

TOWN OF HAMPDEN PLANNING BOARD

SUBDIVISION RULES AND REGULATIONS

Section 81-Q, Chapter 41 of the General Laws, provides that every Planning Board, established under Section 81-A, shall adopt and may, from time to time, amend reasonable rules and regulations not inconsistent with Sections 81-K to 81-GG inclusive, governing the submission and approval of plots of proposed subdivisions.

In accordance with the above, the Hampden Planning Board, after the required legal notification, held a Public Hearing October 25, 1995 at the Hampden Town House covering proposed amendments to the Subdivision Rules and Regulations of Hampden. Following this hearing, the Planning Board voted to adopt the Subdivision Rules and Regulations listed on the following pages under the heading:

Rules and Regulations
Governing the Subdivision of Land
Hampden, Massachusetts

These Subdivision Rules and Regulations replace in their entirety the Subdivision Rules and Regulations adopted March 27, 1968, amended April 21, 1993, amended April 11, 2001, amended February 27, 2008.

**RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND**

**(Adopted under the Subdivision Control Law)
Sections 81-K to 81-GG inclusive, Chapter 41, Mass. G. L.**

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RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
(ADOPTED UNDER THE SUBDIVISION CONTROL LAW)
SECTIONS 81-K TO 81-GG INCLUSIVE, CHAPTER 41, MASS. G. L.

1. PURPOSE (Section 81-M of Chapter 41, Mass. G. L.)

“The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to 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 power of the Planning Board and of a Board of Appeal under the Subdivision Control Law shall be exercised with due regard for the provision for 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 insuring the compliance with the applicable zoning and ordinances or bylaws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for co-ordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions.”

2. AUTHORITY

Under the authority vested in the Planning Board of the Town of Hampden by Section 81-Q of Chapter 41 of the General Laws, said board hereby amends those rules and regulations governing the subdivision of land in the Town of Hampden which took effect on the 24th day of January 1968. Such amended rules and regulations shall be effective on and after October 25, 1995.

3. GENERAL

3.1 DEFINITIONS

For the purposes of these regulations, the terms and words defined in the subdivision control law shall have the meaning given herein, unless a contrary intention clearly appears in these definitions. The following other terms and words are defined as follows:

Applicant:

Person applying for approval of plan hereunder, including owner, agent or assigns of the owner.

Bench Mark:

Mark made in durable object of known position and elevation as reference point.

Board:

The Planning Board of Hampden.

Certification/endorsement by the Planning Board:

As applied to an instrument required or authorized by the subdivision control law to be recorded, shall mean certification/endorsement signed by a majority of the members of the board, or any other person authorized by it to certify/endorse, and named by written statement to the register of deeds and recorder of the land court, signed by a majority of the board (Ch. 41, S. 81-L).

Easement:

A right in land acquired in public authority or other person to use or control property for a utility or other purpose.

Engineer or Surveyor:

Person registered by the Commonwealth of Massachusetts to perform professional civil engineering or land surveying services.

Lot:

Area of land in one ownership with definite boundaries used, or available for use, as the site of one or more buildings. Areas endorsed by the board upon a plan as "not available for building purposes" shall not be considered lots.

Recorded:

Recording in the registry of deeds for Hampden County and, where registered land is affected, filing with the recorder of the land court (Ch. 41, S. 81-L).

Sidewalk:

A way within the right of way of a street normally parallel to the street designed primarily for pedestrian use.

Subdivision:

Division of a tract of land into two or more lots, including resubdivision, provided that such division shall not be deemed to constitute a subdivision under the subdivision control law (M.G.L. Ch. 41, SS. 81K to 81GG) if at the time it is made, every lot within the tract has sufficient frontage on a public way, a way which the town clerk certifies as maintained and used as a public way, a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or a way in existence as of January 24, 1968 meeting the standards of the board as set out in §4.1.3. (For other provisions, see S. 81-L, Ch. 41 of the M.G.L.)

Utilities:

Private or municipal services to be furnished within the subdivision, including telephone, cable TV, electric light and power, gaslines, sanitary sewers, water drains, water pipes and appurtenances.

Way maintained and used as a Public Way:

For purpose of determining whether a proposed division of lots is a subdivision, a way shall be certified as used and maintained as a public way only if it meets the standards of §4.1.3.

Way in existence when Subdivision Control Law became effective in the Town:

For purposes of determining whether a proposed division of lots is a subdivision, a way in existence as of January 24, 1968 shall not be deemed adequate by the board except if it meets standards of §4.1.3.

Way and Public:

Any road which has been accepted as a public way pursuant to Mass. G.L., Ch 32, plus any way known as public before 1846, or any way established by court decree to be a public way by dedication, prescription or otherwise.

3.2 GENERAL REQUIREMENTS

1. Basic Requirement

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the town, proceed with the improvements or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a plan has been endorsed “PLANNING BOARD APPROVAL NOT REQUIRED”, or a definitive plan of such subdivision has been submitted to and approved by the Board.

2. Limitation of One Dwelling on any Lot

Not more than one building designed or available for use for human habitation 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, and such consent may be made 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. Effect of Prior Recording

The recording of a plan of subdivision within the town in the Registry of Deeds of Hampden County prior to the effective date of the Subdivision Control Law in the Town of Hampden shall not exempt the land within such subdivision from the application and operation of these Rules and Regulations except as specifically exempt by Section 81-FF, Ch. 41 of the M.G.L.

4. Waivers

As provided for under Chapter 41, Section 81-R, the board may waive strict compliance with any of these Rules and Regulations if it deems it in the public interest, and if written record is kept of such waivers and the reasons for them. Any and all waivers shall be endorsed on the plan or on a separate instrument filed with the plan.

4. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

4.1 PLANS NOT REQUIRING APPROVAL UNDER SUBDIVISION CONTROL LAW

1. Submission

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes his plan does not require approval under the Subdivision Control Law, may submit to the Town Clerk the following: three (3) complete sets of plans, a description of the land and Application Form A (see appendix) and application fee, accompanied by the necessary evidence to show that the plan does not require approval. Plans intended for review at a regular meeting of the Planning Board shall be forwarded to the Planning Board at least three days prior to the next scheduled meeting. The day of the next regular board meeting shall be considered to be the date of submission for all plans, except the date of mailing shall be the date of submission for Definitive Plans sent by certified mail (return receipt requested) to the Planning Board in care of the Town Clerk. For plans transmitted to the Planning Board other than at a regular Board meeting or other than through the Town Clerk, the date of submission shall be considered to be the day of the next regular Planning Board meeting after such transmittal. Plans shall in no case be considered "submitted" until all required documentation and fees have been received.

2. Contents

- a. Title boundaries, north point, date and scale;
- b. Locus Map showing location of subdivision with adjacent streets and landmarks clearly indicated;
- c. Name and address of record owner and engineer or surveyor, with appropriate certification of a registered land surveyor;
- d. Frontage and area of any remaining adjoining land owned by the applicant;
- e. Suitable space to record the action of the board and the signatures of the members of the Board;
- f. Sufficient data to determine existing lines of every street and way line to include both side lines of the streets and abutters on both sides of the street;
- g. House numbers shall be shown on each and every lot according to the practice of the Town of Hampden;
- h. Proposed lot boundaries, with areas of lots (shown in square feet if less than two acres) and lot frontage; and
- i. Evidence that each lot on the plan, or altered by it, meets one of the following four criteria:
 1. Has all the frontage required, under zoning, with sufficient and adequate access, on:
 - (a) a public way;
 - (b) a way which the town clerk certifies is maintained and used as a public way;
 - (c) a way shown on a plan theretofore approved, endorsed and registered in accordance with the Subdivision Control Law
 - (d) a private way in existence on January 24, 1968 having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon;

2. Has been clearly marked on the plan to be either; joined to or made a part of an adjacent lot, or “not available for building purposes” or
3. Contains a building which existed prior to January 24, 1968; or
4. Constitutes an existing parcel with no new lot divisions.

