

# AYER SUBDIVISION REGULATIONS

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## INTRODUCTION: HOW TO USE THESE SUBDIVISION REGULATIONS

- A. This introduction is intended to guide applicants through the subdivision application and review process and is non-regulatory in nature.
- B. **Section IV. General Provisions**, describes the Planning Board's authority to hire outside consultants to assist in review of subdivision applications, the process for requesting and voting on waivers from the strict application of these regulations, the policy on fees, burden of proof, professional licensing, and the policy on public ways.
- C. **Section V. Summary of Application Requirements**, describes the requirements for all applications that fall under these Regulations, including forms, signatures and plans.
- D. **Section VI. Procedures for the Submission and Approval of Plans**, goes into greater detail on application requirements, including narrative and special studies, for Approval Not Required (ANR) plans, Preliminary Subdivision plans and Definitive Subdivision Plans.
- E. **Section VII, Design Standards**, describes in detail the design standards for streets, requirements for access control and intersections, common driveways, drainage, water, sewer and other utilities, standards for easements, and other pertinent details.
- F. **Section IX. Inspections** describes the schedule and process of inspections during construction and post-construction.
- G. **Application Forms** for Approval Not Required (ANRs), Preliminary Subdivision Plans and Definitive Subdivision Plans are found in **Appendix A**.
- H. **Application Fees** are found in **Appendix B**.
- I. **Appendix C, Construction Standards for Required Improvements**, describes how construction of the improvements listed in Section VII, Design Standards, are to be built or implemented.

## NOTES

Where the plan submittal requirements as described in the Planning Board's Administrative Rules and Regulations differ from those within these Subdivision Regulations, the requirements of these Subdivision Regulations shall control. The Planning Board's Administrative Rules and Regulations will be amended soon to match the requirements of these Subdivision Regulations.

## **SECTION I: AUTHORITY AND ADMINISTRATION**

- A. These are the Subdivision Rules and Regulations of the Ayer Planning Board.
- B. These Rules and Regulations are adopted under authority of MGL c.41, sections 81K through 81GG.
- C. Any appendices to these Regulations are considered part of the Subdivision Regulations of the Town of Ayer.
- D. These subdivision regulations are administered by the Town of Ayer Planning Board. These regulations may be revised from time to time following Public Hearing held by the Ayer Planning Board.

## **SECTION II: PURPOSES**

- A. To assure that these Rules and Regulations are adopted for the purposes provided in the Massachusetts Subdivision Control Law, including but not limited to protecting the safety, convenience and welfare of the Town of Ayer and its inhabitants, and to avoid detrimental impacts to the quality of air and water, open space and natural resources, and cultural resources.
- B. To lay out ways in a manner that will ensure that there is adequate, safe and convenient vehicular access to all lots within the subdivision, and, further, to provide for access for all public maintenance and public safety purposes.
- C. To provide for, as applicable, adequate systems of water distribution; sanitary sewage; stormwater management; electrical, natural gas, telephone and internet utilities; and all other necessary infrastructure serving the subdivision, whether publicly or privately held.
- D. To assure that the convenience and welfare of the Town will be served by determining that the subdivision shall be consistent with the goals of the most recent update of the Ayer Master Plan, the Ayer Open Space and Recreation Plan, the Ayer Economic Development Plan, Capital Improvements Plan, and other applicable planning documents produced by the Town.

## **SECTION III: DEFINITIONS**

AASHTO GREEN BOOK: "American Association of State and Highway Transportation Officials, A Policy on Geometric Design of Highways and Streets", latest edition including all supplemental amendments.

ADA: Americans with Disabilities Act, latest edition including all supplemental amendments.

APPROVAL NOT REQUIRED (ANR): The process described in MGL c. 41, Sec. 81P by which a plan may be recorded after a determination by the Planning Board that approval under the Subdivision Control Law is not required.

AQUIFER: A geologic stratum containing groundwater that can be withdrawn and used for human purposes.

**BEST MANAGEMENT PRACTICES (BMPs):** Any activities, prohibitions, practices, procedures, programs, or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States, or best practices for the management of other subdivision impacts on the natural and built environment.

**BOARD:** The Planning Board of the Town of Ayer.

**BUFFER ZONE:** When not otherwise qualified, any required buffer around wetlands, perennial streams, wellhead protection areas, etc.

**BUILDING CODE:** The Massachusetts State Building Code.

**COMMON DRIVEWAY:** A driveway serving up to three (3) detached dwelling units or buildings.

**COMPLETE STREETS:** The planning, scoping, design, implementation, operation and maintenance of streets in order to reasonably address the safety and accessibility needs of users of all ages and abilities. Complete Streets consider the needs of motorists, pedestrians, transit users and vehicles, bicyclists, and commercial and emergency vehicles moving along and across streets in a manner that is sensitive to the local context.

**CONSERVATION RESTRICTION (CR):** A restriction and agreement in perpetuity for the protection of the common open space, in accordance with MGL c. 184, section 31. A CR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Conservation Services, the Ayer Conservation Commission, a conservation organization enabled to hold CRs or a land trust.

**DETENTION / DETENTION BASIN:** A facility that collects water from developed areas and releases it at a slower rate than it enters the collection system. The excess of inflow is temporarily stored in a pond or a vault and is typically released over a few hours or a few days.

**DPW, AYER:** The Department of Public Works of the Town of Ayer, through its Superintendent of Public Works and Town Engineer

**HOMEOWNERS ASSOCIATION:** A corporation or trust owned or to be owned by the owners of lots with the a tract approved for residential development, which holds title to the common open space and which is responsible for the costs and maintenance of said open space any other facilities to be held in common.

**IMPERVIOUS SURFACES:** a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.

**INFRASTRUCTURE:** The set of facilities constructed or improved by the applicant to provide access and all utilities to the proposed subdivision, including, but not limited to, roadways and all improvements thereto, walkways, sewage systems, water supply and distribution, electricity, telecommunications, telephone service, stormwater management, snow collection areas, and public bus and transit pickup areas (as applicable).

**ITE Handbook:** Institute of Traffic Engineers Handbook, latest edition including all supplemental amendments.

LOT: The term 'lot' shall mean an area of land in one ownership or effective control, with definite boundaries, used, or available for use, as the site of one or more buildings.

MAAB: Massachusetts Architectural Access Board Rules and Regulations (521 CMR), latest edition including all supplemental amendments.

MASSACHUSETTS (MASS) STATE PLANE: Massachusetts State Plane Coordinate System (North American Datum (NAD 83) of 1983), with the units being United States Survey Foot.

MassDEP: Massachusetts Department of Environmental Protection

MassDPH: Massachusetts Department of Public Health

MassDOT: Massachusetts Department of Transportation

MassDOT Construction Standard Details: MassDOT Construction Standard Details, latest edition including all supplemental amendments.

MassDOT PD&DG: MassDOT Project Development and Design Guide, latest edition including all supplemental amendments.

MassDOT SSHB: MassDOT Standard Specifications for Highways and Bridges, latest edition including all supplemental amendments.

MS4: Municipal separate storm sewer systems. The regulatory requirements vary depending on the size of the system, small, medium, or large.

MUTCD: Manual on Uniform Traffic Control Devices, latest edition including all supplemental amendments.

NAVD 88: North American Vertical Datum of 1988.

NON-POINT SOURCE POLLUTION (NPS): NPS pollution occurs when rainfall, snowmelt, or irrigation runs over land or through the ground, picks up pollutants, and deposits it into rivers, lakes, streams or groundwater.

NPDES: National Pollutant Discharge Elimination System

OSRD (OPEN SPACE RESIDENTIAL DEVELOPMENT): An Open Space Residential Development subdivision as defined in the applicable section of the Ayer Zoning Bylaw.

PARCEL: an area of land held in common ownership, with definite boundaries, other than a lot intended for building purposes.

PEER REVIEW CONSULTANT: A person who is not an Ayer employee or public official who shall assist the Planning Board with plan review, impact analyses of various types (i.e. traffic, environmental) inspections or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such consultants shall be selected and retained by the Planning Board, with actual and reasonable costs for their services to be paid by the applicant.

PERIMETER PLAN: A plan that shows no changes in any existing property boundaries.

PERFORMANCE BOND: a deposit of money in the form of a cash deposit with the Municipal Treasurer, a Bond, or Letter of Surety

**PROFESSIONAL ENGINEER:** An engineer registered in good standing as a Professional Engineer with the Massachusetts Board of Registration of Professional Engineers and Professional Land Surveyors.

**PROFESSIONAL LAND SURVEYOR:** A land surveyor registered in good standing as a Professional Land Surveyor with the Massachusetts Board of Registered Professional Engineers and Professional Land Surveyors.

**RECORD PLANS (aka "AS BUILT PLANS"):** Construction or engineering plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements, which includes but is not limited to all structures, parking facilities, detention/retention areas, curbs, sidewalks and other improvements.

The amended final site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed. (Temple Terrace, Fla.)

**RETENTION / RETENTION BASIN:** Also known as Wet Basins, retention basins use a permanent pool of water as the primary mechanism to treat stormwater. The pool allows sediments to settle (including fine sediments) and removes soluble pollutants. Wet basins must have additional dry storage capacity to control peak discharge rates.

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street, sidewalk, pedestrian path, water main, sanitary main or other purposes for which the Town of Ayer or its agents may require access periodically for maintenance and improvements.

**ROADSIDE DESIGN GUIDE:** AASHTO Roadside Design Guide, latest edition including all supplemental amendments.

**STORMWATER:** Stormwater is the water that runs off surfaces such as rooftops, paved streets, highways, and parking lots. It can also come from hard grassy surfaces like lawns, playing fields, and from graveled roads and parking lots.

**STORMWATER AUTHORITY:** The Town of Ayer Planning Board is the Stormwater Authority pursuant to Ayer's Phase II NPDES Stormwater Management Bylaw.

**STORMWATER MANAGEMENT:** Constructed facilities or measures to help protect receiving water quality and control stormwater quantity. Examples include storage, vegetation, infiltration and filtration.

**SUBDIVISION:** The division of a tract of land into two or more lots in such manner as to require provision for one or more new ways, not in existence when the Subdivision Control Law became effective in the Town of Ayer, to furnish access for vehicular traffic to one or more of such lots, and shall include resubdivision and, when appropriate to the context, shall relate to the process of subdivision of land.

