable and age restricted units) | $1,500.00 minimum filing fee. Plus an additional $300.00 fee per unit |
| Mill Conversion Overlay District - based on # of units in development (excluding affordable and age restricted units) | $300.00 per unit up to the first 25 units. $100.00 for every unit over the first 25. |
| Planned Commercial Developments and Planned Industrial Developments | $5,000.00 filing fee |
| Common Driveways | $1,250.00 + $100 per lot served |
| Earth Removal | $850.00 up to first 5,000 cubic yards: $75.00 additional per each 1,000 yards above 5,000 cubic yards |
| Water Resource Protection District | $300.00 |
| All other Special Permits | |
| - Residential | $300.00 |
| - Commercial/ Industrial | $500.00 |

F. Modification of Application

For those applications that are assessed Application Fees calculated in part by the number of lots or units being sought, which during the review process undergo a change in design resulting in a change in the number of lots or units being sought, the following rules shall apply:

1. If the number of lots or units being sought increases over the number indicated in the Application, the Applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots or units. No review of these additional lots or units shall take place until this additional fee is paid to the Planning Board office, and failure to make this payment within fourteen (14) days after requesting additional lots shall be grounds for denial of the application.
2. If the number of lots or units being sought decreases from the number originally sought, a refund of that portion of the application fee predicated on those lots or units shall be granted only if, in the judgment of the Planning Board, no review of those lots or units has taken place or no incremental expense has been incurred by the Board in the review process which would not have been incurred in the absence of the lots or units deleted. Such judgment by the Planning Board shall require a motion carried by the majority of elected Board members and the Boards' judgment in such matters shall be deemed final.

G Consultant Review Fee

The applicant shall be responsible for the cost of consulting services that the Board may incur for review of the applicant's project as established under Massachusetts General Law Chapter 44, Section 53G. Said cost shall be billed to the applicant and paid within thirty (30) days. The applicant shall deposit the necessary fees into an Agency Escrow Municipal Developer Account established specifically for the project. If, at any time, additional funds for review are required, the applicant shall deposit the necessary additional funds into the established account. Review of the application will not continue until such a deposit is made. Any funds remaining and interest accrued will be returned to the developer upon written request after the issuance of a decision by the Planning Board or upon Applicants withdrawal of the Application.

H. Consultant Review Procedure

Upon referral of the application or specific elements of the application to a Consultant by the Planning Board the Applicant shall follow the procedures established below:

1. A check in the amount established by the Planning Board for review of the application and a completed Deposit Slip for the Developer Escrow Account shall be submitted to the Planning Department with the following information:
   a. Taxpayer ID# of the Applicant
   b. Name and Address of the Applicant
   c. A dated and signed Substitute W9 Section
2 The funds will be deposited in the Agency Escrow Account in the name of the developer. Any interest will accrue to the individual developer account.
3. Copies of Invoices from Consultants for work completed will be forwarded to the Applicant for informational purposes.

4. Payments to Consultants will be made from the Agency Escrow Account. These payments shall be made within 30 days of receipt by the Applicant.
5. After the Planning Board decision or Applicants withdrawal of the Application, any unused funds and interest will be returned to the Applicant upon written request.

Any queries regarding Invoice amounts will be addressed in the next available Planning Board public meeting. All costs of collection associated with past due accounts shall be borne by the Applicant.

I. Revision of Fee Schedules and Regulations Governing Fees

The Planning Board may review and revise its regulations and fee schedules from time to time, following an advertised public hearing. Any amendments to these regulations shall take effect upon filing a copy of the amendments with the Westford Town Clerks office.

# TOWN OF WESTFORD

## PLANNING BOARD

TOWNHALL
55 Main Street
WESTFORD, MA 01886
Telephone (978) 692-5524 Fax (978) 399-2558

**FEE RECIEVED**

Date: _____

Amount $_____

Received by:

_____

## APPLICATION FOR ADMINISTRATIVE REVIEW

The undersigned herewith submits an application for an ADMINISTRATIVE REVIEW in accordance with the Planning Board's Rules and Regulations as adopted in Section 218-5.1.

LOCATION OF PROPERTY:_____

NAME OF APPLICANT(S)_____

PHONE NUMBER_____ FAX NUMBER _____

NAME OF PEROPERTY OWNER (S) _____

ADDRESS _____

CHARACTERISTICS OF PROPERTY: ZONING DISTRICT _____ PRESENT USE_____ MAP & PARCEL_____

REASON FOR REQUEST (Attach a list of drawings and documents if necessary)

_____ _____

SIGNATURE OF APPLICANT – DATE SIGNATURE OF APPLICANT – DATE

_____ _____

SIGNATURE OF OWNER – DATE SIGNATURE OF OWNER – DATE

**ALL OWNERS (IN CASE OF A CORPORATION, AN AUTHORIZED OFFICE; IN THE CASE OF A TRUST, ALL TRUSTEES) MUST SIGN.**

| Town Clerk Stamp | Planning Stamp | BOH Stamp |
|---|---|---|

# FORM A

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

| FEE RECIEVED |
|---|
| Date: _____ |
| Amount $_____ |
| Received by: |
| _____ |

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section IIIB.

_____, 20_____

To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the Town of Westford does not constitute a subdivision within the meaning of the Subdivision control Law, herewith submits said plan for a determination and endorsement that Planing Board approval under the Subdivision Control law is not required. (check appropriate box)

☐ 1) The accompanying plan is not a subdivision because the plan does not show a division of land; if there is a division of land shown, it is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the _____ zoning bylaw/ordinance under Section _____ which requires _____feet for erection of a building on such lot. Every lot shown on the plan has such frontage on:

a) A public way, private way or way shown on plan is either certified by the Town Clerk as maintained and used as a public way or a way endorsed in accordance with the subdivision control law or a private way.

☐ 2) The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, which adds to/takes away from/changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the Town of Westford Zoning Bylaw/Ordinance.

☐ 3) The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings were standing on the plan prior to the date when the subdivision control law went into effect and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan.

4) Other reasons or comment:

_____

_____

_____

_____

_____

_____



The owner's title to the land is recorded in Book _____ Page_____ or Land Court Certificate Number _____.

MAP & PARCEL# _____

Received by the Town Clerk

Date _____

Time _____am/pm

Signature _____

Applicant's Signature _____

Applicant's Address _____

_____

Applicant's phone number _____

Owner's signature and address if not the applicant or applicant's authorization if not the owner.