3. Standards Of Adequacy

a. In determining whether an existing way is adequate to qualify a plan as not constituting a subdivision, the Board shall consider the following standards, among others:

	Development Potentially Served	
	1-5 lots	5 or more lots
Minimum right of way	40 feet	50 feet
Gravel foundation (Min)	12 inches	12 inches
Surface type	3" bituminous concrete	3" bituminous concrete
Surface width minimum*	18 feet	26 feet
Sight distance minimum	75 feet	225 feet
Maximum grade	8%	8%

*Except for short intervals of not more than 200 feet each

b. The Board shall consider whether provisions been made for public utilities and drainage without cost to the town.

4. Board Action

If the Board determines that the plan does not require approval, it shall forthwith, without hearing and within 21 days of submission, endorse on the plan by a majority of the Board, or by a person authorized by the Board, the words “Planning Board approval under Subdivision Control Law not required”, or words of similar impact with appropriate name or names signed thereto. Such endorsement shall not be withheld unless such plan shows a subdivision. Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action in writing.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within 21 days of submission of said plan, give written notice of its determination to the Town Clerk and to the applicant. Said plan shall be returned to the applicant.

If the Board fails to act upon the plan, or fails to notify the Town Clerk and the applicant of its action within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Board, or in the case of the certificate, by the Town Clerk, to the applicant.

5. Administration

One print of the plan shall be retained in the files of the Planning Board and one print shall go to the Assessors.

4.2 PRELIMINARY PLAN

1. General

A PRELIMINARY PLAN of a subdivision may be submitted by the applicant to the Planning Board for discussion and approval. The submission of such a Preliminary Plan will enable the subdivider, the Board, and other municipal agencies to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case.

2. Submission

If such review and approval are desired, a properly executed Application Form B shall be filed with five (5) copies of the Preliminary Plan submitted to the Board. The Preliminary Plan shall be submitted by delivery at a regularly scheduled meeting of the Board, or by certified mail, return receipt requested, to the Board. If so mailed, the date of mailing shall be the date of submission of the Plan. In addition, written notice of such submission using Application Form B and filing fee shall be given by the applicant to the Town Clerk by delivery or by certified mail, postage prepaid. If notice is given by delivery, the Town Clerk shall, if requested, give a written receipt to the person who delivered such notice.

3. Contents

The PRELIMINARY PLAN shall be drawn on tracing paper 24" by 36" with pencil at a scale of 1" = 100', and five complete sets of plans shall be filed at the office of the Board. Said Preliminary Plan 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 shall include the following:

- a. Proposed subdivision name or identifying title, boundaries, north point, date, scale, legend and title "Preliminary Plan", and block for approval;
- b. Name and address of record owner or owners, applicant, engineer or surveyor or other designer of preliminary plan layout, with professional stamp, if any;
- c. Names of all abutters as they appear in most recent tax list, including names of owners of land separated from the subdivision only by a street;
- d. Existing or proposed lines of streets, sidewalks, ways, lots, easements and public or common areas within the subdivision in a general manner. NOTE: The boundaries of each lot and roadway shall be identified by stakes and/or flags so that preliminary surveys can be made;
- e. Easements and rights of ways appurtenant to the land;
- f. Locus map showing location of subdivision with adjacent streets and landmarks clearly indicated.
- g. Approximate boundary lines of all proposed lots or division of land with their approximate areas and dimensions. Lots to be numbered in sequence;
- h. Topography of the land in a general manner at contour intervals of 2' based on USGS data, including major features such as wooded areas, ditches, wetland water bodies, stone walls and fences;
- i. Proposed system of drainage, including the location of all swamp, marsh and lowland, water bodies, streams, open drains and ditches, natural or man-made, and flowage rights, public and private, adjacent to or within the proposed subdivision, in a general manner;
- j. Estimates of the grades of proposed streets and ways or profiles of the same;
- k. Statement of existing zoning and any easements, covenants or restrictions applying to the area proposed to be subdivided.

4. Action by Board

The Preliminary Plan will be studied by the board and within 45 days after submission, the board shall approve, approve with modifications suggested by the board, or agreed upon by the person submitting the plan, or disapprove the Preliminary Plan. A disapproval by the board will be accompanied by a detailed statement of reasons for the action.

Notice of its action must be given by the Board to the applicant and the Town Clerk within 45 days of the date of submission.

5. Relation of Preliminary Plan to Definitive Plan

Approval of a preliminary plan does not constitute approval of a subdivision, and a preliminary plan cannot be recorded in the registry of deeds. If a definitive plan is duly submitted within seven months from the date of submission of the preliminary plan, and if the definitive plan is duly approved by the Board, the Subdivision Rules and Regulations in effect at the time of submission of the preliminary plan shall govern approval of the definitive plan.

4.3 DEFINITIVE PLAN

1. Application Procedure

a. Any person who submits a DEFINITIVE PLAN of a subdivision to the Planning Board for approval shall file, either with the Town Clerk by delivery or certified mail, or with the Board at a regular scheduled meeting, the following:

1. An original (mylar) drawing of the definitive plan and seven (7) complete sets of plans thereof, dark line on white background. Original drawing to be submitted at time of final endorsement;

2. A properly executed Application Form C (see appendix);

3. A list of names of all the abutters as they appear on the most recent local tax list, including property owners on the opposite side of any streets abutting the subdivision;

4. Three (3) copies of the Street Plans and profiles.

5. Filing fee in full per schedule in Section 7.2.

b. Submit to the Board of Health;

1. One (1) copy of the Definitive Plan;

2. Applicant shall supply Board with proof that plan was received by the Board of Health and the date that it was received.

The application will be reviewed at the first regular scheduled meeting by the Board. Any missing parts to the application, such as an incomplete Definitive Plan as defined in Section 4.3.2, may be cause for disapproval.

2. Contents

The Definitive Plan shall be prepared and stamped by a registered engineer and registered land surveyor. The Plan shall be at a scale of one inch equals forty (40) feet, or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall not exceed 24" x 36". If multiple sheets are used, they shall be accompanied by a index sheet showing the entire subdivision. The Definitive Plan shall contain the following information;

a. Subdivision name, boundaries, north point, legend, date and scale;

b. Name and address of record owner and of subdivider, stamp and signature of registered land surveyor and any other professionals engaged in the design, in each case certifying that elements of the plan for which they are responsible have been prepared in accordance with these regulations;

c. Location and names of all the abutters as they appear on the most recent tax list, including property owners on the opposite side of any streets abutting the subdivision;

- d. Existing and proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board;
- e. Sufficient data to determine the location, direction and length of every way and street line, lot line and boundary line, and to establish these lines on the ground;
- f. Location of all permanent monuments properly identified as to whether existing or proposed;
- g. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision;
- h. The frontage of each lot in feet and the area of each lot in square-feet;
- i. Lot numbers shown enclosed in a circle and street numbers enclosed in a square;
- j. Existing and proposed watercourses and ponds;
- k. Reference identifying applicable Street Plans and Profiles, covenants, or other relevant documents, whether recorded or not;
- l. At five-foot intervals, existing topography and topography resulting from development of streets, drainage, and other required improvements;
- m. Existing and proposed drainage including drainage areas inside the subdivision, areas outside the subdivision which drain into it, and the route, for existing and proposed drainage discharging from the subdivision, to the primary receiving water course or other body of water. Cross sections of each drainage ditch or pond shall be included; If surface water drains will discharge onto adjacent existing streets, or onto adjacent properties not owned by the applicant, the applicant shall clearly indicate what course the discharge will take, and shall present to the Board evidence from his engineer that such discharge is satisfactory;
- n. Proposed layout of water supply: size and location of existing and proposed water supply mains and their appurtenances and hydrants: Storm drains and their appurtenances, and easements pertinent thereto, and curb and curb dimensions;
- o. Suitable space for endorsement by the Planning Board, with spaces for annotating date of approval and date of endorsement;
- p. Location of base flood elevation if encountered within 100' of the subdivision.
- q. The building envelope for each lot shall be shown, taking into account all prior and proposed easements.