**SUBDIVISION CONTROL LAW:** MGL c. 41, Sections 81K through 81GG

**ZONING ACT:** MGL c. 40A

## SECTION IV: GENERAL PROVISIONS

- A. 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 Planning Board as hereinafter provided. No person shall divide land without complying with these regulations and first obtaining from the Planning Board approval of the definitive plan for the proposed subdivision or the endorsement "Approval under the Subdivision Control Law Not Required" upon such plan.
- B. Employment of Outside Consultants
- (1) For any application under these rules and regulations, the Board may employ a qualified outside consultant at the expense of the applicant. Fields for which the Board may require a consultant include but are not limited to: any relevant engineering field, architects, landscape architects, soil scientists, hydrologists, environmental scientists, botanists, attorneys, professional planner, economists, real estate appraisers or brokers, licensed construction supervisors, licensed general contractors, traffic and transportation experts, etc.
  - (2) The Board will normally require the fees to cover the costs of outside consultants to be deposited in advance with the Town, in accordance with the provisions of MGL c. 44, § 53G. Such fees will be deposited in a separate account, and any amounts remaining in said account after the completion of the associated project will be refunded to the applicant or successor, in accordance with these rules and said state law. When the expense of such consultants exceeds the currently available funds in the 53G account, the applicant is required to provide such additional and appropriate funds within 14 days of notification by the Board of the required amount.
  - (3) The choice of outside consultant may be appealed to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by the Board shall be extended by the duration of the administrative appeal. If no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand, but may be appealed to the courts.
  - (4) The Planning Board will normally allow 10 days between the selection of a consultant and the start of work, to give the applicant an opportunity to file such an appeal but will begin work sooner if approval is given by the applicant. If such appeal is made, the applicant shall notify the Planning Board by certified mail immediately after filing such appeal with the Board of Selectmen. The Planning Board, at its earliest opportunity after receiving such notification, shall direct the consultant to cease work until the appeal is resolved. The applicant shall be liable for all costs due to the consultant prior to the direction to cease work.

- (5) To the extent that services are provided by Town Counsel under a municipal flat-rate retainer, such services will not be charged directly to the applicant. However, should circumstances require employment of outside counsel or otherwise be billed to the Town for a specific service related to an application, then such fees will be paid out of the 53G account or by the applicant. This section does not preclude the charging of supplemental fees for specific legal services performed by Town Counsel, with such fees paid to the Town to offset the cost of the Town's retainer with Town Counsel.

C. Waivers

- (1) In accordance with MGL c. 41, § 81R, the Board may waive strict compliance with these rules and regulations. Such waiver may only be granted if the Planning Board first reaches a finding that such waiver is both in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law and these rules and regulations.
- (2) It is the responsibility of the applicant to identify all waivers that are requested, on the plans and in written, descriptive form. Except where otherwise specified, all requests for waivers must be explicit and complete, and submitted at the time of application.
- (3) No waiver may be inferred from any decision by the Board unless the Board votes specifically to grant the waiver and such vote is recorded in the minutes of the Board.

D. Fees

- (1) Fees are divided into application, consulting and supplemental fees.
- (2) Application fees must accompany any application before the Board under these rules and regulations. They are intended to cover the general cost to the Town of processing the application, excluding costs covered by the more specific fees. The general costs may include indirect costs. Application fees are deposited into the general treasury of the Town.
- (3) Consulting fees are fees to cover the cost of outside consultants and are handled according to the provisions of Subsection B of this section.
- (4) Supplemental fees are fees to cover the cost to the Town of specific services, where such services may be clearly identified or quantified, and can be expected to vary depending on the project. Examples include the cost of inspections by the Department of Public Works, review of bonds, deeds, easements or other documents by Town Counsel, etc.
- (5) If a fee paid by check or other non-cash method is returned or otherwise uncollectable, then the applicant shall be liable to the Town for all costs incurred as a result. No resubmission of the application will be accepted unless accompanied both by the fees due under the application and the additional amounts required under this section. The Planning Board may require that all future amounts due with relation to this application or related applications before the Planning Board be made by certified or cashier's check. If a fee is returned or otherwise uncollectable



prior to a decision, then the application will be rejected as incomplete. If a fee is returned or otherwise uncollectable subsequent to a decision, then any approval of such application is automatically rescinded.

- (6) It is the policy of the Board to waive application and supplemental fees for applications submitted on behalf of the Town. This is specifically because charging a fee in such cases would be accounted as an expenditure from some budgeted item and as general revenue, without any real explicit cost to the Town.

E. Burden of Proof

- (1) The burden of proof in all matters before the Board shall be on the applicant, as verified by plans, application documents and any supplemental information required by the Board.

F. Massachusetts Licenses Required

- (1) Whenever these rules require work to be performed by or under the supervision of a licensed professional, such professional must have a current license to perform such activity by the Commonwealth of Massachusetts. Temporary licenses or permits do not qualify.
- (2) All insurance policies, bonds or other such instruments shall be issued by a company licensed to do business in Massachusetts.

G. Public Ways

The approval of a plan by the Planning Board does not make any street shown a public way. Existing laws of the Commonwealth of Massachusetts and bylaws of the Town must be complied with for the acceptance of any street.

H. Other Permits and Fees

Planning Board approval of plans under these Subdivision Regulations does not exempt applicants from reviews, fees, and the need to obtain any other necessary permits.

I. 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.

## **SECTION V. SUMMARY OF APPLICATION REQUIREMENTS**

A. Forms

- (1) All applications must be on the most current version of the appropriate form. Required forms are found in Appendix A, Required Forms for Subdivision Control, which is a part of these rules and regulations. Applications may be rejected if they are not on the correct form.

- (2) All applications must be complete. Applications may be rejected by the Town Planner at the time of submission as incomplete, if they omit required information or required supplemental forms.

B. Signatures

All applicable signatures from the applicant, landowner and/or the applicant's agent shall be submitted with the application.

C. Fees

All applications must include the associated fees at the time of application. Applications without such fees will be returned as incomplete without further review. Any other omissions or inadequacies will not necessarily be identified. Application fees are listed in Appendix B of this document.

D. Plans

- (1) All applications must be accompanied by required plans at the time of the application. Such plans must be in the required form and contain all required data.
- (2) The title or subdivision name shown on a plan or set of plans must exactly match that shown on the application.
- (3) All paper plans must be 24 inches by 36 inches unless otherwise approved by the Board. Plan sets also shall be submitted in digital format on a CD-ROM or flash drive in the standard outlined below:
  - (a) To facilitate maintenance of the Town's records and Assessor's tax maps, an electronic file (the "standard digital file") of definitive subdivisions plans and plans for which approval under the Subdivision Control Law is not required, pursuant to MGL c. 41, § 81P, shall be filed with the Planning Board at the time the original hard copy is submitted. The standard digital file shall comply with Level III of the current version of the Mass GIS "Standard for Digital Plan Submission to Municipalities" (hereafter "the standard"), available on the Internet by searching Mass.gov. The vertical datum shall be the North American Vertical Datum 1988.
  - (b) Upon written explanatory request, the Town Planner under delegation from the Planning Board may waive the requirement for submitting the standard digital file in compliance with Mass GIS Level III, and may allow submission of a standard digital file that complies Mass GIS Level II or, any image format on a CD-ROM or flash drive. Any request for a waiver must include a statement as to why submitting any other level or format should be allowed.
- (4) All plans must be prepared by a licensed professional engineer, with appropriate contributions from a licensed land surveyor, a licensed landscape architect or other professional. Licensed land surveyors can prepare ANR plans for endorsement by the Planning Board, but all other subdivision plans must be prepared by licensed professional engineers or landscape architects.

- (5) Each page of a set of plans shall have a title block in the lower right-hand corner. This must show, at a minimum, the title, the name of the subdivision (if any), the date, the scale, the names and addresses of the property owner(s), the name and address of the applicant (if different from the owner) and the names and seals of the designer, engineer and surveyor who made the plan, a page number, the total number of pages and all other information required by the applicable CMR, Registry rules or Land Court rules.
- (6) Each page shall have the signature of the licensed professional(s) who prepared the plan. At least one page shall have the seal and signature of said professional(s) and a statement asserting that said plan was based on an actual field survey and produced in accordance with all requirements under CMR.
- (7) Each page of a set of plans shall have a legend.
- (8) Where more than one revision of a plan has been submitted to the Board, all revised plans must have a revision history adjacent to the title block, as required by the applicable CMR, and indicating the nature or purpose of the revision.
- (9) On all plans, any area of land that does not meet the current frontage, acreage or other dimensional zoning requirements shall be labeled a "parcel" and any area of land that meets all dimensional zoning requirements a "lot." Lots shall be assigned consecutive numbers, while parcels shall be assigned consecutive capital letters. Plans that use the term "lot" to describe areas that do not meet both the frontage and acreage requirements will be rejected.
- (10) The North American Vertical Datum of 1988 (NAVD 1988) shall be indicated and described on all plans, and at least one benchmark shall be located on site. The Planning Board may, at its discretion, waive this requirement on small or low-impact applications.

E. Submission of Applications

- (1) All applications must be submitted in accordance with the requirements of MGL c. 41, § 810.
- (2) Applications submitted via registered or certified mail will be considered received on the date of receipt
- (3) Applications may be delivered to the office of the Planning Board in person, via courier or other delivery service or via ordinary (nonregistered, noncertified) mail. Delivery of applications directly to the Town Clerk does not satisfy the requirements of MGL c. 41, § 810 and will not be accepted or considered as filed.
- (4) After applying to the Planning Board, it is the responsibility of the applicant to comply with the requirements of MGL c. 41, § 81T by filing a notice with the Town Clerk stating the date of submission of such application. The Planning Board will provide, upon request, a receipt for applications submitted at a meeting of the Planning Board. For applications delivered by certified or registered mail, the United States Postal Service return receipt will be the evidence of date of receipt by the Planning Board. A copy of either of these shall be furnished to the Town Clerk as part of the notification required under MGL c. 41, § 81T. Notification to the Town

Clerk prior to actual receipt of an application (as defined by MGL c. 41, § 81O) shall be invalid.

- (6) Acceptance of an application does not constitute a finding that the application is complete. The Town Planner, under delegation from the Planning Board, retains the right to reject incomplete applications, according to the procedures described in these rules.