_____

_____

_____

Town Clerk Stamp

Planning Stamp

BOH Stamp

TOWN OF WESTFORD

**PLANNING BOARD**

TOWN HALL
55 Main Street
WESTFORD, MA 01886
Telephone (978) 692-5524 Fax (978) 399-2558

**FEE RECIEVED**

Date: _____

Amount $_____

Received by:

_____

# FORM B

## APPLICATION FOR

## APPROVAL OF A PRELIMINARY PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section IV A.

DATE:_____

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Westford for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Westford.

NAME OF SUBDIVIDER: _____

ADDRESS: _____

PHONE NUMBER: _____

NAME OF ENGINEER & SUVEYOR: _____

ADDRESS: _____

DEED BOOK & PAGE _____ LAND COURT CERT # _____

LOCATION AND DESCRIPTION OF PROPERTY:

_____

_____

_____

SIGNATURE OF OWNER:_____

ADDRESS: _____

A CERTIFIED LIST (done by the Assessors Office) with the names and addresses of the abutters of this subdivision is attached, along with 2 sets of mailing labels.

| Town Clerk Stamp | Planning Stamp | BOH Stamp |
|---|---|---|

TOWN OF WESTFORD

**PLANNING BOARD**

TOWNHALL
55 Main Street
WESTFORD, MA 01886
Telephone (978) 692-5524 Fax (978) 399-2558

**FEE RECIEVED**

Date: _____

Amount $_____

Received by:

_____

# FORM C

## APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

File one completed form with the Planning Board and one copy with the town Clerk in accordance with the requirements of Section IV B.

DATE: _____

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Westford for approval as a subdivision under the requirements of the Subdivision control Law and the Rules and Regulations governing the Subdivision of Land of the Planing Board in the Town of Westford.

NAME OF APPLICANT: _____

ADDRESS: _____

PHONE NUMBER: _____

NAME OF ENGINEER: _____

ADDRESS: _____

NAME OF SURVEYOR: _____

ADDRESS: _____

DEED BOOK & PAGE _____ LAND COURT CERT # _____

LOCATION AND DESCRIPTION OF PROPERTY:

_____

_____

_____

**Form C – Page 2**

The following are all the mortgages and other liens or encumbrances on the whole or any part of the above-described property: (List mortgages, etc. here)

_____

_____

_____

_____

The undersigned hereby covenants and agrees with the Town of Westford upon approval of the Definitive Plan:

1. To construct the ways and install the municipal services as finally approved by the Planning Board.

2. To design and construct the ways and design and install the municipal services in accordance with the Rules & Regulations governing the subdivision of land, Town of Westford, Massachusetts, with the rules and instructions of the Westford Board of Health and Water Department, and with the Definitive Plan and its accompanying material as finally approved by the Planning Board.

3. At the laying out and acceptance of said ways, all municipal services within the ways will become the property of the Town of Westford at no cost to said Town, unless otherwise agreed upon.

This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the undersigned.

SIGNATURE OF OWNER: _____

ADDRESS: _____

A CERTIFIED LIST (done by the Assessors Office) with the names and addresses of the abutters of this subdivision is attached, along with 2 sets of mailing labels.

| Town Clerk Stamp | Planning Stamp | BOH Stamp |
|---|---|---|

*THIS REQUEST MUST BE SUBMITTED TO THE ASSESSORS OFFICE FOR COMPLETION*

# FORM D

## Request for Certified Abutters List

**~REQUIRES A $10.00 DEPOSIT~**

Pd by cash/ck _____ Administrators Initials _____
Date: _____

Requested By: _____ Contact Phone #: (_____)_____

The Assessors Office will generate & ***certify*** the requested Abutters List, for the appropriate boards.

Please check the appropriate box for which you are requesting the Abutters List.

( ) Board of Health (Immediate & across the street) ( ) Conservation Commission (100 feet)

( ) Planning/Zoning (300 feet) ( ) Liquor License (Immediate only)

***The fees for this service are:***

***$10.00 FOR up to 25 parcels, $20.00 FOR 25 OR MORE PARCELS.***
Mailing labels can be provided for you at an additional charge of $5.00 per sheet (30 labels per sheet).

( ) **Please check here if you would like labels printed for your Certified Abutters List.**
***(Please note: Planning/Zoning Department requires 2 sets of labels)***

### List of Property Owners notified in connection with Public Hearing on the petition of

**Owner's Name(s):** _____
For the premises located at Street Address: _____
**Map & Parcel ID:** _____ relative to obtaining desirable relief from the Zoning Bylaw of the Town of Westford.
**********

**To the Board of Appeals:**
We hereby certify that the attached list, taken from our Real Estate Property Lists, includes the names and addresses of all parties in interest under MGL. Ch. 40A, as amended to the best of our knowledge and belief.

Date Completed:_____ Signed:_____
Westford Board of Assessors
Date Called:_Intl:_Response/Action: _____

**Charge for 25 or more Abutters.....** $ _____
Charge for Label Sheets..... $ _____
Total amount due at time of pick-up..... $ _____

Completed Abutters List Received by: Date received:

**Amount Paid: _____ Cash/Check # _____**
**Administrator's Initials _____**

# FORM E
## COVENANT

WESTFORD, MASSACHUSETTS

_____, 20_____

KNOW ALL MEN by these presents that the undersigned has submitted an application dated _____, to the Town of Westford Planning Board for approval of a definitive plan of a subdivision of land entitled: _____, Plan by: _____(designer)_____, dated _____ and owned by: _____, address: _____, land located: _____, and showing ___(no.)_____ proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Westford in the county of Middlesex approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the Town of Westford as follows:

1. That the undersigned is the owner* in fee simple absolute of all the land included in the subdivision. That there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
   * If there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner of record must sign the covenant.

2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of way sand installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, condition, agreements, terms and provisions as specified in the following:
   a. The Application for Approval of Definitive Plan (Form C)
   b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
   c. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____.
   d. The definitive plan as approved and as qualified by the certificate of approval.
   e. Other document(s) specifying construction to be completed, namely:
      _____
      _____
      _____

   However a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.

4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released; and

5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.

6. That the undersigned agrees to record this covenant with the Middlesex County Registry of Deed, forthwith, or to pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.

7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in Section 81-U, Chapter 41, M.G.L.

8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.

9. Upon final completion of the construction of way and installation of municipal services as specified herein, on or before _____(Planning Board date for construction and installation to be completed)_____the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.

10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation; and

For title to the property, see deed from _____, dated _____ recorded in Middlesex North District Registry of Deeds, Book _____, Page _____, or registered title no. _____, in Registration Book _____, Page _____.
The present holder of a mortgage upon the property is _____ of _____. The mortgage is dated _____ and recorded in Middlesex North District Registry of Deeds, Book _____, Page _____, or registered in Middlesex Land registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.
_____, spouse of the undersigned applicant hereby agrees that such interest as I, we, may have in the premises shall be subject tot the provisions of this covenant and insofar as is necessary releases all rights of tenancy by the dower or homestead and other interest therein.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ of _____, 20_____.