3. Street Plans And Profiles

For each street there shall be a separate plan at 1" = 40', and profile at 1" = 40' horizontal, 1" - 4' vertical, elevation referenced to the town datum, showing the following data - one copy of this shall be submitted to the Town Highway Department.

- a. The plan shall show bearings and distances, radii and arcs, central angle and tangent distances on all curves with stationing on the center line;
- b. The profile shall show the existing ground on the center line in a solid black line, the existing right side in a short dash line, and the existing left side in a long dash line, the proposed grade shall be shown in a heavy black line with the elevation shown at each 50 foot station, with the rate of grade indicated;
- c. The grade of all streets intersecting the proposed streets shall be shown for a least 100 feet each side of the intersection of the street center line;
- d. The proposed drainage, catch basins, manholes, pipes and any other drainage facilities shall be shown on both plan and profile;

- e. Existing and proposed sidewalks, bikeways and walkways shall be shown with widths and grade elevations;
- f. All plans and profiles shall include a notation on each drawing that the same is one of an indicated total number of sheets;
- g. Such additional information as the Board may deem necessary.

4. Accompanying Statements And Data

The Definitive Plan shall be accompanied by six (6) copies of written statements on:

- a. Existing zoning and any easements, covenants, and restrictions applying to the area proposed to be subdivided;
- b. Data and proposed arrangements for water supply, sewerage and sewage disposal including all appurtenances as required by the Board of Health;
- c. Drainage calculations prepared by the applicant's certified engineer, including design criteria, drainage area and other information sufficient for the Board to verify the size of any proposed drain, swale, drainfield, culvert, bridge or catch basin. Said calculations shall be made separately for each drainage facility showing its location, the total upstream drainage area, the percentage of impervious surfaces, the run off per acre, the design run-off, facility size, slope and capacity, and the velocity of water through it. See Section 5.5 Street Drainage for additional details.
- d. Logs of results of all test pits made;
- e. The environmental impact of the proposed subdivision to be described according to item 4.3.5.

5. Environmental Impact Statement

The applicant shall submit six (6) copies of an environmental impact study, the purpose of which is to enable the officials of the Town to determine what methods are to be used by the applicant to promote the environmental health of the community and to minimize adverse effects on the natural resources of the Town. This statement will also address the economic impact resulting to the Town as the result of the development, as well as its effects on Town demographics and traffic during and after construction. The statement shall be a technical document with references for all statements whenever possible.

In reviewing the statement, the Town boards, department heads and other officials will consider the degree to which water is recycled back into the ground, the maintenance and improvement of the flow and quality of surface waters, historic sites, unique geological, botanical, zoological, and archaeological features, existing or potential trails and accesses to open space area, impact on local traffic & adjacent streets, proposed land management, and the health and safety of the inhabitants of the area.

The Planning Board may waive any section or sections of the Environmental Impact Statement which it deems inapplicable to the proposed project. The developer/subdivider should discuss the requirements with the Board prior to the preparation of the statement and prior to the submission of the Definitive Plan.

If blasting is required for constructions of ways, then complete information concerning the proposed blasting must be submitted to the Planning Board for review by either Town Engineer or other qualified consultant. Any costs incurred in this review will be borne by the developer.

The Environmental Impact Statement shall contain the following:

- a. Physical Environment:
 - 1. Description of the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, scenic and historical features, stone walls, trees over 16 inches in diameter, trails and open space links and indigenous wildlife;

2. Description of how the project will affect these features;
3. A complete physical description of the project and its relationship to the surrounding area.
 - b. Surface Water and Soils:
 1. Description of the location, extent and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project;
 2. Description of the methods to be used during construction to control erosion and sedimentation; i.e.. use of sediment basins and type of mulching, matting or temporary vegetation; description of approximate size and location of land to be cleared at any given time and length of time of exposure; covering of soil stockpiles and other control methods to be used;
 3. Evaluation of the effectiveness of the proposed methods on the site and on the surrounding areas;
 4. Description of the permanent methods to be used to control erosion and sedimentation. This description shall include a description of:
 - (a) Any areas subject to flooding or ponding;
 - (b) Proposed surface drainage system, per Section 5.5;
 - (c) Proposed land grading and permanent vegetation cover;
 - (d) Methods to be used to protect existing vegetation;
 - (e) The relationship of the development to the topography;
 - (f) Any proposed alterations of shore lines, marshes or seasonal wet areas;
 - (g) Any existing or proposed flood control or wetland easements;
 - (h) Estimated increase of peak run-off caused by altered surface conditions and methods to be used to return water to the soils.
 5. Complete description of the sewage disposal methods.
 6. Evaluation of the impact of the disposal methods on surface water, soils and vegetation.
 - c. Sub-Surface Conditions:
 1. Description of any limitations on the proposed project caused by sub-surface soil and water conditions and methods to be used to overcome them;
 2. Description of the procedure and findings of percolation tests conducted on the site;
 3. Evaluation of the impact of sewage disposal methods on the quality of sub-surface water.
 - d. General Impact:
- On Town Services:
 1. Description of estimated traffic flow at peak periods and proposed circulation patterns, both within the proposed subdivision and any adjacent roadways with access;
 2. Description of the locations and numbers of vehicles accommodated in parking areas;
 3. Description of the effect of the project on police and fire Protection services;
 4. Description of the effect of the project on the public works department services;
 5. Description of the effect of the project on educational services;
 6. Description of the effect of the project on the local water supply.
- On the Human Environment:
 1. Tabulation of the proposed buildings by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, parking and other paved vehicular areas, and usable open land;
 2. Description of the type of construction, building materials used, location of common areas, location and type of service facility i.e. laundry, trash, garbage disposal);
 3. Description of the lighting, screening and security provisions;
 4. Statement of the proximity to transportation, shopping and educational facilities;

5. Description of the proposed recreational facilities, including active and passive types, and age groups participating and a statement of the extent to which recreational facilities and open space will be available to all Hampden residents.

6. Review Procedures - Board of Health

The Board of Health shall, within 45 days of filing, report to the Planning Board in writing with signatures of a majority of its members its approval or disapproval of the plan, as required by Ch. 41, S. 81-U, M.G.L. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plans cannot be used for building sites without injury to the public health, and include such specific findings and the reason therefore in such report, and where possible, shall make recommendations for the adjustment thereof. Approval of the plan by the Planning Board shall then only be given provided that the applicant documents having reviewed his plan with the Board of Health, and only on condition that the lots or land as to which specific findings were made shall not be built upon without prior consent of the Board of Health. The Board shall endorse the plan the lots or land which said conditions apply. In the event approval by the Board of Health is by failure to make a report within 45 days, the Planning Board shall note on the plan that Board of Health approval is by failure to report.