F. Rejection of Incomplete Applications

- (1) If an application is rejected because it is incomplete, it shall be treated as if no application was made, except that fees will not be refunded for incomplete applications.
- (2) If an incomplete application is resubmitted within six weeks (42 days) of the date of rejection for ANR applications, or eight weeks (56 days) for subdivision applications, then it may include a request for waiver of a portion of the new fees. Such waiver will be granted solely at the discretion of the Board, and in no case will the reapplication fee be waived to less than \$100 for ANR applications or less than \$100 for subdivision applications.

## SECTION VI: PROCEDURES FOR THE SUBMISSION AND APPROVAL OF PLANS

### Approval Not Required (ANR) Applications

A. Request for ANR Endorsement

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit a request for ANR endorsement containing the following:
  - (a) The original plan conforming to the requirements of the Registry of Deeds or Land Court, as appropriate, and conforming to the requirements of the Planning Board as specified in MGL c. 41 § 81P and Subsection C of this section.
  - (b) Three (3) full-size prints of the plan and one mylar.
  - (c) Five (5) reduced copies of the plan (11" x 17")
  - (c) A completed Form ANR-1 (including all required supplemental forms).
  - (d) The required fee, as specified in Appendix B.
  - (e) The necessary evidence to show that the plan does not require approval under the Subdivision Control Law.
- (2) This request shall be submitted to the Planning Board in accordance with all requirements of MGL c.41, sec. 81P.

- (3) Properties shown as "remaining land" or similar notation have no special status. They shall be included in all fee calculations and shall have all required data shown.
- B. **Fees for ANR endorsement.** All ANR plans shall require an application as listed in Appendix B of these Regulations, excluding lots and parcels that are unaffected by the endorsement
- C. Requirements for ANR Plans
- (1) All plans submitted for ANR endorsement shall show the following:
- (a) Title
  - (b) North arrow
  - (c) Date of survey
  - (d) A locus map at a scale not greater than one-inch equals 2,000 feet.
  - (e) Scale
  - (f) Existing and proposed boundary lines. The plan shall clearly distinguish between the two.
  - (g) Areas of jurisdictional wetlands, only to the extent that they might materially affect existing or proposed access to the lot frontage.
  - (g) Total frontage of each property. If any property frontage is described as a sequence of segments, then the total frontage must be shown in addition to the length of each segment.
  - (h) Zoning district of each lot and parcel, including any applicable overlay districts, and all zoning district boundaries.
  - (i) Lot numbers for existing properties, as well as house numbers, as applicable.
  - (j) Name and address of record owner.
  - (k) Name, address, seal and signature of engineer or surveyor.
  - (l) Names of all abutters as they appear in the most recent tax list, unless the applicant has knowledge of any subsequent changes.
  - (m) Existing and proposed lines of streets, ways and easements. If any easement is located to potentially affect access to the property, then a copy of the easement language shall be furnished.
  - (o) Location of all buildings or structures.
  - (p) Existing contours at a minimum of five-foot intervals and the location of any topographic features which might interfere with the use of the frontage for access.

- (q) Location of all bounds, brooks, fences, guardrails, barriers or walls.
  - (r) Notice of any decisions by the Zoning Board of Appeals regarding variances regarding the land or any buildings thereon that might have impact upon lot frontage and access thereto. .
  - (s) The statement "Approval under the Subdivision Control Law Not Required" and sufficient space for the signatures of all Planning Board members.
- (2) All plans shall be drawn to a scale of one-inch equals 40 feet. However, the Town Planner, under delegation from the Planning Board, may modify this requirement, without written request, whenever the scale is increased for the purpose of allowing the entire plan to fit on one sheet and there is no loss of information or clarity by such increase in scale.
  - (3) Label any area of land that does not meet the current frontage or acreage requirements a "parcel" and any area of land that meets both a "lot." Lots shall be assigned numbers, while parcels shall be assigned capital letters. Plans that use the term "lot" to describe areas that do not meet both the frontage and acreage requirements will be rejected.
  - (4) Any way known to be a private way shall be clearly labeled as such.
  - (5) No street may be labeled a "public way" or other such notation unless accompanied by such evidence, based on a review of the Town's records, that will demonstrate that the way is legally a public way. The use of the phrase "public way" on maps or plans, whether or not such plans have been filed at a Registry, does not by itself constitute adequate evidence.
  - (6) Ways used for frontage must qualify under the definitions used in the Ayer Zoning Bylaw. The applicant shall provide such evidence as may be necessary to establish this. It is the policy of the Board to waive this requirement routinely for the large number of roads known personally to the Board as being maintained by the Town. However, this does not diminish the authority of the Board to require such explicit evidence for ways not known to the Board or for which the status or condition is in doubt.
  - (7) Except for perimeter plans and properties that are the recipients of a conveyance, no property unaffected by a plan shall be part of the plan.
  - (8) If any property does not have sufficient frontage, then the plan shall include one or more notations completely explaining why such property does not cause the plan to show a subdivision.
  - (9) If any property lacking adequate frontage is to be labeled "not available for building" or other such similar notation, then the application must be accompanied by such deed, restrictive covenant, easement or other document that will demonstrate why the property is not available for building and cannot be made so, and the plan must clearly note such provisions.

- D. In determining access, the Planning Board will consider both the adequacy and condition of the road providing access and the feasibility of access from the frontage to the buildable portion of any lot. If a road is not yet constructed, then the adequacy of any bond or other provisions to ensure the construction of such road will be considered. The latest edition of the Approval Not Required Handbook published by the Department of Housing and Community Development may be used for guidance, and the Planning Board may choose to consult with Town Counsel.
- E. The Board may take the following actions on plans submitted for endorsement under this section. The Board has 21 days from the date of submission in which to make its decision to favorably endorse, not endorse, or allow the petitioner to withdraw.
  - (1) It may reject the application as incomplete or not in compliance with these requirements. The fee will not be refunded. If a new application for the same properties is submitted within six weeks (42 days), then the reapplication fee shall be as specified in Appendix B . This reduction will only be applied once; subsequent reapplications shall pay the full fee.
  - (2) If the Board determines that the plan does not require approval, it shall without a public hearing endorse on the original plan the words "Planning Board Approval under Subdivision Control Law Not Required." Said original plan shall be returned to the applicant, and the Board shall notify the Town Clerk of its action.
  - (3) If the Board determines that the plan does require approval under the Subdivision Control Law, it shall so inform the applicant and return the original plan. The Board shall also notify the Town Clerk of its determination. The fee is not refundable in this case, nor will it be applied to any reapplication.

## Preliminary Plan

- A. Any applicant proposing a subdivision to the Planning Board may submit a Preliminary Plan, for the purpose of obtaining reaction and commentary from the Planning Board in a non-binding manner. In the case of Open Space Residential Development (OSRD) subdivisions, the applicant is particularly encouraged to submit a Preliminary Plan.
- B. After submission, the Preliminary Plan will be reviewed by the Planning Board, Board of Health, Fire Department, Conservation Commission, the DPW Director and any other relevant municipal agencies and departments, to determine whether it is in compliance with the design standards as set forth in these Rules and Regulations and with any additional requirements of the above-mentioned Boards, municipal agencies and departments.

Within fifteen (15) days after the date of submission, the Board of Health, the Chief of the Fire Department, Conservation Commission, DPW Director and other municipal agencies and departments shall submit their written reviews of the Preliminary Plan to the Planning Board. Within forty-five (45) days after submission of the Preliminary Plan, the Planning Board shall approve, or approve with modifications, or disapprove said Preliminary Plan, and in the case of disapproval, the Board shall state in detail the reasons for its disapproval. The Planning Board shall file its decision with the Town Clerk and shall send a copy of said decision to the applicant.

C. Approval of the Preliminary Plan by the Planning Board does not constitute approval of a subdivision but acts to facilitate the procedure in securing approval of the Definitive Plan. In addition, such approval does not in any way authorize the owner to proceed with construction of roadways and/or other work in the subdivision. The Preliminary Plan may not be recorded by the applicant at the Registry of Deeds or Land Court.

D. Other provisions applicable to the Preliminary Plan process include the following:

- (1) The approval of a preliminary subdivision is nonbinding upon the Planning Board and is promulgated to provide a written record of the Board's guidance to the applicant prior to submission of a definitive plan. The applicant assumes all risk for changes due to new information submitted during the process for approval of the definitive subdivision.
- (2) Nonresidential subdivisions shall require the submission of preliminary plans in accordance with this section.
- (3) Applicants are encouraged to meet informally with the Town Planner to discuss the content of their intended filing, prior to submitting preliminary plans to determine the extent to which the Board feels a preliminary plan is advisable.
- (5) Required Submissions
  - (a) An original complete application with all necessary signatures.
  - (b) Seven (7) full-size prints of a plan prepared in accordance with Subsection D of this section (below) as well as an electronically submitted PDF version.
  - (c) Five (5) reduced sized (11" x 17") plan sets.
  - (d) Thirteen (13) photocopies of the application materials including narrative and supporting studies and documents.
  - (e) The required fees.
  - (f) Written identification of all anticipated waiver requirements.

E. The application fee for a preliminary subdivision plan is found in Appendix B.

- (1) Any amount remaining in the 53G account from the consulting fee will normally be retained in anticipation of a subsequent definitive plan. It will be returned only upon written request.
- (2) When an application is rejected as incomplete or denied based on observed flaws and a reapplication is submitted, the Board will consider, at its discretion, waiving a portion of the reapplication fee.

F. Requirements for Preliminary Subdivision Plans

- (1) All preliminary plans submitted for approval under this section shall show:
  - (a) The title "Preliminary Plan."



- (b) Name of the subdivision.
  - (c) North point
  - (d) Date of survey
  - (e) A vicinity map at a scale of one-inch equals 800 feet.
  - (f) Scale
  - (g) Legend
  - (h) The name(s) of the record owner(s).
  - (i) The name of the applicant, if different from the record owner.
  - (j) The name of the designer, engineer or surveyor.
  - (k) The names of all abutters, as determined from the most recent tax list.
  - (l) Existing and proposed lines of streets, ways, easements (including rights-of-way, covenants or other restrictions) and any public areas, in a general manner.
  - (m) The proposed stormwater management system, including adjacent existing natural waterways, in a general, conceptual design manner.
  - (n) Existing and proposed boundary lines.
  - (o) Approximate areas and dimensions of all lots shown. For the purpose of this item, "area" is "lot area" as defined in the Ayer Zoning Bylaw. To facilitate this calculation on properties containing bodies of water or other areas excluded by the Bylaw from lot area calculations, applicants are encouraged to show gross area and the area of any bodies of water, in addition to the lot area.
  - (p) The names, approximate location and widths of adjacent streets.
  - (q) The topography of the land in a general manner, shown at a minimum of 5' contour intervals. The plan shall further include existing walls, fences, monuments, buildings, wooded areas, outcroppings, ditches, water bodies and natural waterways.
  - (r) The zoning classification of the land, including any zoning boundaries.
  - (s) Wetland boundaries as flagged by a professional Wetland Scientist, or approximate wetland boundaries as shown by MassGIS or other from other sources.
- (2) No street may be labeled a "public way" unless accompanied by such evidence, based on a review of the Town's records that will demonstrate that the way is legal by means of town meeting vote or other official municipal actions. The use of the phrase "public way" on maps or plans, whether or not such plans have been filed at a Registry, does not by itself constitute adequate evidence.