_____
Owner

_____
Spouse of Owner

_____
Mortgage

_____
_____
_____
_____
_____
_____
Acceptance by a Majority of the Planning Board of Westford

One acknowledgement must be completed for each of the following:
Planning Board representative
Owner or owners
Spouse of the owner
Mortgagee

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, Ss

_____, 20_____

Then personally appeared before me the above named _____ and acknowledged the foregoing instrument to be his/her/their free act and deed.

_____
Signature of Notary Public

My commission expires: _____

# FORM F

## PERFORMANCE SECURED BY BANK PASSBOOK

_____, 20_____

WESTFORD, MASSACHUSETTS

AGREEMENT made this date between the Town of Westford and ___(name of applicant)_____, hereinafter referred to as "the applicant" of _____(address of applicant)_____, to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled: _____(name subdivision)_____, by: (name of designer) _____, dated: (date of plan)_____, owned by: ___(name of owner)_____, address: ___(address of owner)_____ land located: ___(street address or other identification of location)_____, and showing ___(No.)___ proposed lots.

KNOWN ALL MEN by these presents that the applicant hereby binds and obligates himself, his, or its executors, administrators, devisees, heirs, successors and assigns to the Town of Westford, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of ___(dollar amount)_____ dollars, and has secured this obligation by deposit with the Treaurer of said Town of Westford, a deposit of money for the above sum represented by Bank Passbook No. ____(No._____ with an order drawn on the _____(name of bank)_____ Bank of ___(address of bank)_____, payable to the order of the Planning Board of the Town of Westford, said sum to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provision contained in the following:

1. Application for Approval Definitive Plan (Form C), dated: _____(date of application)_____;

2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and dated: (date of subdivision rules and regulations which govern plan) ;

3. Conditions included in the Certificate of Approval issued by the Planning Board and dated: ___(date of vote to approve)_____;

4. The Definitive Plan as qualified by the Certificate of Approval; and

5. Other document(s) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a bank passbook).

_____

_____

_____

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations, or has elected to provide another method of securing performance as provided in M.G.L., Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, or before ____(construction and installation is to be completed, as specified by applicant____, or such later date as may be specified by vote of the Planning Board with the written concurrence of the applicant and the bank, the bank passbook shall be returned to the applicant by the Town of Westford and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the funds on deposit in the account represented by the aforesaid bank passbook and order drawn thereon may be applied in whole, or in part, by the Planning Board for the benefit of the Town of Westford to the extent of the reasonable cost to the Town of Westford of completing such construction or installation as specified in this agreement. Any unused funds and the bank passbook will be returned to the applicant upon completion of the work by said Town of Westford.

The Town of Westford acting by and through its Planning Board hereby agrees to accept the aforesaid bank passbook and order drawn thereon as security for the performance of this project; and

The _____(name)_____Bank of _____(address)_____ hereby agrees not to release any funds from the account represented by the aforesaid bak passbook or otherwise amend or make change to the order drawn thereon without written agreement by the Planning Board.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hand and seals this _____(date)_____ of _____(month)_____, 20_____.

_____

_____

_____

_____

_____
Signatures of a Majority of the Members of the Planning Board of the Town of Westford

Town of Westford

_____
Signature of Applicant

_____
Signature of Authorized Representative of the

_____ Bank

**COMMONWEALTH OF MASSACUSETTS**

Middlesex, ss _____, 20_____

Then personally appeared _____(name)_____ one of the above-named members of the Planning Board of the Town of Westford, Massachusetts, the applicant, and the authorized representative of the _____(name)_____ Bank, and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

Duplicate copy to:
Applicant
_____(name)_____Bank
Planning Board
Town Clerk
Town Treasurer
Board of Selectmen

_____
Notary Public
My Commission expires _____

# FORM G

## STREET IMPROVEMENT

## MEMORANDUM

TO: DEVELOPERS AND ENGINEERING FIRMS ASSOCIATED WITH SUBDIVISIONS AND SITE PLANS IN THE TOWN OF WESTFORD

FROM: JAMES ARSENAULT, TOWN ENGINEER

DATE: 11/17/2003

The Town of Westford will be coordinating inspections, review of plans and review of bond reductions for subdivisions through the Town Engineer. All requests for construction inspections must be sent to the Westford Highway Department at least 24 hours in advance. Requests may be made by leaving a message or sending a facsimile request at (978) 399-2726. A copy of a facsimile request for inspection has been included for your convenience.

Messages may be sent to the above number anytime. Messages received after 3:30 p.m. on a weekday will be considered as being received at 7:00am the following day and messages received after 3:30 p.m. on a Friday or day previous to a holiday will be considered as being received at 7:00 a.m. on the following work day.

When leaving a voice message please state name of company, name of developer, date and time of call, desired time of inspection, nature of inspection and contact number.

Other questions or inquiries may be made at (978) 692-5520 if the above number is busy or if there is a need for services other than an inspection.

The attached Road Bond and Lot Release Request/Report Form must be filled out for Road Bond Reductions. No bond reductions will be accepted until all the items required under section 218.11, F., (5) have been completed and approved. Applicants may use their own forms but the forms must have essentially the same format and content. To be considered for Road Bond Reductions the attached form (or equivalent form) must be completed and sent to the Highway Department no later than two weeks before the scheduled date of approval at the BI-weekly Planning Board meetings. As stated on the attached form, there will be no exceptions.

# CONTRACTORS' FACSIMILE REQUEST FOR INSPECTION

TO: WESTFORD HIGHWAY DEPARTMENT

FAX#: (978) 399-2726

SUBDIVISION: _____

COMPANY REQUESTING INSPECTION: _____

NAME OF COMPANY CONTACT: _____

TELEPHONE NUMBER: _____

DATE AND TIME OF INSPECTION: _____

| STREET NAME | STATION: | TO STATION: | NATURE OF INSPECTION |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

ADDITIONAL COMMENTS/REQUESTS:_____

_____

_____

_____

_____

NOTE: ALL REQUESTS FOR INSPECTIONS MUST BE MADE AT LEAST 24 HOURS BEFORE ACTUAL TIME OF INSPECTION (EXCLUDING WEKENDS AND LEGAL HOLIDAYS).