7. Action by the Planning Board

a. Public Hearing

Before approval of the definitive plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Hampden in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing. A copy of such notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision, including those on the opposite side of the street, as appearing in the most recent tax list.

b. Decision

After the public hearing and within 90 days of submission of the definitive plan the Planning Board shall approve, modify and approve, or disapprove the definitive subdivision plan submitted. Criteria for action by the Board shall be the following:

1. Completeness and technical adequacy of all submissions;
2. Conformity with all applicable zoning requirements;
3. Consistency with the purposes of the Subdivision Control Law;
4. Conformity with the Board's design and construction standards;
5. Conformance with the recommendations of other boards as may be required, i.e.; Conservation Commission, Board of Health, etc.

Following such action, the Board shall file a certificate of its action with the Town Clerk, and shall send notice of its action by certified mail, return receipt requested, to the applicant at his address stated in the application.

8. Performance Guarantee

Final approval, if granted shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board, but not until the statutory twenty day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town

Clerk, and said clerk has notified the Board that no appeal has been filed. Before the Board endorses its approval on the plan, the applicant shall provide assurances as set out below:

a. Final approval with bonds or surety. The applicant shall either file a surety company performance bond or a deposit of money, or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements as shown on the Definitive Plan, and as specified in the Rules and Regulations. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer, and shall be contingent on the completion of such improvements within two years of the date of the bond. At the discretion of the Board, a time extension may be granted for a period not to exceed one year; provided that such an extension may be conditioned upon an increase in the amount of such bond or security as determined by the Board; further one year extensions may be granted at the Board's discretion.

b. Final approval with covenant. Alternatively, the owner may execute an appropriate covenant which shall be recorded with the subdivision plan, stipulating that no lot of land shown on the plan shall be sold, or buildings or other structures erected or placed on, or application for building permit made with respect to, any such lot until:

1. The streets shown on the subdivision plan and the streets and any sidewalks, bikeways or walkways & footpaths required by the Board shown on the plans and profiles have been brought to subgrade throughout in accordance with the requirements of these Rules and Regulations, including the installation of required catch basins, culverts and other drainage facilities;

2. A bond or surety to allow for the finish grade and completion of all roadways and all other requirements of the Board;

3. The subdivision plan, bearing the Board's signed endorsement thereon, and a signed copy of such agreement have been recorded in the Registry of Deeds or with the Recorder of the Land Court;

4. The approval shall be contingent on the completion of such improvements within two years of the date of the covenant. At the discretion of the Board, a time extension may be granted for a period not to exceed one year; further one year extensions may also be granted at the discretion of the Board.

c. Nothing in this section shall be construed as a limitation on the authority of the Board to condition its approval of any plan upon the satisfaction of additional conditions, which shall be endorsed on the plan or in a separate document to be recorded.

d. Following plan approval, endorsement, and recording, the applicant shall provide the board with two prints of the Definitive Plan, Street Plan and Profile and one copy of final covenants and restrictions, noting Book and Page number and date of recording for each.

9. Release of Performance Guarantee

a. Upon completion of improvements required by this regulation, the subdivider may request either partial or full release of his bond, deposit or covenant, by sending a statement of completion and request for release by certified mail, return receipt requested, to the Planning Board and to the Town Clerk. Release will be granted only following written approval by the Planning Board and any other town officials concerned with work performed. Copies of release from covenants or agreements regarding building or use and occupancy permits, shall be sent by the Planning Board to the Building Inspector, the Town Clerk and the Subdivider; However, ten percent (10%) of the value of the bond shall be held by the Town after completion of construction for one (1) year or until the streets are accepted by the Town, whichever comes first. Prior to releasing the Town's interest in a performance bond or deposit or covenant, the

Planning Board shall receive from the applicant the following written statements of approval; or twenty-one (21) days shall elapse after the request for said approval without action:

From the Superintendent of Streets and Planning Board Consulting Engineer as to construction of all ways and sidewalks, installation of monuments, street signs, lights, gutters and curbs, required grading and drainage.

From the Board of Health as to the installation of septic facilities and water facilities.

b. **PARTIAL RELEASE.** The Board may grant partial release from such security for partial completion of improvements, provided that the completed portion provides a reasonable system for circulation and utilities pending completion of the rest, and provided that appropriate arrangements have been made for later disposition of such interim facilities as temporary turnarounds;

c. **SECURITY.** The Board may release the applicant from the covenant upon receipt of an agreement executed by the applicant and by the holder of the first mortgage on the premises providing for retention of funds and their availability to the Town upon default (see Ch. 41 S. 81-U, M. G. L.).

d. **REFUSAL OR RELEASE.** If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by certified mail, return receipt requested, to the applicant and to the Town Clerk the details wherein said construction and installation fails to comply with the requirements of this regulation. The Board shall then initiate action to claim the surety. Failure of the Board to notify the applicant within 45 days after receipt by the Town Clerk of a request for release shall terminate all obligations under a bond, and any deposit shall be returned and any covenant shall become void. The Town Clerk shall issue a certificate releasing all interests should the board fail to act within such forty-five days;

e. **RECISION.** Failure of the developer to comply with the construction schedule incorporated into the performance agreement, or to comply with the Subdivision Rules and Regulations, or any unauthorized departure from any agreements made or plans submitted and approved, shall constitute reason for the Planning Board to consider recision of such approval, in accordance with the requirements and procedures of Ch. 41, S. 81-W, M.G.L.

10. As-built Plans

a. Upon completion of construction, and before release of the performance guarantee, the subdivider shall have prepared and submitted AS-BUILT PLANS at the same scale as the street plans, which shall indicate the actual location of all of the following:

1. Street lines;
2. Traveled way edges;
3. Path locations;
4. Permanent monuments;
5. Location and inverts of the required utilities and drainage;
6. Locations of any other underground utilities, such as electricity, telephone lines, and street lighting.

b. The accuracy of such as-built plans shall be certified by a Registered Land Surveyor or Registered Professional Engineer retained by the subdivider.

c. Approval by the Board of a definitive subdivision plan shall not constitute the laying out or acceptance of by the Town of any streets, bikeways, or footpaths within a subdivision.

11. Invalidation of Definitive Plan

If a subdivision with an approved Definitive Plan shows no substantial improvement within two years of the Definitive Approval date, or if adequate surety is not established within 90 days of

the Definitive Approval date, the Definitive and Preliminary Plans shall be invalidated.
Reapplication will be required.

5. DESIGN STANDARDS

All standards in these regulations shall be considered minimum standards, and may be varied from or waived where the Board considers that alternate conditions will serve substantially the same objective. A written explanation of all waivers shall be maintained in the files with the reasons therefore.