- G. All plans shall be drawn to a minimum scale of one-inch equals 40 feet
- H. Any way known to be a private way shall be clearly labeled as such.
- I. Incomplete Applications
  - (1) Incomplete applications will be rejected. The Town Planner, under delegation from the Board, shall generally act as the determinant of completeness at the time of submission. The application fee will not be refunded. The consulting fee will be returned upon request, minus costs already incurred. If the applicant does not request the return of the consulting fee, the Board will assume the applicant intends to refile and apply the fee to the reapplication.
  - (2) For an application submitted by certified mail, the determination that an application is incomplete will be made no later than the first regularly scheduled meeting to occur seven or more days after receipt.
- J. Approval or Disapproval of Preliminary Plans
  - (1) To the extent that can be determined from the data submitted, the plans must satisfy all design standards applicable to definitive subdivisions. The Board may approve the preliminary plan, with or without modifications, according to the provisions of MGL c. 41, § 81S.
  - (2) The Board may, as part of such decision, identify specific issues that must be addressed in the definitive, including specific questions to be answered as part of the community impact statement. In the case of a nonresidential subdivision, or a residential subdivision exceeding 20 lots, these requirements may include the scope of a traffic study.

## Definitive Plan

### A. General provisions for Definitive Subdivisions

When a definitive plan of a subdivision is submitted to the Planning Board, a copy shall also be filed with the Board of Health, which shall report to the Planning Board, in writing, its approval or disapproval of the plan within forty-five days after the plan is filed. In the event of disapproval, the BOH shall make specific findings as to the reasons why the proposed subdivision might be injurious to public health and may make recommendations for mitigating the negative findings. When the definitive plan shows that no public sewer is to be installed to serve any lot thereon, approval by the BOH shall not be deemed to be approval of a permit for the construction and use on any lot of an individual sewage treatment system, nor shall approval by the BOH of a definitive plan for a subdivision be deemed to be an application for a permit to construct or use an individual sewage system. All plans, usages and other activities shall be in compliance with the Ayer Zoning Bylaw and other applicable Town bylaws. No approval under these rules or the Subdivision Control Law shall imply the approval of or support for any variance or special permit under the Ayer Zoning Bylaw, even if such variance or special permit is necessary for overall project approval.

**B. General Process**

- (1) When the Board receives an application to approve a definitive plan, including fees, it will initiate the review process. (Plans received without the appropriate fees or waiver will be rejected without further review.) This process normally shall include the Town Planner, under delegation from the Board, determining application completeness, circulating the application to reviewing departments, and scheduling the public hearing and initiating necessary technical assistance from outside sources under MGL Ch. 44, Section 53G.
- (2) Once the hearing is scheduled, the Board shall notify abutters via required public notice. The applicant is responsible for covering the cost of such notification.
- (3) Any missing or inaccurate information identified in the Board's technical review or as a result of the public hearing shall be handled as follows. The Board may accept additional submissions in response to such findings prior to the close of the public hearing but reserves the right to require written extension of the time for the Board's decision. Submissions of new information or changed plans after the close of the public hearing shall require a new application and public hearing.
- (4) It is the policy of the Board not to vote on the definitive subdivision plan decision until set of proposed approval conditions is considered and adopted.
- (5) In the case of a definitive plan subdivision showing lots in a residential zone, the Planning Board shall take final action within one hundred thirty-five days after submission of said plan. or such further time as may be agreed upon at the written request of the applicant. Where a preliminary plan has been acted upon, within the forty-five-day time limit, the Board shall act on the definitive plan within a period of ninety days from plan submission. Failure of a Board either to take final action or to file with the town clerk a certificate of such action on the definitive plan shall be deemed to be an approval thereof. Notice of any mutually agreed-upon extension of time shall be filed in a timely manner by the Planning Board with the Town Clerk.
- (6) After due deliberations and revisions, the approved decision will be signed and filed with the Town Clerk, with certified copies sent to the applicant. The abutters will receive either a copy of the decision.
- (7) The Board shall wait until the appeals period is over or appeals have been exhausted before endorsing any plans. The applicant must provide the performance guaranty and meet other conditions, described below, before the Board will endorse the plans.

**C. Applications**

- (1) All applications must be submitted according to the provisions of MGL c. 41 §81K-81GG.
  - (a) In the absence of an existing stormwater permit for the project, a stormwater management application and all associated documents shall be

filed in conjunction with a definitive application and the decision shall be conditioned upon the issuance of a stormwater permit.

- (b) Strict adherence to the Ayer General Bylaws, NPDES Phase II Stormwater Management, and its associated regulations shall be required.
- (2) Complete applications comprise the original signed application form, a certified list of abutters, the fees, the plans and the required submissions. All applications must be complete at the time of submission. The original of the plans shall be required at the time of endorsement.
- (3) Applicants are required to furnish any information known to them or their agents that could reasonably be expected to influence the Planning Board's decision, whether or not such data is explicitly required by these rules and regulations
- (4) The application shall accurately describe the property as of the date of filing, and no activity shall be allowed on the property that would have the effect of invalidating or changing the data presented in the plans.
- (5) When the application has been the subject of a preliminary plan and the Board's decision on the preliminary plan included suggested modifications information, then the application for the definitive must address those modifications, either by implementing them or by explaining why they were not implemented. If the preliminary plan decision identifies additional information to be submitted with the definitive, then such information must be provided.

#### D. Fees

- (1) The application fees for a definitive subdivision is found in Appendix B.
- (2) In the event the Planning Board requires the hiring of an engineer or other consultant, the application must include a consulting fee associated with the anticipated costs to be incurred. This amount shall be reduced by any amount remaining in any existing consulting fee account established under MGL c. 44 § 53G and § 175-9B, associated with this property as of the date of submission, adjusted for any outstanding bills payable. The consulting fee will be handled according to the provisions of § 175-9B. At a minimum, the fee will be used for the review of the submitted plans by a consultant with a written response to the Board, a site walk by the engineering consultant and attendance by the consultant at one or more Board meetings, including the public hearing.
- (3) The stormwater management application fee, as outlined in the Ayer NPDES Phase II Bylaw.

#### E. Required Plan Submissions

- (1) **Fifteen (15) copies** of the required submissions shall be required. Each copy shall be bound as a single volume, using a standard plastic spiral-style or other suitable binding. **Ten (10)** full-sized sets of plan sheets and five (5) reduced-sized (11" x 17") plan sets are also required.

- (2) Except for the photo-reduced plans included with the required submissions, and covers and separator tabs, the submissions shall be 8 1/2 inches by 11 inches, with sufficient margins so that no information is lost or obscured by the bindings.
- (3) The required 11" x 17" (inches) photo reductions of plans shall be neatly folded and either bound into the volume or inserted into a pocket folder bound into the volume. Plans that are in color may be reproduced here in gray scale.
- (4) A stormwater management application and associated submission requirements, or a copy of a current stormwater permit shall be required. For compliance with NPDES Phase II Stormwater Management, see Article XLVII of the Ayer General Bylaw.

F. Public Hearing

- (1) A public hearing shall be held for the purpose of providing a forum for all interested parties to convey information, ask questions and exchange views regarding the proposed subdivision.
- (2) The Board, upon receipt of a complete application, shall set a date for the required public hearing.
- (3) At the public hearing, the applicant will be allowed sufficient time to present an overview of the subdivision. This should include a brief discussion of the current conditions, the proposed layout and all proposed utilities. The applicant is responsible for furnishing any easels, electronic displays or other aides.
- (4) After the presentation sufficient time will be allowed for questions and answers by the Board and other Town officials and department heads. Subsequently, Planning Board chairman may open the floor to public comment. The Public Hearing may be continued at the request of the Planning Board or the applicant with the concurrence of the applicant, provided that continuances occur within statutory time limits.
- (5) The applicant will be given reasonable opportunity to rebut statements made at the public hearing and to respond to the comments of the Board or any consultant. However, changes to the plans or submission of new technical data will not be allowed unless accompanied by a written extension of time for the Board's decisions.
- (6) When applicable, the report of the Board of Health may be accepted outside the bounds of the public hearing. The applicant is entitled to procedural due process before the Board of Health and may request a hearing from the Board of Health at the time of application.

G. Approval and Endorsement

- (1) After closing the public hearing, the Board will vote to approve or disapprove the application or approve with modifications. in accordance with the requirements of the Subdivision Control Law.

- (2) The Board may require as a condition of approval that infrastructure be completed within a reasonable time frame.
- (3) Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Board, but not until the statutory appeal period has elapsed following the filing of such approval with the Town Clerk and the Clerk has notified the Board that no appeal has been filed or, if an appeal has been filed, after the entry of the final decree of the court sustaining the approval of such plan.
- (4) Prior to endorsing the final approval, any fees required for inspections, any additions to the 53G account and any amounts required to guarantee maintenance shall be submitted by the applicant. Such submissions shall be by separate certified or cashier's checks.
- (5) Prior to endorsing the final approval, the applicant shall provide an updated inspection plan. This shall be used to calculate the required supplemental and consulting fees related to inspections, subject to correction by the Board. For inspections performed under these rules by the Superintendent of Public Works or other Town official, the supplemental fee shall be in accordance with the DPW fee schedule, unless the details of such inspection justify a higher amount. Should additional inspections be required, the applicant shall pay the additional fees prior to the inspection. For inspections by an outside consultant, an appropriate sum based upon the fee charged by said consultant and the inspection schedule, multiplied by 1.2 to account for contingencies, shall be deposited in the 53G account.
- (6) Prior to endorsing the final approval, such performance guaranties as may be required under these rules shall be established, or evidence provided that such security is in process
- (7) Approval of the definitive plan does not constitute the laying out or acceptance by the Town of ways within a subdivision, nor does it imply any obligation on the part of the Town to do so.