# TOWN OF WESTFORD

## ROAD BOND / LOT RELEASE

## REQUEST / REPORT FORM

**FEE RECIEVED**

Date: _____

Amount $_____

Received by:

_____

**FILL OUT SECTION** A **AND RETURN A COPY TO THE PLANNING DEPARTMENT AND THE TOWN ENGINEER**

SECTION A:

**PROJECT NAME:** _____

**DEVELOPER:** _____

**ENGINEER:** _____

**STREET NAME:** _____ **LENGTH:** _____ **STATION:**_____**TO STATION:**_____

**NATURE OF REQUEST:**

**BOND ESTABLISHMENT** [ ] **BOND RELEASE** [ ]

**BOND REDUCTION** [ ] **LOT RELEASE** [ ]

**DESCRIPTION:** _____

_____

_____

IF LOT RELEASES, ARE APPROPRIATE COVENANTS, AGREEMENTS AND RESTRICTION DOCUMENTS RECORDED? [ ] YES [ ] NO DATE OF APPROVAL: _____

SECTION B – **(FOR OFFICE USE ONLY)**

**PROJECT REVIEW SUMMARY:**

_____

_____

DATE SCHEDULED FOR PLANNING BOARD REVIEW: _____

**NOTE: ALL REQUESTS MUST BE SUBMITTED AT LEAST TWO WEEKS PRIOR TO THE PLANNING BOARD MEETING – NO EXCEPTIONS.**



**Westford Planning Board**
**Bond Fee**
**Establishment/Adjustment/Release**
**See Subdivision Rules & Regs**

**TOWN OF WESTFORD** **DATE: _____**

**STREET IMPROVEMENT GUARANTEE SUMMARY SHEET - (FORM "G")**

Project Name: _____

Street Name: _____ Street Length: _____

Station: _____ to Station: _____

| ITEM | | | | UNITS | QTY | $/UNIT | $TOTAL | +15% Retainage |
|---|---|---|---|---|---|---|---|---|
| **Clearing & Grubbing** | | | | Acre | | $6,000.00 | | |
| **Earth Excavation** | | | | CY | | $12.00 | | |
| **Class A Rock Excavation (ledge, concrete or rock)** | | | | CY | | $80.00 | | |
| **Unclassified Excavation** | | | | CY | | $9.00 | | |
| **Gravel (assumes 1' bed and for all fill areas)** | | | | CY | | $25.00 | | |
| **Storm Drains (includes excavation & backfill)** | | | | | | | | |
| 12" & 15" Pipe (0-8' depth) | | | | LF | | $42.00 | | |
| 18" Pipe (0-8' depth) | | | | LF | | $55.00 | | |
| 21" & 24" Pipe (0-8' depth) | | | | LF | | $62.00 | | |
| 30" & 36" Pipe (0-8' depth) | | | | LF | | $78.00 | | |
| **Manholes (adj. cost 1 unit each)** | | | | Vert. Ft. | | $200.00 | | |
| **CB"s (includes frame, cover, exc. & backfill) (adj. cost 1 unit each)** | | | | Vert. Ft. | | $180.00 | | |
| **Swales/Filter Trenches** | | | | LF | | $180.00 | | |
| **Infiltration Units or Crushed stone** | | | | Ea. Or S.Y. | | $50.00 | | |
| **Vortechnic Chamber** | | | | Ea. | | $25,000.00 | | |
| **Headwalls (8" - 30" pipe)** | | | | Ea. | | $1,200.00 | | |
| **Detention/Retention Basin(s)** | | | | SF | | $.80 | | |
| **Gravel (assumes 1' bed under all pavement)** | | | | CY | | $20.00 | | |
| **Pavement - 2 1/2" binder and 1 1/2" finish (includes grading & compacting ) circle appropriate items:** | | | | | | | | |
| | **Binder** | **Finish** | **Total** | | | | | |
| 22' Pave. (gravel 3' either side above) | $14.44 | $9.28 | $23.72 | LF | | $23.72 | | |
| 24' Pave. (gravel 3' either side above) | $15.75 | $10.13 | $25.88 | LF | | $25.88 | | |
| 27' Pave. (gravel 3' either side above) | $17.72 | $11.39 | $29.11 | LF | | $29.11 | | |
| 30' Pave. (gravel 3' either side above) | $19.69 | $12.66 | $32.34 | LF | | $32.34 | | |
| Sidewalk (1 ½" binder and 1 ½" finish) | $1.97 | $2.11 | $4.15 | LF | | $4.15 | | |
| **Curbing Asphalt** | | | | LF | | $4.00 | | |
| **Curbing Granite (Sloped & Vertical including inlets)** | | | | LF | | $40.00 | | |
| **Retaining Walls** | | | | SF | | $15.00 | | |
| Water | | | | | | | | |
| 6" D.I. (0-6' depth) | | | | LF | | $50.00 | | |
| 12" D.I (0-6' depth) | | | | LF | | $72.00 | | |
| 6" Gate | | | | Ea. | | $750.00 | | |
| 12" Gate | | | | Ea. | | $1,500.00 | | |
| Hydrant (Installed & Rem & Rest) | | | | Ea. | | $1,200.00 | | |
| Service Box Adjusted | | | | Ea. | | $80.00 | | |
| **Light Poles (including Conduit)** | | | | Ea. | | $5,000.00 | | |
| **Fencing & Guard Rail** | | | | LF | | $12.00 | | |
| **Landscaping (loam & Seed, Trees extra)** | | | | SF | | $4.00 | | |
| **Hey Bales & Silt Fence** | | | | LF | | $10.00 | | |
| **Bounds & Certification** | | | | Ea. | | $450.00 | | |
| **Additional Items (attach 2nd sheet if necessary)** | | | | | | | | |

| | | | |
|---|---|---|---|
| **Subtotal** | | Subtotal | $ |
| **Engineering and Contingencies @25%** | | | |
| **ENR Index _____ Date _____** | | | |
| **Adjustment for Cost Increases (ENR Index/6000)** | | | |
| **Adjustment for Escalation (25%)** | | | |
| **Grand Total** | | | |
| **Retainage 15% To Be Held Until Acceptance of Street** | | Based on original Grand Total for all work | |

I hereby certify that in addition to work already completed, the following itemized statement and estimated unit cost will complete all improvements required by the Westford Subdivision Regulations for the above street:

Signed_____ Date_____ Developer

Signed_____ Date_____ Highway Superintendent (For Amount & Prerequisite work)

Signed_____ Date_____ Developer's Engineer (For Amount)

Signed_____ Date_____ Town's Engineer (For Amount & Prerequisite work)

Signed_____ Date_____ Planning Board

# FORM L

## CONVEYANCE OF EASEMENTS AND UTILITIES

_____ (name of owner) _____, of ___(address of owner, including county) _____, ____County, Massachusetts; for the consideration of _____, hereby grants, transfers and delivers unto the Town of Westford a municipal corporation in Middlesex County, the following:

A. The perpetual rights and easements to construct, inspect, repair, remove, replace, operate and forever maintain (1) a sanitary sewer or sewers with any manholes, pipes, conduits and other appurtenances, (2) pipes, conduits and their appurtenances for the conveyance of water, and (3) a covered surface and ground water drain or drains with any manholes, pipes, conduits and their appurtenances, and to do all other acts incidental to the foregoing, including the right to pass along and over the land for all the aforesaid purposes, in, through, and under the whole of _____, dated _____, said plan is made and said plan is incorporated herein for a complete and detailed description of said roads.