5.1 STREETS

1. Location and Alignment

a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the following features:

1. Volume of cut and fill;
2. Area over which existing vegetation will be disturbed, especially if within 200 feet of a river, wetland or waterbody, or in areas having a slope of more than 15%;
3. Number of trees removed having a diameter over six inches (6");
4. Extent of waterways altered or relocated;
5. Dimensions of paved areas (including streets) except as necessary to safety and convenience, especially in aquifer/recharge areas;
6. Use of collector streets to avoid traffic on streets providing house frontages;
7. Visual prominence of natural features of the landscape;
8. Maintenance within the subdivision of runoff and vegetative cover equivalent to conditions before development.

b. The proposed streets shall conform to a Master Plan as adopted by the Board.

c. Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet developed.

d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.

e. Access to Arterial Street. Intersections of collector and residential streets with arterial streets will not normally be allowed at intervals of less than 450 feet. Subdivisions of 50 or more lots will be required to have more than one access to an existing arterial street which is built in conjunction with the proposed subdivision.

f. Street Jogs. Street jogs in arterial and collector streets with centerline offsets of less than 500 feet shall not be allowed. Street jogs in residential streets with centerline offsets of less than 125 feet should be avoided.

g. A tangent at least one hundred feet (100') in length shall separate all reverse curves on major and secondary streets except where at least one radius is five hundred feet (500') or more.

h. The minimum centerline radii of curved streets shall be 100 feet for lanes and secondary streets. 150 feet shall be required for collector streets.

i. 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.

j. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 25 feet.

k. Visibility from the centerline of the street shall never be less than seventy-five feet (75').

l. Access through another municipality: In case access to a subdivision crosses land in another municipality, the Board may require certification by the appropriate officials that such

access is in accordance with the zoning and subdivision requirements of such municipality, and that a legally adequate performance bond has been duly posted, and that such access is adequately improved to handle prospective traffic.

m. Access from Public Ways - All streets and/or common driveways in a subdivision wholly or partially within the Town of Hampden must be able to be reached directly (without leaving the Town of Hampden) from a public way or ways in the Town of Hampden.

2. Width

a. The minimum width for two-way, paved residential streets shall be as follows:

STREETS	STREET PAVEMENT WIDTH	RIGHT OF WAY WIDTH
Minor Roads and Streets	26 feet	40 feet
Secondary Collector	28 feet	50 feet
Primary Collector	36 feet	60 feet
Arterial	as per state highway department design standards	as per state highway department design standards

b. Greater width shall be required by the Board when deemed necessary for present and future vehicular travel.

c. The minimum width may be reduced if approved by the Town Planning Board for the following reasons:

1. The minimum one-way width for each direction of a paired system shall be 24 feet. The minimum width for a one-way loop street shall be 24 feet.

2. Reductions which are part of an overall drainage plan to reduce the impervious surfaces in the subdivision and reduce runoff from the parcel, shall be permitted if plans for safety, parking, pedestrian circulation and other factors are deemed adequate by the Planning Board to accommodate the requested reductions.

3. Grade

a. Grades of streets shall be not less than 0.5%. Grades shall not be more than 6% for primary collector streets, nor more than 8% for secondary collector streets, minor roads or streets.

b. Where the grade of any street at the approach to an intersection exceeds three percent (3.0%) a leveling area shall be provided having not greater than three percent (3.0%) grades for a distance of fifty (50) feet measured from the nearest right of way line of the intersecting street.

4.

Dead-end Streets

For the purpose of these subdivision rules and regulations, a dead-end street is defined as any street or system of streets which has only a single point of access to an existing street system with two or more points of access. Any such street or system of streets shall be considered a dead end regardless of size or internal circulation patterns. Any proposed street which intersects solely with a dead-end street shall be deemed to be an extension of the dead-end street.

Dead-end streets shall not exceed a length of fifteen hundred feet (1500'), unless, in the opinion of the Board, a greater length is desirable due to topography or other local conditions, and shall have a turnaround area or back up area, paved as required for streets, at the closed end.

5. Cul-de-sacs

The minimum radius for a circular turnaround shall be 75 feet for the exterior line of a street and 50 feet for paving area. No islands shall be permitted.

6. Access Streets

Each subdivision shall be provided with more than one street for access and exit unless in the opinion of the Planning Board the area contained in the subdivision and/or the topography of the land would not allow for more than one access and exit street.

7.

Adequate access from a Public Way

When the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width at least as great as that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all cost of any such widening or construction shall be borne by the applicant.

5.2 EASEMENTS

1. Easements for utilities across lots or centered on rear side lot lines shall be provided where necessary, and shall be at least 20 feet wide;

2. Where a subdivision is traversed by a water course, drainage way, channel or stream the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes. In no case shall the width be less than 20 feet, or the side slope be steeper than two horizontal, or one vertical.

3. Access easements or parcels to adjacent property shall be provided, if required by the Board, for use by emergency vehicles and for the benefit of the Town. They shall be a minimum width of 20 feet. Bikeways or walkways may satisfy this requirement.

4. Slopes adjacent to roadways, natural or man-made, may be placed within easements on individual properties rather than acquired as rights-of-way.

5. Lots shall be prepared and graded consistent with drainage into the subdivision, and in such manner that development of one shall not cause detrimental drainage on another or on areas outside the subdivision, to the extent permitted by law. If provisions is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of a minimum width of 20 feet and proper slope shall be provided.

5.3 PROTECTION OF NATURAL FEATURES

All natural features, such as trees, wooded areas, water courses, scenic points, historic spots shall be preserved as much as possible. Any clearance, backfilling, cutting, thinning or other disturbance to trees six (6) inches or over in diameter, measured four feet above finished ground level (dbh), located within the unpaved portions of the right-of-way, or other natural vegetation shall be prohibited unless deemed proper by the Board. Any such proposed clearance shall be

shown on the plan, and written reasons therefore may be required by the Board. Trees, wells or retaining walls should be installed when and as requested by the Board for suitable grading around trees.

5.4 SEDIMENT CONTROL

In order to reduce erosion accompanying the installation of ways, utilities and drainage, and the resultant pollution of streams, wetlands and natural drainage areas, the applicant shall submit a sediment control plan, including control methods such as berms, dikes, detention ponds, mulching and temporary sodding.

5.5 STREET DRAINAGE

1. Street drainage utilizing curbs and gutters shall be designed to keep the velocity of the flow of water in the gutter below levels which are hazardous to pedestrian safety.
2. Street drainage shall be installed to be fully operational at all phases of construction; catch basins, storm drains, culverts, etc., shall be installed to base coat height, then raised to final height when the top coat is applied.
3. Storm drains, culverts, and related facilities shall be designed to permit the unimpeded flow of all natural water courses, to ensure adequate drainage at all low points along streets, to control erosion, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area being drained. To the maximum extent feasible, storm water shall be recharged rather than piped to surface water.
4. New drainage systems shall be properly connected to any existing drains in adjacent streets or easements which may exist. Where no adequate drainage system exists, or where it is inadequate, it shall be the responsibility of the subdivider to extend his system outside the subdivision in a manner specified or approved by the Board to dispose properly of all the drainage from the proposed subdivision.
5. When the subdivision causes a requirement for drainage improvements outside its area, the subdivider shall be required to secure the necessary approvals and provide such improvements in the public interest.
6. Where the adjacent property is not subdivided, adequate provisions shall be made for the extension of the drainage system beyond the boundaries of the subdivision, and for it to carry the additional load that may be placed on the system. This shall be done by providing drains of adequate size and at proper slopes as specified by the Planning Board in order to permit their extension to the boundaries, and the proper connection of those of future subdivisions in the adjacent area.
7. Storm drains and culverts shall be a minimum of twelve inches inside diameter, and shall be greater when required by the Board. The proper drain size may be calculated by using "Manning's Formula" with a "Kutter's" "n" value of .013 for concrete pipe, and .024 for corrugated metal pipe.
8. All storm drains shall be reinforced concrete of adequate strength except that in off-street locations bituminous coated, galvanized, corrugated metal pipe or pipe arch may be used if approved by the Board. Concrete pipe shall conform to the State of Massachusetts' Standard Specifications for Highways and Bridges, as amended.