#### H. Maintenance of Improvements

- (1) For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants, and for the provision of adequate access to all of the lots in a subdivision the applicant or successors shall provide for the proper maintenance and repair of improvements until the Town votes to accept such improvements, including snow plowing.
- (2) Whether such services are supplied directly from the applicant or by means of contractual arrangements, the applicant shall assume full financial responsibility for maintenance. The Board may, at its discretion, require that such maintenance be guaranteed through a deposit of moneys, to be released upon acceptance of the corresponding ways as Town ways and the verification of the integrity of the pavement and stormwater system following a full winter of use
- (3) The project shall adhere to the submitted O & M (operation and maintenance) plan for stormwater management structures, as outlined in the Stormwater Management Rules and Regulations section entitled "Operation and Maintenance Plan." [2]

#### I. Building Permits

Prior to the issuance of any building permits by the Building Inspector for any subdivision lot created under these rules and regulations, the following conditions shall be met: the construction of roads or ways shown on the subdivision plan shall be completed at least through the binder pavement coat, including fill; completion of all stormwater management structures, and installation of all underground utilities within the street.

#### J. Filing of plans in the Registry or Land Court

Approval of all subdivisions is subject to the condition that, unless an appeal has been taken from such approval as provided by statute, the applicant will record the subdivision plan in the County Registry of Deeds or the Registry District Office of the Land Court within six months from the date of its approval and certify to the Planning Board, in writing, within six months from the date of approval that said plan has been recorded and filed with the Registry of Deeds or the Registry District of the Land Court giving the date, plan, book and page number or certificate number.

#### K. Status Reports

- (1) During construction, the Board will require periodic status reports. This may be in writing or in person, at the discretion of the Board. They will normally be required quarterly, but the Board may require them more frequently for particularly sensitive sites, complex construction or other reasons.
- (2) Unexpected events that imply additional, unanticipated work to comply with the subdivision conditions are grounds for requiring an increase in the performance guaranty. This includes but is not limited to natural occurrences, erroneous work by subcontractors, unforeseen conditions, unapproved removal of topsoil or other materials, work outside the defined areas, etc.

### Plans for Definitive Subdivisions

#### A. General Provisions

- (1) At a minimum, plans for definitive subdivisions shall contain the following items, in the following order:
  - (a) A cover sheet
  - (b) An index plan. This may be omitted if all subsequent plans show the entire property on a single sheet.
  - (c) A Locus or vicinity map.
  - (d) Existing conditions, including topography at two (2) foot contour intervals
  - (e) A primary conservation area map based on the 'Conservation Analysis' prepared for OSRD subdivisions, if applicable
  - (f) A soil test map, including test pits and boring logs, when applicable
  - (g) Layout plan
  - (h) A landscaping plan.
  - (i) A detailed design plan.

- (j) An erosion/sedimentation control plan in accordance with the Ayer NPDES Phase II Stormwater Bylaw and associated regulations.
  - (k) Grading plan (cut and fill)
  - (l) Street plan and profiles, including utilities, curb treatments, whether granite, asphalt, etc.
  - (m) Stormwater management improvements, curbing and other engineering details in accordance with the Ayer NPDES Phase II Stormwater Bylaw and associated regulations.
  - (n) Standard cross sections.
  - (o) Utilities Plan, including water, sewer, gas, street lighting, electricity, telephone, telecommunications, and all infrastructural elements that are part of the subdivision.
  - (p) A signage and road striping plan.
- (2) All plans, except for the locus, index and vicinity maps, shall be at a scale of one-inch equals 40 feet or a scale acceptable to the Ayer Planning Board and Department of Public Works
  - (3) If the scale requirement of Subsection A (2) is waived, then all such maps shall nevertheless be at an identical scale.
  - (4) Whenever a map must be divided across several sheets, all corresponding maps shall be divided identically.
  - (5) All elevations shall refer to the North American Vertical Datum of 1988. The location and elevation of a minimum of two benchmarks shall be indicated on the layout plan.
  - (6) Wherever wetlands or other areas under the jurisdiction of the Conservation Commission are shown, the plans shall clearly indicate whether such boundaries have been certified by the Conservation Commission.
  - (7) Location of estimated and priority habitats of endangered species, according to most recent map issued by the Natural Heritage and Endangered Species Program.
  - (8) The boundaries of any Areas of Critical Environmental Concern (ACEC).
  - (9) The cover sheet shall contain a locus map in a scale of one-inch equals 2,000 feet, an index of the remaining pages of the plan, deed and Assessor's references and a tabular summary. The tabular summary shall show the total area being subdivided, the total area of lots, the total area dedicated for street purposes, the total area dedicated for drainage, utility or other easements, the total area and percentage area reserved for open space or other public use, the total area and percentage area of bodies of water and the total area and percentage area of other wetlands. Percentage area shall be based on the total area of the property being subdivided.



- (10) For an OSRD, the cover sheet shall also show in tabular format such additional data relating to area or area percentages that is required to satisfy the corresponding Zoning Bylaw requirements.
- (11) Suitable space shall be provided to record the action of the Board and the signatures of all members of the Planning Board, including where appropriate the words "Approved subject to covenant conditions set forth in a covenant executed by\_\_\_\_ dated\_\_, and to be recorded herewith."

B. Index Plan

- (1) The purpose of the index plan is to enable the Board to quickly identify appropriate sheets whenever plans must be broken across sheets.
- (2) The index plan shall show the entire property being subdivided on a single sheet. It shall show the proposed property lines, lot numbers, parcel letters and street names. It shall show the approximate outlines of subsequent sheets and their corresponding page numbers. If the scale is such that space permits, it shall show the areas and frontages of all lots and parcels and the approximate boundaries of wetlands and other protected areas.

C. Locus Map

A locus map shall be required, to show the relationship of the property to the surrounding streets and to nearby properties or which may otherwise be appropriate for consideration for future road connections. The locus map shall show a minimal system of currently maintained public ways that circumscribe the property being subdivided. It shall be at the largest standard scale that allows that system to be shown on a single sheet.

D. Existing Conditions and Soils Plan

- (1) The contour plan shall show existing property boundaries and contours at two-foot intervals.
- (2) Where necessary to determine the impact of the development on adjacent properties or opportunities for design improvements, additional contour information for adjacent properties may be required.
- (3) The soil test plan shall show the boundaries, area and identifying number or letter of all proposed lots and parcels and the boundaries and name of all proposed roads.
- (4) The soil test plan shall show the locations of all soil test sites, each clearly labeled corresponding to the soil test data submitted. Different types of soil tests shall be distinguished by different symbols, shown in the legend.
- (5) The soil test plan shall identify all ledge and all areas of high groundwater.
- (6) If applicable, the soil test plan shall identify all sites for proposed primary and secondary leach fields, clearly distinguishing those for which tests have been completed and passed from others. Furthermore, if any such site is within 100 feet of a buffer zone, the minimum distances to such buffers shall be shown.

- (7) Test pits and boring log results shall be listed in the application narrative.

E. Primary Conservation Area Plan

- (1) The primary conservation area map shall show, in appropriate colors, all perennial streams, bodies of water, wetlands, floodplains, aquifers and wellhead protection areas, associated buffer zones, areas of slope exceeding 20% and areas of slope between 10% and 20%. This combined area shall be designated the primary conservation area. The area outside any of the preceding areas shall be white, and the boundary between the two shall be clearly indicated by a solid, bold line.
- (2) In addition, the primary conservation area map shall show all stone walls, areas of high groundwater (less than seven feet to groundwater in the aquifer protection district or wellhead protection district and less than four feet to groundwater outside these districts) and trees over 24 inches in diameter.

F. Layout Plan

- (1) The purpose of the layout plan is to show the basic layout of the proposed development.
- (2) The layout plan shall show the existing and proposed boundary lines, areas and frontages of all proposed lots, parcels, roads and easements, any zoning boundaries, the location of all bodies of water and wetlands, any permanent monuments, large boulders, ledge outcroppings, stone walls, trees over 12 inches in diameter within 50 feet of any construction and a general layout of the stormwater management system showing all detention basins or retention ponds, other major stormwater management structures, and the general flow of stormwater, in accordance with the Ayer NPDES Phase II Stormwater Bylaw and associated regulations.

G. Grading Plan

- (1) The grading plan shall show the existing and proposed grades and elevations, clearly distinguished, throughout the subdivision sufficient to determine the approximate balance between cut and fill.
- (2) The grading plan shall show the drainage patterns throughout the subdivision.
- (3) The grading plan shall clearly identify all areas where it is anticipated that a septic system raised more than one foot above the existing grade will be required.
- (4) There shall be a general note indicating the disposition of topsoil on the site, including how topsoil will be handled in areas of cut and fill, how soil will be stockpiled and the minimum amount of topsoil to be redistributed to the site, and that no earth materials will leave the site except in accordance with the earth removal provisions of the Ayer Zoning Bylaw.
- (5) There shall be a tabular summary showing the source and quantities of earth materials to be removed, quantities proposed for removal off site and the purpose and quantities of earth materials (including materials required for construction of anticipated septic systems) to be brought on site. Alternatively, this summary may be included in the soil test section of the required submissions.

H. Landscaping Plan

- (1) The landscaping plan shall be prepared by or in conjunction with a licensed landscape architect, whose name and signature shall appear on the plan.
- (2) The landscaping plan shall identify the location and varieties of all existing trees over 12 inches in diameter.
- (3) The landscaping plan shall show the location, varieties and initial caliper of all trees proposed for planting, and further, show the proposed landscaping for all other areas where landscaping is required by these rules and regulations.
- (4) The landscaping plan shall show the proposed landscaping for all detention basins, retention ponds, drainage swales, rain gardens and bio-vegetated swales and other pervious surface areas contributing to the stormwater management system.
- (5) The landscaping plan shall show the procedures for planting, specifying the soil preparation, loam depth, planting method, fertilizer, watering schedule and first year's maintenance.
- (6) The landscaping plan shall detail the layer structure of proposed new lawns and include water retention barriers to achieve maximum water conservation.
- (7) No plant or tree species listed on the most current Massachusetts Prohibited Plant List shall be allowed.