B. The perpetual rights and easements to use for _____(describe use or purpose) of the following parcel of land situated on _____(street) in said Town of Westford and bounded and described as follows: (description)

The grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he (it) has good title to transfer the same, and that he will defend the same against claims of al persons.

For grantor's title see deed from _____ dated _____, 19_____, and recorded in Middlesex North District Registry of Deeds, Book _____, Page _____.

This is not a homestead property.

And (to be completed if a mortgage exists) _____
(name and address) _____
the present holder of a mortgage on the above described land, which mortgage is dated _____, 20_____, and recorded in said Deeds, Book _____, Page _____, for consideration paid, hereby releases unto the Town of Westford forever from the operation of said mortgages, the rights and easements hereinabove granted and assents thereto.

_____ _____
Authorized Signature of Mortgagee Owner

IN WITNESS WHEREOF we have hereunto set our hand and seals this _____day of _____ 20_____.

**COMMONWEALTH OF MASSACHUSETTS**

MIDDLESEX, Ss

_____, 20_____

Then personally appeared the above named _____ and acknowledged the foregoing to be his/her/their free act and deed, before me.

_____
Notary Public

_____
My commission expires on:

***NOTE: This conveyance is NOT effective until accepted by town meeting or city counsel.***

| Town Clerk Stamp | Planning Stamp | BOH Stamp |
|---|---|---|

# FORM M

## CERTIFICATION OF MONUMENTS

To the Planning Board of the Town of Westford:

I hereby certify that on _____, 20_____, I verified the stone bounds on the bonded portion of _____ and found them to be set accurately in the proper locations and to the proper grade according to the approved Definitive Plan.

_____ Seal:
Registered Land Surveyor

Name of company: _____

Address: _____
_____
_____

| Town Clerk Stamp | Planning Stamp | BOH Stamp |
|---|---|---|
| | | |

TOWN OF WESTFORD

**PLANNING BOARD**

TOWN HALL
55 Main Street
WESTFORD, MA 01886
Telephone (978) 692-5524 Fax (978) 399-2558

---

# 3rd Party Billing Form

Date: _____

To: Beacon Community Newspapers
Legal Notice Department

I hereby authorize the Beacon Community Newspapers to bill me directly for the legal notice to be published in the _____ on _____.
This legal notice pertains to a _____.

_____ _____
Signed: Applicant/Authorized Agent Date

Print Name: _____

Address: _____

_____

_____

Phone: _____

# TOWN OF WESTFORD

## PLANNING BOARD

TOWNHALL
55 Main Street
WESTFORD, MA 01886
Telephone (978) 692-5524 Fax (978) 399-2558

**FEE RECIEVED**

Date: _____

Amount $_____

Received by:

_____

# APPLICATION FOR A SPECIAL PERMIT

This application must be completed, signed, and submitted with the filing fee by the Applicant or his representative in accordance with the Planning Board's Rules and adopted under its jurisdiction as a Special Permit Granting Authority.

Location of Property _____

Name of Applicant _____

Phone Number _____

Address _____

Applicant is: ( ) Owner ( ) Tenant ( ) Agent/Attorney ( ) Purchaser

Property Owner's Name (if not applicant) _____

Address _____

Characteristics of Property: Lot Area _____ Present Use _____

Map No. _____ Parcel No. _____ Zoning District _____

Nature and justification of request for a Special Permit under Zoning By-Law:

**Section** _____ **Chapter** _____ (attach list of drawings and documents if necessary)

I hereby request a hearing before the Planning Board with reference to the above application:

Signature of Applicant _____Address if not Applicant _____

Telephone Number _____Owner's permission if other than applicant _____

(or his representative)

Application Reviewed and Fee in the amount of $_____ paid. Received by: _____Date:_____

TOWN OF WESTFORD

**PLANNING BOARD**

TOWN HALL
55 Main Street
WESTFORD, MA 01886
Telephone (978) 692-5524 Fax (978) 399-2558

**FEE RECIEVED**
Date: _____
Amount $_____
Received by:
_____

# APPLICATION FOR SITE PLAN REVIEW

This application must be completed, signed and submitted with the filing fee by the Applicant or his representative in accordance with the Planning Board's Rules.

LOCATION OF PROPERTY:_____

NAME OF APPLICANT: _____

ADDRESS: _____
_____

TELEPHONE # _____

APPLICANT IS: ( ) Owner ( ) Tenant ( ) Agent/Attorney ( ) Buyer
(check one)

PROPERTY OWNER'S NAME: _____
(if not applicant)

CHARACTERISTICS OF PROPERTY: Map & Parcel #_____ Lot Area _____

Present Use: _____ Zoning District _____

**Section** _____ **Chapter** _____ Attach list of drawings and documents if necessary.

I hereby request a hearing before the Westford Planning Board with reference to the above application.

SIGNATURE OF APPLICANT/REPRESENTATIVE: _____

ADDRESS: _____

OWNER'S PERMISSION: _____
(if other than applicant)

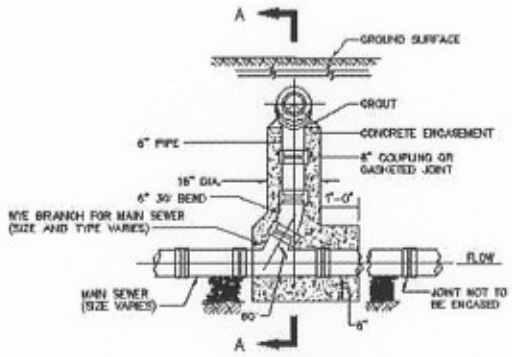
Application reviewed and fee in the amount of $_____