9. Water velocities in pipes and gutters shall be between two and ten feet per second, and not more than five feet per second on ground surfaces. All undeveloped tributary areas shall be assumed to be fully developed in accordance with the Zoning Bylaw.

Consideration will be given to flatter slopes if adequate provisions are made for cleaning the pipes. All plans having drains with slopes which will produce pipe velocities less than two feet per second, flowing full, shall be accompanied by a letter stating the reason for approval by the Planning Board or its agent, and the drain shall not be constructed until the letter has been approved.

10. Catch basins shall be installed on both sides of the roadway on continuous grades at intervals not to exceed 300 feet, at low points and sags in the roadway, near the corners of the roadway at intersecting streets, and at other such locations as required by the Board. Such catch basins shall be provided with granite headers with storm inlets. Drain pipes shall extend through a maximum of three catch basins and, thereafter, through manholes to the point of discharge, with a manhole being required at every change in direction, slope or diameter in the drain pipes. All catch basins, except for the first three, shall discharge into the drain through a manhole.

Any catch basins and manholes used shall be at least six feet deep and four feet diameter (inside measurements), with a thirty inch or greater sump below pipe invert, and shall be constructed of concrete blocks or precast concrete units. Manhole covers and grates shall be in conformance with Massachusetts DPW Specifications, designed and placed so as to cause no hazard to bicycles.

11. Inlets shall have an adequate waterway opening to pass the design storm with not more than 0.2 feet of surcharge. Grates and frames shall be cast iron suitable for the loads which can occur either during the construction or afterward. Inlets shall be constructed either of brick and mortar with eight inch thick walls, precast segmental concrete blocks not less than six inch thick mortared in place, or of precast pipe sections. Inlets shall be set on a base of either poured concrete eight inches in thickness, or precast segmental base blocks not less than four inches in thickness. Inlets shall be used in off-street locations, and the grate frame shall be mortared in position with the top 0.2 feet below the grade of a grate if the quantity of runoff exceeds the capacity of a grate of reasonable size, as approved by the Planning Board or its agent. Inlets shall be 4.0 feet inside diameter below the corbelling, and shall not be used on drains greater than thirty inches in diameter. A shaped invert is not required, but the bottom of the inlet shall be finished at the same grade as the lowest pipe invert. At inlets where the outlet pipe is larger than the inlet pipe, the crown of the outlet pipe shall be at the same elevation or lower than the crown of the inlet pipe.

12. A design analysis shall be submitted with each definitive plan submitted for approval. The design analysis shall include at least the following information.

a. Storm Drainage System. The data shall include consideration of the entire watershed, and the calculations used in designing the drainage system including area calculations, intensity of rainfall, coefficient of runoff, time of concentration, discharge, pipe coefficients of roughness and quantity and velocity of flow under design conditions. Design sketches showing the hydraulic gradient and the energy gradient for each run of sewer pipe shall be included;

b. Storm sewers and retention basins shall be based on a twenty-year frequency storm, and culverts shall be based on a fifty-year frequency storm, with consideration given to damage avoidance for a one hundred-year storm.

c. Any areas designed as drainage areas be tested for adequate percolation.

13. Grades used in Detention Basins and Retention Basins shall not exceed 3:1.

14. All drainage systems shall be completely flushed and inspected within a 60 day period prior to acceptance.

5.6 CURBING

1. Curbing shall be installed as required by the Planning Board, and may consist of granite, bituminous concrete, portland cement or other materials, depending upon factors of safety, convenience and cost.
2. Curbs and gutters will be required when they are:
 - a. Necessary to handle run-off for the section of the roadway to which they are applied;
 - b. Necessary for the maintenance of the pavement and the prevention of pavement edge reveling;
 - c. Necessary for safety;
 - d. Curb and gutter may be eliminated along certain roadways when drainage is provided in swales which designed to reduce the rate of run-off, restore and/or supply needed water to vegetation in the street right-of-way.

5.7 UTILITIES AND MUNICIPAL SERVICES

1. Where adjacent property is not subdivided, or where all the property of the applicant is not being subdivided at the same time, provisions shall be made for the extension of the utility system by continuing the utilities the full length of streets and to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date.
2. Water Supply
 - a. Rural Fire Hydrants. Compliance with the requirements of the Standard on Water Supplies for Suburban and Rural Firefighting, National Fire Protection Association, standard 1231, and the requirements of the Fire Department shall be satisfied. A subdivision containing eight (8) building lots or more or one which adds building lots to an existing subdivision resulting in a total exceeding eight (8) building lots will be required to include a thirty thousand (30,000) gallon capacity fire protection storage system. In cases where a suitable natural source, as determined by the Fire Department, exists within one thousand five hundred (1500) feet of the subdivision, this provision may be waived. (*amended PH 2/27/08*)
3. Street lighting shall be installed, as required by the Board, when requested by the Board of Selectmen.

5.8 PEDESTRIAN

1. Sidewalks, if required by the Planning Board, shall be placed parallel to the roadway(s) providing direct access to:
 - a. Commercial/retail facilities
 - b. Schools
 - c. Public recreational facilities
 - d. Elsewhere in accordance with the pedestrian circulation system as necessary.

2. Sidewalks may also be eliminated along one or both sides of the streets if the subdivision provides an alternative pedestrian circulation system. Ordinarily only one sidewalk will be required except on major collectors.
3. Pedestrian-vehicular separation shall be considered where possible. Design solutions that achieve this separation shall receive priority consideration. Planting strips shall be a minimum of two feet.
4. Walkways connecting existing trails should be created wherever reasonable, and developed in new locations.
5. Paths or sidewalks shall be located within the street right-of-way. However, horizontal alignment may be varied to minimize disturbance of land vegetation. If necessary a sidewalk easement shall be obtained when the sidewalk goes outside the minimum street right-of-way.
6. Sidewalks shall be pitched or sloped towards the roadway to maximize run-off of water.
7. Sidewalks shall have a minimum width of four feet.
8. Sidewalks shall have a maximum grade of 6% and a minimum cross-grade of 0.5%.
9. Sidewalks shall provide handicap access in accordance with all Federal and State guidelines, such as Massachusetts State DPW regulations.

5.9 LOTS

Lots, buildings and structures involved in subdivision shall comply with the Town Zoning bylaw then in effect as varied thereunder.

6. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

6.1 CONSTRUCTION GUIDES

1. All streets, street drains, catch basins, street signs and appurtenances thereto shall be installed without expense to the Town of Hampden;
2. All wells shall be located to prevent street drainage contamination;
3. As each construction operation is completed, approval of it must be obtained from the Board or its agent before work may be started on the succeeding operation or operations, according to a schedule of inspections to be promulgated by the Board for the subdivision. See Section 6.1.4;
4. All construction details, materials, methods and specifications shall conform to the current requirements of the "COMMONWEALTH OF MASSACHUSETTS, STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, BOSTON, MASSACHUSETTS" and shall be under the supervision of the Board or an agent designated by the Board.
5. All rolling on roadways shall be done with a roller of not less than ten (10) tons.
6. All right of way lines, all drain lines and all underground municipal services shall be laid out as to line and grade by a Registered Professional Engineer or Registered Land Surveyor.