J. Detailed Design Plan

- (1) The purpose of the detailed design plan is to show the engineering and construction details of the proposed development.
- (2) The detailed design plan shall show the following:
  - (a) North arrow
  - (b) Names of proposed streets
  - (c) Existing and proposed boundary lines and areas and dimensions of all proposed lots, including all angles on the property lines.
  - (d) All existing and proposed easements, clearly identified and distinguished.
  - (e) Zoning classification. If any zoning boundary (including overlay district boundary) occurs on the locus shown, it must be shown and clearly identified.
  - (f) Names of all abutters, as determined from the most recent local tax list. If any newer information concerning ownership is known to the applicant, that must also be indicated.
  - (g) Location, names and present widths of adjacent streets.

- (h) The location of all permanent monuments, including natural objects and surfaces such as waterways, natural drainage courses, large boulders or ledge outcroppings, stone walls, trees over 12 inches in diameter.
- (i) Proposed layout of stormwater management structures, in accordance with the Ayer NPDES Phase II Stormwater Bylaw and associated regulations, water distribution system, hydrants, manholes, sewer disposal systems, their appurtenances and all easements thereto.
- (j) Proposed location of driveways and any other information concerning driveways that influence the storm drainage design.
- (k) Information satisfactory to the Board to accurately locate proposed streets, as well as their accurate connection with other existing streets in the vicinity.
- (l) The point or place of last approval by the Board and so shown on the plan and date so approved.
- (m) If the subdivision adjoins or commences from an accepted public way or private way it shall so be designated on the plan with date accepted, if a public way, or other pertinent information as the Planning Board may request for proper identification to said Board.
- (n) The location and description of all curbing and curb inlets.
- (o) The size and locations of existing storm drain facilities that the proposed new subdivision will tie into. These shall have been verified with the Superintendent of Public Works in advance.
- (p) The locations of all required bounds.
- (q) The location of all existing and proposed streetlights.
- (r) The location of all sidewalks and pedestrian ways, including trails and walking paths.
- (s) The location of all jurisdictional wetlands, water bodies and other water resources.
- (t) The location of proposed mailboxes, along with height and dimension, sufficient to determine whether they may interfere with traffic visibility. Mailbox locations must comply with USPS regulations.
- (u) Any street signage and street striping

K. Erosion/Sedimentation Control Plan

The erosion and sedimentation control plan shall conform to the current Ayer NPDES Phase II Stormwater Bylaw and associated regulations.

L. Street Plan and Profiles

- (1) For each street there shall be a separate layout plan and profile. The plan and profile for each individual street may appear on the same sheet.
- (2) The horizontal scale shall be one-inch equals 40 feet.
- (3) The vertical scale shall be one-inch equals four feet vertical.
- (4) The layout plan shall show the following:
  - (a) Side lines
  - (b) Center lines, with elevations shown at every fifty-foot station.
  - (c) Bearing and distance for each straight portion of the center line.
  - (d) Widths
  - (e) Points of tangency and points of curvature.
  - (f) Length of tangents.
  - (g) Length of curves.
  - (h) Intersection angles.
  - (i) Radii of the curve.
  - (j) Existing and proposed bounds.
  - (k) All existing buildings, walks, walls, drives and other existing features within 100 feet of the side lines of such street.
  - (l) The existing and proposed system of water supply and public sewer, if applicable, including the location and elevation of water mains and their appurtenances.
  - (m) The existing and proposed stormwater management system, including the location and elevation of all storm drains, sewers and their appurtenances, in accordance with the Ayer NPDES Phase II Stormwater Bylaw and associated regulations.
  - (n) All existing utilities and proposed underground utilities, gas, electrical, cable television and telephone.
  - (o) Existing and proposed walks and driveways.
  - (p) Existing and proposed curbing and curb inlets.
  - (q) The location and design of all fire hydrants.
  - (r) Such other data as may be necessary to determine the location, direction and length of the street.

- (5) The profile plans shall show the following:
- (a) The existing center-line profile as a fine, black solid line.
  - (b) The existing right-side line as a fine black long dash line.
  - (c) The existing left side line as a fine black short dash line.
  - (d) The proposed center-line grades in heavy 0.04 inch lines, with the elevation indicated numerically every 50 feet, except that in vertical curves elevations shall be shown every 25 feet.
  - (e) The rate of gradient shown numerically in percent.
  - (f) Size and location of existing and proposed surface drains and their appurtenances, including proposed pipe sizes, slopes, rim and invert elevations.
  - (g) The plan location and size of existing and proposed water mains, hydrants and main gate valves.
  - (h) The plan location and size of existing and proposed sewer lines and associated infrastructure.
  - (i) The location and specifications of proposed streetlights.
  - (j) All intersecting or proposed streets, walks and driveways.

M. Drainage, Curbing and Other Engineering Details

- (1) The drainage, curbing and other engineering details shall show the plans of all drainage, curbing or other components in sufficient detail.
- (2) This shall include all catch basins, culverts, detention basins, retention ponds, fire cisterns, basements, sub-surface stormwater infiltration systems, rip- rap, etc., in accordance with the Ayer NPDES Phase II Stormwater Bylaw and associated regulations.

N. Standard Cross Sections

A standard cross section must be shown for proposed street or streets in the development.

**Required Narrative for Definitive Subdivisions**

A. The required submissions shall contain the following, in this order:

- (1) A complete copy of the application form.
- (2) An overview statement.
- (3) Requested waivers.

- (4) A statement of other permits.
  - (5) The proposed construction schedule.
  - (6) The community impact statement, if required by the Planning Board.
  - (7) Legal documents.
  - (8) Soil test data, if applicable.
  - (9) A completed stormwater management permit application with all supporting documentation, utilizing best management practices as outlined in the current Ayer NPDES Phase II Stormwater Bylaw and associated regulations, or a copy of an existing stormwater permit.
  - (10) A statement relating the definitive to the preliminary (omit if no preliminary was filed).
  - (11) A list of all bound markers to be installed.
  - (12) A preliminary inspection schedule.
  - (13) Photo reductions of all plans, reduced to 11 inches by 17 inches. Plans that are in color may be reproduced here in grey scale.
- B. The first section of the required submission volume shall be a complete copy of the application, on official forms.
- C. The overview statement shall be a narrative statement, at most two pages, and shall describe the subdivision in general terms. It shall describe the size and character of the property, the predominant land-uses of the immediate neighborhood, the number of lots and average size of lot proposed, the number of roads and length and a general description of the proposed stormwater plan.
- D. The requested waiver section shall begin with a summary list of all requested waivers, followed by the justification for and details for each waiver request stating why that waiver is in keeping with the spirit and intent of these Subdivision Regulations.
- E. Construction Schedule
- (1) The construction schedule shall show the anticipated schedule for construction of all streets and other improvements. The starting date shall be described both relative to the issuance date of prerequisite permits and as a realistic anticipated start date (not a desired start date). When there are multiple streets or streets are to be constructed in phases, it shall show the sequence.
  - (2) If any site preparation or building construction is to be done on any lot prior to the completion of all streets and other required improvements, then the schedule shall also show the schedule for such construction and, where possible, the relevant lot numbers.
  - (4) Where construction is to be done in phases, the various phases and relevant construction shall be identified. Any possibilities for overlap shall be indicated.

F. Soil Test Data

- (1) If on-site Septic Disposal is needed, Soil test data shall be provided for each lot shown on the plan, demonstrating that the lot meets all requirements for the installation of a septic system.
- (2) Soil test data shall be provided for all proposed streets, along the center line at two-hundred-foot intervals, and at cut sections and areas of questionable foundation material where the subsurface conditions may be, in the opinion of the Planning Board or its agent, factors affecting the quality and service life of the street. Test pits shall be at a minimum depth of at least five feet. Where borings are used, sample shall be taken at five-foot intervals and at each change in strata.
- (3) Soil test data shall be provided to establish the suitability of the stormwater management structures, including but not limited to tests in all proposed detention/retention basins.

J. Drainage and Stormwater Calculations

Drainage calculations prepared by a registered professional engineer shall be submitted in a suitable form to substantiate proposed drainpipe sizes and the effectiveness of all detention or retention basins or other drainage components and to substantiate that the plans meet the design standards of these rules. If necessary, additional plans shall be included bound with the required plans.

K. Statement Relating to Preliminary

If a preliminary subdivision was filed, then this statement shall address each condition, concern, modification, etc., made by either the Planning Board or the Board of Health in their respective decisions on the preliminary, describing and justifying the response made by the applicant.

L. The list of bound markers to be installed shall include all markers required by Section VIII. M. 1, along with any required by any applicable zoning special permit.

M. The inspection schedule shall list, in order, all required inspections, based on the submitted construction schedule.

## **SECTION VII: ROAD , UTILITY AND STORMWATER DESIGN STANDARDS**

A. General Provisions

The subdivision shall be designed and constructed in accordance with these subdivision regulations and, as applicable, the latest edition of the following: Massachusetts Department of Transportation (MassDOT) Project Development and Design Guide (PD&DG), MassDOT Standard Specifications for Highways and Bridges (SSHB), MassDOT Construction Standard Details, Manual on Uniform Traffic Control Devices (MUTCD), AASHTO Green Book, ITE Handbook, AASHTO Roadside Design Guide, Americans with Disabilities Act (ADA), Massachusetts Architectural Access Board (MAAB), CMR 1 Chapter 18: Fire Department Access and Water Supply, Town of Ayer Water Rules and Regulations, Town of Ayer Sewer Use Regulation, and Town of Ayer Stormwater Rules and Regulations.

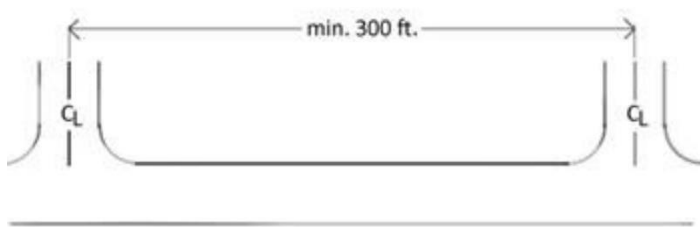


B. Streets

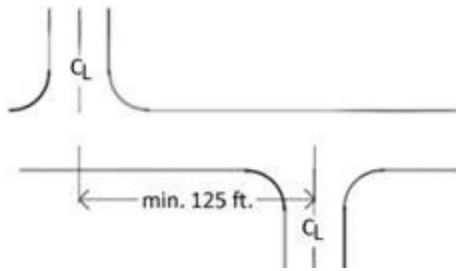
(1) Location and Alignment:

- (a) All streets in the subdivision shall be designed to provide safe pedestrian and vehicular travel. Due consideration shall also be given by the applicant in the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- (b) The proposed streets shall conform to the Master Plan as adopted in whole or in part by the Board.
- (c) Provision satisfactory to the Board shall be made for the proper extension of streets, or for access to adjoining property, which is not yet subdivided, or to the acres in adjoining subdivisions.
- (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) Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.
- (f) The centerline radii of curved streets shall be designed in accordance with MassDOT PD&DG and AASHTO Green Book. The minimum centerline radii of curved streets shall be two hundred and fifty (250) feet. Greater radii may be required for principal streets.
- (g) Streets shall be laid out to intersect as nearly as possible at right angles for a minimum centerline length of 125 feet from intersection of centerline. No street shall intersect any other street at less than sixty degrees ( $60^\circ$ ).
- (h) Street Right of Way may not be closer than 20 feet from any existing side or rear property lines.
- (i) Streets entering opposite sides of another street shall be laid out preferably opposite one another. When an offset intersection layout is proposed, the spacing between the intersecting streets shall be at least 300-feet on the same side of the street (Figure 1) and at least 125-feet on the opposite side of the street (Figure 2). Intersection spacing is a function of Stopping Sight Distance and must be designed in accordance with appropriate policies and guidance.