Received by: _____ Date: _____

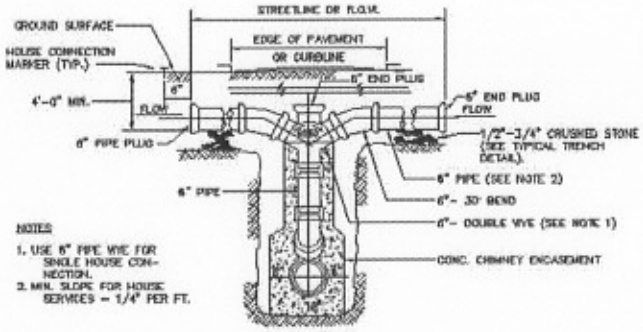
Town Clerk Stamp

Planning Stamp

BOH Stamp



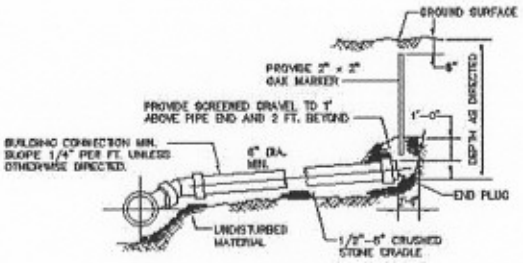

ELEVATION



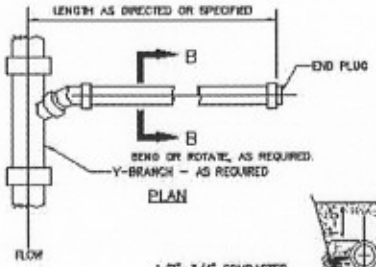

SECTION A-A

## TYPICAL HOUSE SERVICE CONNECTION & CHIMNEY DETAIL

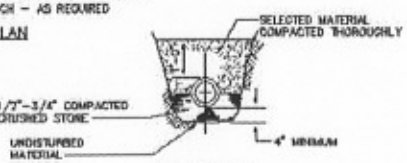
(FOR MAIN SEWER OVER 8'-0" DEEP)
NOT TO SCALE




SECTION



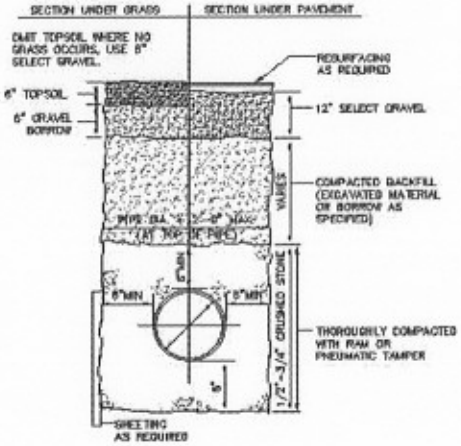

PLAN




SECTION B-B

## TYPICAL BUILDING CONNECTION

NOT TO SCALE




## TYPICAL SEWER TRENCH DETAIL

NOT TO SCALE

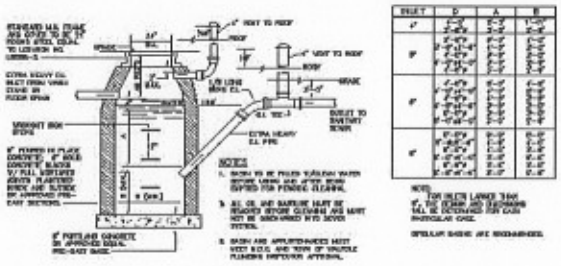
Note:
1) All details are subject to change without notice. Check with the Town of Westford prior to using these details for the most up to date revisions.

# TOWN OF WESTFORD, MASSACHUSETTS
# ENGINEERING DEPARTMENT
# PLAN SHOWING TYPICAL SEWERAGE CONSTRUCTION DETAILS

| REV. # | DATE | DESCRIPTION | BY |
|---|---|---|---|
| | | | |

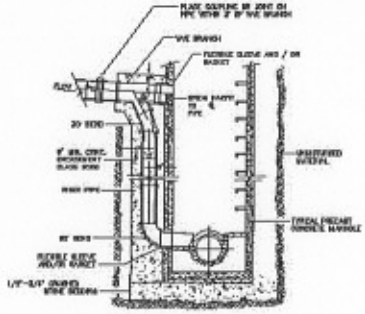
Town of Westford

Date: 10-16-03
Scale: AS SHOWN
Designed By:
Drawn By: JA/JKM
Checked By: JA



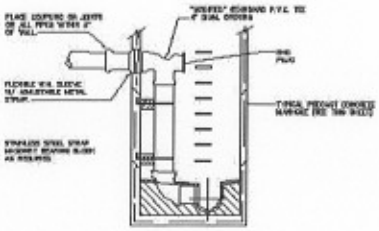
STANDARD M.D.C. CATCH BASIN & GASOLINE TRAP DETAILS

NOT TO SCALE



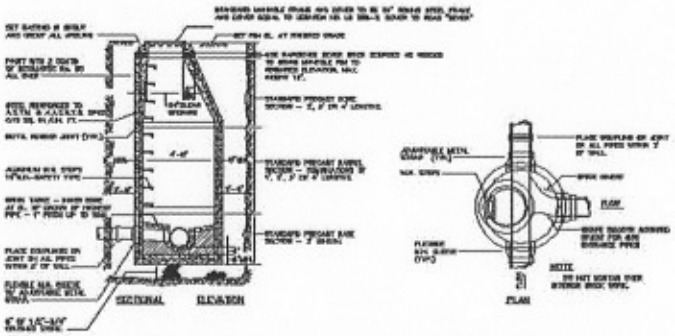
TYPICAL OUTSIDE DROP INLET MANHOLE DETAILS

NOT TO SCALE



TYPICAL INSIDE DROP INLET MANHOLE DETAILS

NOT TO SCALE



TYPICAL PRECAST CONCRETE SEWER MANHOLE DETAILS

NOT TO SCALE

FLAT TOP SECTION

NOT TO SCALE

Note:

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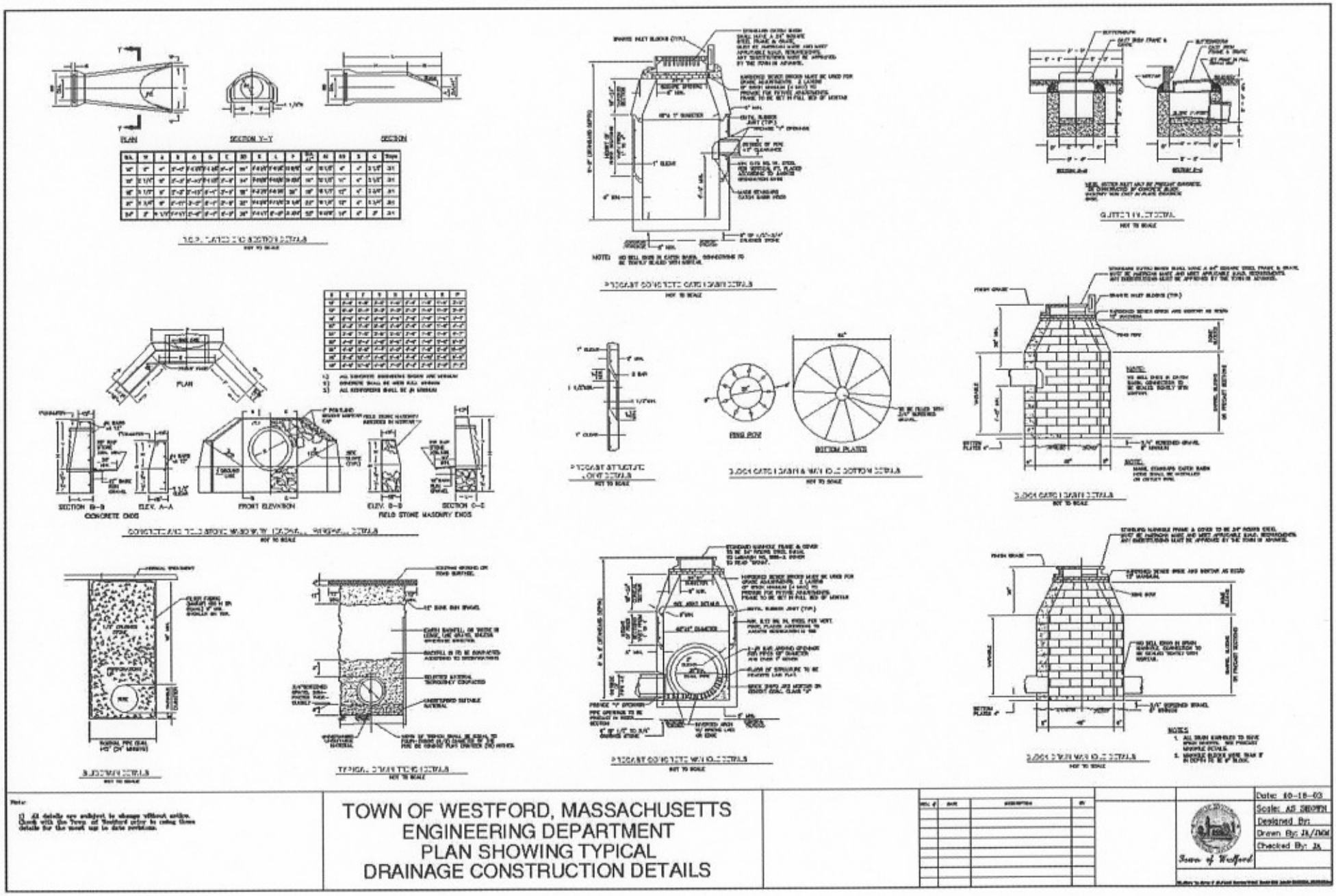
TOWN OF WESTFORD, MASSACHUSETTS
ENGINEERING DEPARTMENT
PLAN SHOWING TYPICAL
SEWERAGE CONSTRUCTION DETAILS

| REV # | DATE | DESCRIPTION | BY |
|---|---|---|---|
| | | | |

Date: 10-16-06
Scale: AS SHOWN
Designed By:
Drawn By: JA/RGM
Checked By: JA




Note:

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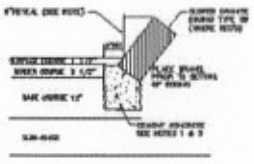
# TOWN OF WESTFORD, MASSACHUSETTS
## ENGINEERING DEPARTMENT
## PLAN SHOWING TYPICAL DRAINAGE CONSTRUCTION DETAILS

| No. | Date | Description | By |
|---|---|---|---|

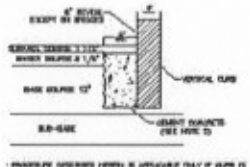
Town of Westford

Date: 10-18-03
Scale: AS SHOWN
Designed By:
Drawn By: JL/DKM
Checked By: JL



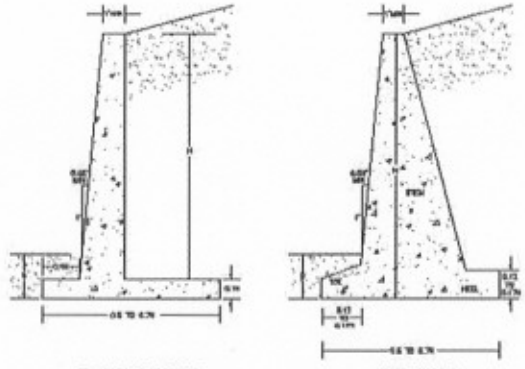
SLOPED GRANITE EDGING

(NO SCALE)



VERTICAL GRANITE EDGING

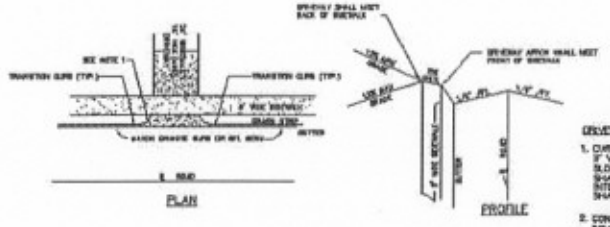
(NO SCALE)



CANTILEVER GRAVITY

MINIMUM PROPORTIONING FOR RETAINING WALLS

(NO SCALE)



PLAN

PROFILE

TYPICAL MINOR DRIVEWAY DETAIL

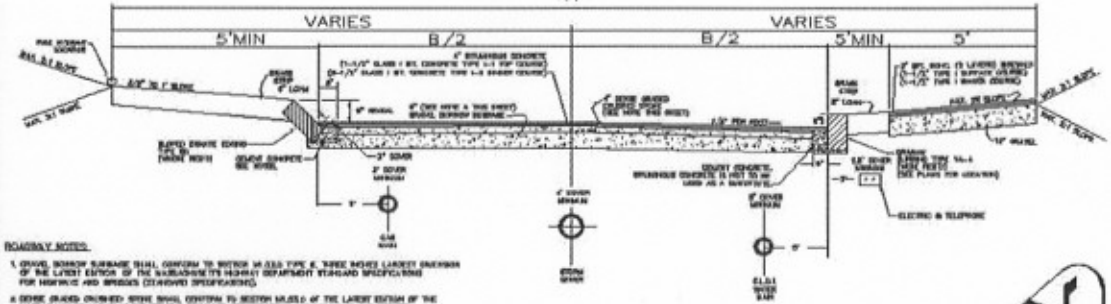
(NO SCALE)