6.2 ROADWAY CONSTRUCTION

1. Each street shall be constructed on the center line of the right-of-way unless otherwise authorized by the Board;
2. Clearing: The roadway shall be cleared of all obstruction of any kind for a distance equal to the sum of the specified width of the pavement plus the required shoulder and any sidewalk or swale on each side of the pavement. A greater width may be required at corners and on the inside of curves for visibility;
3. Preparation of the roadway:
 - a. All materials shall be removed for the full length and width of the roadway (pavement and shoulder) to a depth of at least fifteen (15) inches below the finished surface as shown on the profile plan; provided however, that if the soil is soft and spongy, or contains undesirable material, such as clay, sand pockets, tree stumps, stones over six (6) inches in diameter, or any other material detrimental to the subgrade, a deeper excavation below the subgrade shall be made, as directed by the Board or its designated agent.
 - b. At this point of preparation, all pipes shall be laid in accordance with appropriate specifications.
 - c. The excavated area below the subgrade shall be filled to subgrade with good, clean bank gravel or other well compacted material satisfactory to the board or its designated agent.
 - d. The entire roadway then shall be rolled, forming the subgrade with a 3/8" per foot crown.
4. Completion of roadways:
 - a. An inspection must be made of the subgrade by the Board or its designated agent before any foundation gravel is spread. All underground utilities, such as telephone and electricity, shall be installed prior to placing of roadway surfaces;
 - b. The gravel base shall be spread in two layers per SSH&B Section 401.60 - Gravel Subbase. Before the gravel is spread, the roadbed shall be shaped to a true surface conforming to the proposed crosssection of the road. The bottom eight (8) inch layer shall be spread and rolled

(minimum 10 ton roller) with a gravel meeting SSH&B M.1.03.0 type A (no stones over six (6) inches in diameter). The top four (4) inch layer shall be spread and rolled with a gravel meeting SSH&B M.1.03.0 type B (no stones over three (3) inches in diameter);

c. The roadway shall have a crown of 3/8" per foot and be paved with SSH&B Section 460 - class I bituminous pavement. The paving shall consist of a binder course (2-1/2" compacted measure on collector streets, 1-1/2" on other streets), followed by a finished course 1-1/2" compacted measure (minimum 10 ton roller). Prior to application of the top course, the roadway shall be swept, inspected by the Town, and a tack coat applied.

d. The top course shall not be applied within the same calendar year to allow for "wintering over" of the base course.

5. Shoulders: Roadways shall have shoulders with minimum widths as follows:

Collector - five (5) feet

Minor - five (5) feet

Lane - three (3) feet

Shoulders shall pitch at 3/8" per foot towards the curb or swale. This area shall have a nine (9) inch gravel foundation, and be loamed or other good topsoil conducive to the growing of grass, rolled and seeded with lawn grass seed.

6. Wall or slope support: Where the grade of a street or way is above or below the grade of the adjacent land, walls or slopes shall be constructed in conformity with the approval of the Board or its agent and, in any event sufficient in the opinion of the Board to support the way or adjacent land, as the case may be.

7. Guardrails may be required along ways that have slopes greater than 3:1

6.3 OTHER IMPROVEMENTS

1. Sidewalk construction shall have a foundation of eight (8) inches or more of compacted gravel. The pavement shall be four (4) inch poured-in-place reinforced concrete with 1/4 inch cross slope. (*Amended PH 2/27/08*)

2. The Tree Warden shall be involved with site planning. All public trees are under the jurisdiction of the Tree Warden and shall be integrated into the review signoff process. MGL CHAPTER 87, EST. 1899

a. Tree selection will be pre-approved and inspected by the Tree Warden. Trees shall be of a mixed variety of species and an average diameter (caliper) of two and one half (2-1/2) inches measured above trunk swell approximately six (6) inches from the ground.

b. The tree belt may include an area that extends into the property twenty (20) feet from the street right of way. Tree species and locations (every 100 feet and a minimum of one (1) tree per lot) shall be pre-approved by the Tree Warden.

c. Trees shall be planted in early spring unless the species tolerates fall planting. Necessary care should be given so that no damage occurs to branches or bark during planting.

d. Healthy existing trees shall be preserved where possible. All new trees must be well rooted nursery-grown stock free of injury, diseases, insects and have a sound and well-branched structure.

e. Trees shall have a pre-packaged (balled) root system.

f. All trees shall be planted in a minimum of one half (1/2) cubic yards of loam. The hole diameter will be two (2) feet larger than the ball and one (1) foot deeper than the planting height. All back-filling will be with good loam and all soil in bottom of hole will be packed before placing tree in the hole to prevent any settling after planting. Trees shall be planted at ground

level with a minimum of four (4) inches of mulch. There will be a trough at outer ball area for water retention. Trees shall be properly wrapped and guided in a manner to ensure their survival. Where high winds and uprooting is a problem, stakes and guide wires will be used and removed before final inspection.

g. There must be a thirty (30) foot free area around every tree wherever possible. Twenty percent of this 30 foot free area may have paving, utilities, drainage encroachment. Surface drainage must be directed away from the trees' root systems.

The Publication, Dept. of Public Works Standard Specifications for Highways and Bridges (1988 Edition Section 771, or revision), will be used to achieve a healthy tree product.

h. Shrubs, plantings, trees that would obscure visibility are not permitted within thirty (30) feet of the curbs adjacent to the corner lot.

i. The developer will be responsible for the maintenance and replacement of the trees that have died or become diseased.

j. Trees for the subdivision will be bonded and the trees must have survived one (1) year. The following November the bond may be released, or when the street is accepted by the Town.

k. The total result is to provide an aesthetic combination that is an enhancement to the subdivision.

3. In order that surface water from roadways shall not drain onto individual lots, driveway entrances shall be constructed so that they slope towards the roadway for a minimum distance of four (4) feet at not less than one (1) inch per foot.

4. Monuments:

a. Street lines shall have bounds placed at all angle points, at the beginning and end of all curves, and every 1000' feet on straight lines. Such bounds shall be of sound granite or concrete, not less than three (3) feet long and not less than five (5) inches square, with a dressed top and 1/2" drill hole;

b. Four major corners of each lot shall be marked with bounds. Where not coincident with the above, such bounds shall be sound granite, not less than three (3) feet long and not less than three (3) inches square, with 1/2' drill hole; any other permanent marker, such as steel survey marker may be substituted for sound granite at the rear of the lot.

c. Monuments shall be installed only after all construction which would disturb them is completed, and shall, in general, have their top a minimum of three (3) inches above final grade surface.

5. Street signs shall be provided by the developer and installed as directed by the Board and approved by the Highway Department. Street signs must be in place before any lot can be built upon.

6. The entire area must be cleaned up so as to leave a neat and orderly appearance free from debris and other objectionable materials and without unfilled holes or other artificially created hazards.