**Figure 1 – Spacing on Same Side of the Street**



**Figure 2 – Spacing on Opposite Sides of the Street**



- (j) Where the angle of intersection between two (2) streets varies more than ten degrees ( $10^\circ$ ) 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 Section VIII.B.5.a below to the extent approved or required by the Board.

## 2. Cross-Section

The following are standards for the design and layout of subdivisions.

### (a) Design Standards

**Table 1**

	Major Street	Secondary Street		Minor Street	Private Street	Common Driveway
		Nonresidential	Residential			
Right-of-Way Width (feet)	60	50	50	40	40	30
Pavement Width (feet)	34	28	26	22	22	18
Number of Sidewalks	2	1	1	1	1	0
Number of Planting Strips	2	1	1	1	1	0
Maximum Grade	5%	7%	7%	9%	9%	10%

### (b) Classification of Streets

- i. Major Street: a street, which is being used or will be used as a thoroughfare between different portions of the Town.
- ii. 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 commercial or industrial subdivision.
- iii. Minor Street: a street used to provide access to abutting lots, and which is not intended for use by through traffic.
- iv. Private Street: an otherwise minor street with various standards waived and thus not able to be accepted by the Town.

- v. Common Driveways: A driveway that allows access to up to three (3) detached single-family dwelling units or buildings from a public or private street. Common driveways in new subdivisions shall have a maximum length of 150 feet.
  - (c) 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.
  - (d) Sidewalks, pathways, crosswalks, and other areas intended for pedestrian travel shall meet the requirements of the latest edition of the ADA.
  - (e) All subdivision street plans and designs shall consider appropriate accommodations for all transportation system users including pedestrians, cyclists, transit users, and motorists. Complete streets are designed and operated to enable safe access for users of all ages and abilities. Street designs should be developed with consideration to the surrounding physical environment, land uses, as well as the location of existing and other planned infrastructure to support a multi-mode transportation network. The Town of Ayer has a Complete Streets Policy, and all subdivision designs must comply with it.
  - (f) Minimum site distances shall be in accordance with the latest edition, including all supplements, of the MassDOT PDDG and AASHTO Green Book and calculations shall be provided. 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.
3. Grade
- (a) Grades of streets shall be not less than 0.6 percent. Maximum grades are shown in Table 1. For intersection approaches within 100' of the intersection the grade shall not exceed four (4) percent.
4. Dead End Streets
- (a) Dead-end streets shall not be longer than six-hundred fifty (650) feet excluding turn around circle.
  - (b) Dead-end streets shall be provided at the closed end with a turn-around having an outside paved road diameter of at least eighty feet with a property line diameter of at least one-hundred feet.
  - (c) At the discretion of the Planning Board, applicants may be required to provide an appropriately sized landscaped island or bioretention area in the center of cul-de-sacs to reduce impervious areas, promote groundwater infiltration and enhance the aesthetics of the subdivision.

- (d) Dead-end streets must provide a swept path analysis and evaluate fire apparatus maneuvers created by a swept path analysis and turn simulation software to comply with CMR 1 Chapter 18.1.1.4.

5. Access Control and Intersections

- (a) 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.
- (b) Curb openings shall be made at street intersections for wheelchair ramps in conformance with the requirement of the MAAB.
- (c) Intersection design shall be guided by Chapter 6 – Intersection Design of the MassDOT PD&DG and pertinent AASHTO and ITE guidelines.
- (d) All intersections shall be designed with the minimum sight distances as defined by the AASHTO Green Book for Stopping Site Distance and Intersection Sight Distance.
- (e) Driveways should be located to the best advantage regarding the roadway alignment, profile, sight distance conditions, etc.
- (f) The standards call for not more than two driveways for any one property. Additional drives should not be requested unless there is a clear necessity for them.
- (g) Residential driveways shall be at least twelve (12) feet wide and have a curb return at the roadway of two (2) feet in radius or a granite transition if vertical granite is used. Sloped granite when used shall transition into driveways avoiding sharp projections. Any two driveways shall not be within thirty (30) feet of each other at their intersections with the front lot line.
- (i) The radii of a private drive may not extend beyond the applicant's property line.
- (j) Snow Storage: All cul-de-sacs or dead-end streets shall include provisions for snow storage in their design.

7. Common Driveways

- (a) A maximum of three (3) single family homes or three (3) lots may be served by a common driveway.
- (b) The design of common driveways shall assure adequate safety and access for emergency vehicles, water and sewer service, if available, including hydrants, and adequate drainage for surface waters and provision for turnaround for use in all seasons by emergency vehicles.
- (c) All house lots served by a common driveway shall have access on the street providing frontage for that particular lot. All common drives shall enter from the street providing frontage for each lot served by the common drive.

- (d) House numbers shall be placed on a clearly visible permanent sign located at the entrance to the common driveway on the street providing frontage and at the intersection for each individual driveway.
- (e) A declaration of covenants, easements and restrictions for the use and maintenance of said common driveways shall be required by the Planning Board and shall include arrangements satisfactory to the Board concerning roadway maintenance and snow plowing. Said covenants, easements and restrictions shall be recorded at the Registry of Deeds.
- (f) No occupancy permit for a residence to be served by a common driveway shall be issued until the Planning Board certifies in writing that the common driveway has been completed to the satisfaction of the Planning Board in accordance with the Town's Subdivision Rules and Regulations.
- (g) Common driveways shall meet the standards in Table 1 and shall be laid out to intersect public streets, as well as individual driveways served, as nearly as possible at right angles. No common driveway shall intersect a street or driveway at less than sixty (60) degrees.
- (h) Common driveways in new subdivisions shall have a maximum length of 150 feet and a minimum clear width of 20 feet.

#### 8. Curbs and Berms

- (a) Vertical granite curbing shall be installed at street intersections along the circumference of the roadway for the full length of the rounded curve plus a straight transition section at each end of eight (8) feet long. Hot-mix asphalt (HMA) berm shall be located along each edge of the roadway in areas not containing granite curbing. Driveway transitions shall be as described in 'Access Control and Intersections'.

#### 9. Locations of Driveways in Respect to Intersections

- (a) Wherever possible, drives are to be set back 50 feet or more from a street corner, to be measured between the nearest edge of the driveway and the crossroad edge of the pavement. At all intersections and particularly at signalized intersections, drives shall not be approved at street corners.

#### 10. Driveways on Rotaries or Roundabouts

- (a) Driveways located directly on a rotary or roundabout are not allowed.

#### 11. Bridges

- (a) Bridges shall be designed in accordance with the design criteria of MassDOT.

### C. Stormwater Management

Drainage design shall be completed in accordance with the construction specifications of the Town of Ayer Stormwater Rules and Regulations, Massachusetts Stormwater Guidelines and the following provisions:

- (1) Storm drains, culverts and related installations, including catch basins, gutters and manholes, shall be installed as necessary to provide adequate disposal of surface water from all streets, driveways, roofs and other impervious surfaces within the subdivision and adjacent land and so shown on a plan designed on the basis of a one-hundred-year storm. The definitive plan shall provide for recharging groundwater with pretreated (if applicable) stormwater in an amount equal to or exceeding predevelopment conditions. Stormwater management structures shall be employed to trap pollutants and pretreat stormwater flow into any off-site wetland, water body or stormwater management structures so that said flow will, in a twenty-five-year storm, be no higher following development than it was prior to development.

The Board may authorize an increase in the peak rate or volume of stormwater flow following the applicant's demonstration that such increase will cause no environmental harm or damage to public or private property. Where the only method of drainage is via public or private property, the applicant shall furnish plans, obtain easements where necessary in the Town's behalf and assume all financial responsibility for drainage of the area. All stormwater management structures proposed shall utilize best management practices as outlined in the current Ayer NPDES Phase II Stormwater Bylaw and associated regulations.

- (2) Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another. If provision is necessary to carry stormwater to or across a lot, an easement or drainage right-of-way of a minimum width of 20 feet and proper side slope of at least three to one (3:1) shall be provided. Stormwater management shall be designed in accordance with the specifications of the Ayer NPDES Phase II Stormwater Bylaw and associated regulations. Where required by the Stormwater Authority, the applicant shall furnish evidence as to any lot or lots for which adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.
- (3) Proper connections shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the subdivision is not subdivided, provision shall be made for proper projection of the stormwater management structures by continuing appropriate drains to the exterior boundaries of the subdivision at such size and grade as will allow for such projection.
- (4) In no case shall less than twelve-inch pipe be used for surface water drainage, and such pipe shall be larger when deemed advisable by the Stormwater Authority.
- (5) Catch basins shall be provided at changes in direction, and, as far as possible, the drain between catch basins shall be laid in a straight line. Maximum spacing of catch basins shall be 250 feet, unless otherwise authorized, in specific cases, by the Planning Board.
- (6) In specific cases of streets of 250 feet or less in length, drains and catch basins shall be installed and constructed by the applicant as designated by the Planning Board where, in its opinion and as recommended by the Ayer DPW, it is reasonably necessary for the public interest.