DRIVEWAY NOTES:

1. CURB RETURN 2' RADIUS (TYP) 2' VERTICAL GRANITE USED. SLOPED GRANITE, WHEN USED, SHALL TERMINATE INTO INTO DRIVEWAYS, AVOIDING SHARP PROJECTIONS.
2. CONSTRUCTION DETAILS REMAIN THE SAME WHEN NO SIDEWALK IS TO BE CONSTRUCTED.
3. ALL DRIVEWAY APRONS TO BE PAVED WITH 2" BITUMINOUS CONCRETE

| VARIABLE | DESCRIPTION | SLOPED GRANITE | REGULAR GRANITE | MINOR | PRIVATE | CONCRETE |
|---|---|---|---|---|---|---|
| A | HEIGHT OF WALL WITH FOOTING | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| B | FOOTINGS WITH FOOTING | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |

A

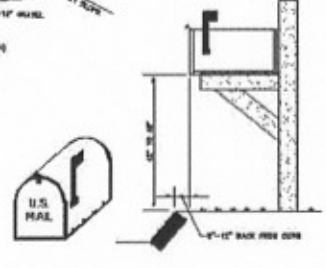



ROADWAY NOTES:

1. GRAVEL BORROW SUBBASE (M.I.L.), CONFORM TO SECTION M-1.03.0 TYPE B, THREE INCHES LARGEST DIMENSION OF THE LATEST EDITION OF THE MASSACHUSETTS HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES (STANDARD SPECIFICATIONS).
2. CRUSHED STONE (M.I.L.), CONFORM TO SECTION M1.03.0 OF THE LATEST EDITION OF THE MASSACHUSETTS HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES (STANDARD SPECIFICATIONS).
3. GRAVEL BORROW SUBBASE SHALL BE COMPACTED TO NOT LESS THAN 95 PERCENT OF MAXIMUM DRY DENSITY OF THE MATERIAL AS DETERMINED BY THE STANDARD AASHTO "ICT" DESCRIPTION PER COMPACTION TEST METHOD C AT OPTIMUM MOISTURE CONTENT AS DETERMINED BY THE ENGINEER.
4. "TAC COAT" AS SPECIFIED IN SECTION 916-16 OF THE STANDARD SPECIFICATIONS SHALL BE APPLIED BY "TAC TRUCK" BETWEEN ASPHALT LAYERS OR AS DETERMINED BY THE ENGINEER.
5. FIELD DENSITY INCLUDING NUCLEAR GAUGES, PROCTOR TESTING AND COMPACTION TESTING SHALL BE PERFORMED ONCE EVERY 140 FEET OF PAVED ROADWAY ALONG THE CENTERLINE OF THE ROADWAY OR AS DIRECTED BY THE ENGINEER.
6. SIDEWALK RAMPS MUST MEET CURRENT APPLICABLE ADA / AAB STANDARDS.

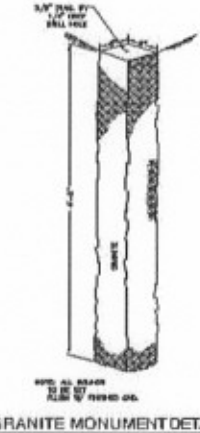
TYPICAL CROSS SECTION

(NO SCALE)




REPLACEMENT MAILBOX DETAIL

(NO SCALE)



GRANITE MONUMENT DETAIL

(NO SCALE)

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TOWN OF WESTFORD, MASSACHUSETTS
ENGINEERING DEPARTMENT
PLAN SHOWING TYPICAL
ROADWAY DETAILS

| REV. # | DATE | DESCRIPTION | BY |
|---|---|---|---|
| | | | |

Town of Westford

Date: 10-16-09
Scale: AS SHOWN
Designed By:
Drawn By: AA/ZMM
Checked By: JA

# TRAFFIC & PEDESTRIAN SAFETY MANUAL

# Basic Requirements

# for application submittal to

# The Planning Board, Town of Westford, MA

***NOTE***: The Town Clerk requires a copy of application & plans

## ANR PLAN (Form A)

- 12 Applications stamped by the Town Clerk
- 1 large copy (24 x 36)
- 1 Mylar copy
- 12 reduced copies (11 x 17)-1 for Town Clerk
- DWG computer diskette copy of the plan
- **Filing fees** - $200.00 per Lot
- Moving Interior Lot Line on an already approved plan $100.00 per lot

## SITE PLAN

- 12 Applications stamped by the Town Clerk
- 12 large copies (24 x 36)
- 12 reduced copies (11 x 17) –1 for Town Clerk
- If drainage calculations are submitted = 3 copies
- DWG computer diskette copy of the plan
- 3rd Party Billing Form
- List of abutters **certified** by Town Assessor
- **2 sets of mailing labels**
- **Filing fee***
- See attached
- Include check for postage x.74 per abutter*

****2 Separate Checks made payable to The Town of Westford***

## SPECIAL PERMIT

- 12 Applications stamped by the Town Clerk
- 12 large copies (24 x 36)
- 12 reduced copies (11 x 17)
- If drainage calculations are submitted = 3 copies
- 3rd Party Billing Form
- List of abutters **certified** by Town Assessor
- **2 sets of mailing labels**
- **Filing fee***
  See attached
- Include check for postage x.74 per abutter*

****2 Separate Checks made payable to The Town of Westford***

## PRELIMINARY SUBDIVISION (Form B)

- 12 Applications stamped by the Town Clerk
- 12 large copies (24 x 36)
- 12 reduced copies (11 x 17) –1 for Town Clerk
- DWG computer diskette copy of the plan
- 3rd Party Billing Form
- List of abutters **certified** by Town Assessor
- **2 sets of mailing labels**
- **Filing fee**
  Residential $600.00 per Lot (conventional or open space
  Nonresidential $6.00 per linear foot of roadway
- Include check for postage x.74 per abutter*

****2 Separate Checks made payable to The Town of Westford***

## DEFINITIVE SUBDIVISION (Form C)

- 12 Applications stamped by the Town Clerk
- 12 large copies (24 x 36)
- 12 reduced copies (11 x 17)
- DWG computer diskette copy of the plan
- 3rd Party Billing Form
- List of abutters **certified** by Town Assessor
- **2 sets of mailing labels**
- **Filing fee**
  Definitive Subdivision Plan $1900.00 Per Lot**
  Nonresidential-$19.00 per linear foot of roadway**
  Residential (Flexible Development/ Senior Residential Multifamily) $600.00 per unit
- Include check for postage x.74 per abutter*

****2 Separate Checks made payable to The Town of Westford***

** Less amount of filing fee paid during the preliminary subdivision plan stage