7. Fire protection water supply systems:

a. Systems required as part of a subdivision shall conform to applicable requirements of National Fire Protection Association (NFPA) Standard 1142 Water Supplies for Suburban and Rural Fire Fighting.

b. Systems shall be installed within the road right of way to the extent possible. In cases where location within the right of way is not possible, appropriate easements shall be provided and conveyed to the Town. In all cases, there will be adequate provisions in the design for access and maintenance throughout the year and in all weather conditions.

c. The system location and design shall be pre-approved by the Fire Department as part of the subdivision review procedure.

d. The performance of the system will be tested under the supervision of the Fire Department and approval of the completed system shall be communicated in writing to the Planning Board.

e. The system shall be bonded in an amount recommended by the Town Engineer to ensure replacement or repair of any failures of the system during the first year after the Road acceptance by the Town. (*Amended PH 2/27/08*)

7. ADMINISTRATION AND FEE SCHEDULE

7.1 INSPECTIONS

1. Purpose

All work performed as a consequence of these Rules and Regulations shall be subject to the review of the Board which shall approve and accept, or disapprove and reject, each phase or portion of such work, and at completion shall recommend the acceptance of all work or disapproval of the work with reasons therefore. The Board may employ a registered professional engineer to act as its agent in the inspection of the work to insure compliance with these Rules and Regulations, and to report to the Board his recommendations as to the approval or disapproval of the work. Such engineer will make certain inspections as prescribed herein in order to check the adequacy of the work at various stages, prior to such work being covered by subsequent work. However, the Board, its engineer, and such other persons as the Board may designate, shall have the right to inspect the work at any time. Inspections fees to be at the developers expense.

2. Access

The applicant will provide safe and convenient access to all parts of the subdivision, for the purposes of inspection, to representatives of the Board or other town agencies and boards.

3. Notification

a. After approval of the Definitive Plan, the Board will notify the applicant of the name and address of the engineer designated as its representative to perform the inspections as required herein, and otherwise act as the Board's agent to insure compliance with these Rules and Regulations. The applicant shall keep the engineer fully informed as to the status and progress of the work, and shall notify the engineer directly (by mail or in person by telephone) at least forty-eight hours in advance that the work has progressed to a stage that an inspection is required.

b. In the event that the engineer is unable after the work is ready to make such inspection or examination, the applicant shall notify the chairman of the Board to such effect, who will designate an alternate to make such inspection, and shall so notify the applicant.

c. In the event that the engineer makes an inspection of the work at the time designated and finds that such work is not at the proper stage of completion, or that the work has been covered or otherwise obscured, the engineer shall notify the applicant and the Board as to the additional steps the applicant shall take to complete the work to the point required, or to the extent the work shall be uncovered or exposed to full view. The applicant shall notify the engineer again when the work is ready as prescribed in a. and b. above.

d. The applicant shall notify all applicable town agencies and boards when prepared for other inspections not within the jurisdiction of the Planning Board. Such inspections shall include water line and sewer line tests and inspections.

4. A minimum deposit of \$1000.00 shall be made by the applicant into an account established by the Board for the purposes of paying for inspection services for all stages of subdivision review. The applicant shall be required to maintain sufficient funds, typically enough to reimburse two typical inspection vouchers. If the account is not funded by the applicant after a notice that additional funds are required has been given to the applicant by the Board, progress will stop on the Subdivision review. If the additional funds have not been deposited after 30 days have elapsed since notice was given, the approval shall be considered to be withdrawn and void.

5. Inspection Schedule

Inspection shall be for the following purposes:

INSPECTION	TIMING	PURPOSE
one	prepared site open trenches	correct materials proper site preparation
two	installed drains, water mains, sewer, and utilities, open trenches	correct installation
three	after compaction of roadway before paving	for correct placement of fill and compacting
four	after street construction	for correct construction of pavement, curb and sidewalk
five	after cleaning up	for installation of grass plots, trees, street signs, and cleaning up

7.2 APPLICATION FEES AND EXPENSES

1. Any application to the Planning Board for a plan of land Not Requiring Subdivision Approval shall require a filing fee of \$35.00.

Said filing fee shall be received prior to any action of the Planning Board.

2. Any application of a preliminary subdivision plan to the Planning Board shall be accompanied by a filing fee of \$50.00 plus \$5 for every lot in the subdivision. Said filing fee shall be received prior to any action of the Planning Board. (*Amended PH 2/27/08*)

3. Any application of a Definitive Subdivision plan to the Planning Board shall be accompanied by a filing fee based on the following:

If a preliminary plan has been submitted, the filing fee shall be \$200.00 plus \$35 for every lot in the subdivision.

If a preliminary plan has not been submitted, the filing fee shall be \$300.00 plus \$40 for every lot in the subdivision

In addition to the filing fee, the applicant shall pay the cost of legal advertising and notification of all abutters by regular mail. Said filing fee shall be received prior to any action of the Planning Board.

4. Any application for amendment or revisions to an approved subdivision plan shall be accompanied by a filing fee of \$50.00 per lot, for the number of lots affected by such revision or amendment as determined by the Planning Board. Said filing fee shall be received prior to any action of the Planning Board.

5. Engineering fees:

a. The Planning Board may specify engineering review of Preliminary and Definitive plans. Engineer to be specified by the Planning Board and fees to be borne by the developer as provided in Section 7.1.4.

b. Inspections - see section 7.1.

7.3 VARIATIONS

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Laws, as amended.

7.4 INVALIDATION BY STATE LAW

Any part of these Rules and Regulations subsequently invalidated by a new state law or modifications of an existing state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulation.

7.5 SEPARABILITY

If any section, paragraph, sentence, clause or provisions of these Rules and Regulations shall be adjudged not valid, the adjudication shall apply to the material so adjudged and the remainder of these Rules and Regulations shall be deemed to remain valid and effective.

7.6 AMENDMENTS

These Rules and Regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing, on its own motion or by petition.

7.7 REFERENCE

For matters not covered by these rules and regulations, reference is made to:

1. Sections 81-K through 81-GG, inclusive, and as amended, of Chapter 41 of the General Laws, and
2. The Building Code of the Town of Hampden, as amended, and
3. Chapters 21 and 131 of the General Laws, as amended, and
4. Latest edition of Standard Specifications for Highways, Bridges and Waterways of the Massachusetts Department of Public Works, as amended, and
5. Latest edition of the Massachusetts Department of Public Works Construction Manual, Construction Standards, Part III, as amended.

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and
one copy with the Town Clerk in accordance
with the requirements of Section 4.1.

Hampden, Massachusetts
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To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the Town of Hampden does not constitute a subdivision with the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

Name of Applicant:

Address:

Phone:

Name of Engineer or Surveyor

Address:

Deed of property recorded in Registry, Book Page

Location and description of Property:

Signature of owner:

Address:

Phone:

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

File one completed form with the Planning Board and
one copy with the Town Clerk in accordance
with the requirements of Section 4.2.

Hampden, Massachusetts
, 19

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Hampden 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 Hampden..

Name of Subdivider:

Address:

Phone:

Name of Engineer or Surveyor

Address:

Deed of property recorded in Registry, Book Page

Location and description of Property:

Signature of owner:

Address:

Phone:

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and
one copy with the Town Clerk in accordance
with the requirements of Section 4.3.

Hampden, Massachusetts
, 19

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Hampden 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 Hampden..

Name of Subdivider:

Address:

Phone:

Name of Engineer or Surveyor

Address:

Deed of property recorded in Registry, Book Page

Location and description of Property:

Projected date of completion of ways, public utilities, and other facilities:

Signature of owner:

Address:

Phone:

FORM D

INSPECTION FORM

Hampden, Massachusetts
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Name of Subdivision
Street

Item Inspected	Date of Inspection	Remarks	Approval	Signature of Inspecting Officer
Excavation				
Filling				
Compacting				
Completion of Pavement				
Grading of Grass Plots				
Placing of Curbs and Gutters				
Construction of Sidewalks				
Installation of Utilities				
Filling				
Tree Inspection				