- (7) The stormwater management structures shall be laid out to the satisfaction of the Stormwater Authority, its engineering consultant, and the Ayer DPW. The Stormwater Authority and Ayer DPW shall require provision of such facilities and arrangements thereof as in their opinion is reasonably necessary. The installation of the stormwater management structures, including the methods of construction and the quality of materials used, shall conform to the then-current standard specifications of the Ayer DPW, and the Ayer NPDES Phase II Stormwater Bylaw and associated regulations.
- (8) Catch basins shall have a minimum four-foot sump and be four feet in diameter (inside measurements) and furnished with a proper casting approved by the Superintendent of Public Works
- (9) Detention basins – A dry detention basin is an impoundment or excavated basin for the short-term detention of stormwater runoff from a completed development that allows a controlled release from the structure at downstream, pre-development flow rates. Conventional dry detention basins typically control peak runoff for 2-year and 10-year 24-hour storms. They are not specifically designed to provide extended dewatering times, wet pools, or groundwater recharge. Extended dry detention basins are modified conventional dry detention basins, designed to hold stormwater for at least 24 hours to allow solids to settle and to reduce local and downstream flooding. Dry detention basins and extended dry detention basins shall be designed in accordance with the requirements of the Massachusetts Stormwater Handbook.

D. Water

- (1) Water system design and construction shall be completed in accordance with the Town of Ayer Water Department Rules and Regulations. Designs shall include calculations demonstrating that the required fire flows are met.
- (2) Hydrant location and spacing shall be installed per the Ayer Water Department Rules and Regulations as well as the specifications of the Ayer Fire Department.
- (3) Where public water system is located within four hundred feet of the subdivision, the subdivider shall connect to the public water system. Where a public water system is- not located within four hundred feet, the subdivider may install private on-lot water systems and such systems shall be designed in conformity with the standards of the Board of Health.
- (4) 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 the standards of Mass DEP and the Ayer DPW.
- (5) The Ayer DPW, in reviewing all proposed water facilities to be located in the flood plain district established under the zoning bylaw, shall require that new and replacement water supply systems be designed to minimize or eliminate infiltration of flood waters into the system.
- (6) Dead-end water mains shall be avoided to eliminate standing water, except upon the express written recommendation of the Ayer DPW. Easements for future extension

of the water system shall be provided, except upon the express written recommendation of the Ayer DPW.

E. Sewerage

- (1) Sewerage design and construction shall be completed in accordance with the Town of Ayer Sewer Rules and Regulations.
- (2) Where a public sewer system is located within four hundred (400) feet of the subdivision, applicant shall connect to the public sewer system. Where a public sewer system is not located within four hundred feet, the applicant may install private on-lot sewerage systems and such systems shall be designed in conformity with the standards of the Board of Health.
- (3) Community-type systems or joint use of on-lot sewerage systems shall be subject to the approval of the MassDPH.
- (4) The Ayer DPW, in reviewing any proposed sewer facilities in any flood plain district area established under the zoning bylaw, shall require that new and replacement sewer facilities be designed to eliminate infiltration of flood waters into the system and discharge from the system into the floodwater.

F. Easements

- (a) 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 wide for electric and telephone and at least twenty (20) feet wide for drainage, sewerage and water.
- (b) Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a stormwater 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.
- (c) All easements will be "utility easements," which will allow for the construction and maintenance of any town service for public utilities within the boundaries of the easement.

G. Open Space

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. This is in addition to the minimum required amount of open space per section 10.1.3. C of the Ayer Zoning Bylaw.

H. Protection of Natural Features

Due regard shall be shown for all-natural features, such as large trees, water courses, scenic points, historic spots and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.



I. Slopes and Walls

- (1) Wherever the grade of the approved street differs from the grade of the adjacent land or where otherwise necessary for public safety, in the area beyond the sidewalk or landscaped planting strip, the developer must erect retaining walls and guardrail fences or offer slopes no steeper than one foot vertical to three feet horizontal in fill and one foot vertical to two feet horizontal in cut to ensure proper protection and lateral support.
- (2) No retaining wall may have a height above finished grade greater than five feet . Where necessary, a series of retaining walls may be constructed in a terraced effect provided the horizontal distance between the outside face of one wall is at least four feet from that of the next wall.
- (3) Landscaping must be provided on slopes and on the terraces between retaining walls to reduce the visual impact of the construction. Such walls, fences, slopes and planting are subject to the Board's approval as to location, design and dimensions and must be constructed in a manner satisfactory to the Ayer DPW.

J. Detail Sheets

All plans submitted to the Town for review must comply with the Town of Ayer Standard Detail Sheets on file at the Ayer DPW.

## **SECTION IX: INSPECTIONS**

- A. Inspection fees shall be submitted to the Ayer DPW according to the Rules and Regulations.
- B. The subbase of roads, sidewalks, aprons and curbs shall be inspected and approved by the Ayer DPW and the Board's consulting engineer prior to laying the surface.
- C. Drains and catch basins shall be inspected and approved by the Ayer DPW and the Board's consulting engineer prior to backfilling.
- D. Inspections by the Department of Public Works shall require notice in writing received by the Department of Public Works at least two full business days prior to the required inspection. The applicant is responsible for knowing the Department's business schedule.
- E. Inspection by the Board's consulting engineer shall require notice in writing received by the consulting engineer, and a copy received by the Town, at least seven business days prior to the required inspection.
- F. The Board may establish the order of the required inspections and will require satisfactory completion of one step before the applicant proceeds to the next. It may require tests to be done by the applicant at his expense as a condition for approval when in the opinion of the Board it is advisable.
- G. Approval for backfilling will not constitute final approval of any underground utility until such lines are properly tested.

- H. It shall be the responsibility of the applicant to see that all the proper forms are properly filled out and properly signed and returned to the Planning Board subsequent to each inspection.
- I. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the applicant or rescission of the approval of the plan in accord with MGL c. 41, § 81W.
- J. The scheduled inspections in all subdivisions during the installation of the required improvements shall include but not be limited to the following:
  - (1) Marking of trees to be preserved in the street rights-of-way.
  - (2) Satisfactory clearing and grubbing of the proposed paved areas, embankments and trimmed slopes of each street.
  - (3) Satisfactory excavation of street and subgrade preparation.
  - (4) Satisfactory installation of all mechanisms to prevent erosion and contain siltation.
  - (5) Satisfactory installation of drainage pipes, conduits, catch basins, manholes and other below-grade facilities.
  - (6) Satisfactory installation of utility pipes and conduits located under street and sidewalk locations.
  - (7) Satisfactory filling, grading and compaction of the street and sidewalk subgrades.
  - (8) Satisfactory installation of curbing / berms at catch basins and at street intersections.
  - (9) Satisfactory placement and compaction of gravel base for streets.
  - (10) Satisfactory installation of underground electric, telephone and other services.
  - (11) Satisfactory installation of catch basins and manhole frames, headwalls, riprapping and measures to prevent erosion.
  - (12) Satisfactory placement of bituminous binder course on streets.
  - (13) Satisfactory placement of bituminous finish course on streets.
  - (14) Satisfactory construction of sidewalks.
  - (15) Satisfactory installation of streetlights, if required.
  - (16) Satisfactory loaming, grading and planting of landscaped areas.
  - (17) Satisfactory installation of street signs.
  - (18) Satisfactory installation of street trees where required.
  - (19) Satisfactory installation of monuments.
  - (20) Satisfactory cleanup.

(21) Satisfactory maintenance.

## SECTION XI: PERFORMANCE GUARANTEE

Prior to endorsing an approved definitive subdivision plan, the Board shall require that the construction of ways and required improvements therein, infrastructure to provide services and utilities to the subdivision, stormwater management facilities, and similar elements, hereinafter referred to collectively as the “improvements,” be assured by means of providing appropriate security.

### A. Forms of Performance Guarantee

The following methods of securing construction of improvements may be utilized by Applicants, subject to the Board’s acceptance. The Board reserves the right to stipulate the preferred form of security to be provided, based upon prevalent practice, current financial market conditions and the nature and scope of the approved subdivision.

By a **(1) Covenant**: To ensure that the orderly disposition of lots within the subdivision are served by properly constructed access ways and improvements, the Board shall generally require of all approved definitive plans the execution and recording of a covenant, on and running with the land, to secure construction of all required improvements. A covenant shall be required of and executed by the Applicant, the Owner and any mortgagees of record, and recorded with the Registry of Deeds, as well as noted on the plan, whereunder the applicant undertakes not to sell any lot or construct any building until the required improvements necessary to serve that lot or lots have been fully and properly constructed. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed.

To ensure the completion of access ways and improvements in the event that applicants or subsequent owners fail to do so, the Board may accept any of the following forms of monetary performance guarantee or combination thereof, but may reject any such guarantee if deemed to be insufficient security for the purposes stated herein:

**(2) By a Bond**: The Applicant may offer an insurance bond or similarly secured instrument, in an amount deemed by the Board to be sufficient to ensure the proper construction of all required improvements serving all lots within the subdivision. The Board may further require a time limit within which the improvements must be completed.

**(3) By deposit of financial security**, in the form of money, a dedicated savings account passbook, or negotiable securities encumbered for these purposes. The financial security shall be provided in an amount deemed by the Board to be sufficient to ensure the proper construction of all required improvements serving all lots within the subdivision. The Board may further require a time limit within which the improvements must be completed.

**(4) By Applicant/Lender Agreement or Letter of Credit** : The Applicant may offer to the Board as a performance guarantee a lending institution agreement or letter of credit, executed after the recording of the first mortgage and covering the premises shown on the plan. Said document shall cover financial advances to be made to the Applicant by the lending institution.

It shall provide for the retention by the lender of funds sufficient in the opinion of the Board and otherwise due the Applicant, to secure the construction of all required improvements, in an amount deemed by the Board to be sufficient to ensure the proper construction of all required improvements. The Board may further require a time limit within which the improvements must be completed. Said document also shall provide for a schedule of disbursements which may be made to the Applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the Applicant, any funds remaining undisbursed shall be available for completion.

As provided in MGL Chapter 41, section 81U, the penalty amount of any financial security described above shall bear a reasonable and direct relationship to the anticipated project cost, adjusted for inflation, necessary to complete the required work. Such amount or amounts shall from time to time be reduced so that the amount secured shall remain in line with the actual costs expected to be incurred for the remaining work to be completed.

#### B. Process for Construction and Completion of Improvements

Upon completion of the construction of all required improvements, the Applicant shall send by registered mail to the Town Clerk and Board a written statement that said construction, in the opinion of the Applicant, is completed. This statement shall contain the address of the Applicant and all controlling interests in the property. If the Board, in consultation with appropriate Town of Ayer staff and any consulting advisors, determines that said construction has been fully and properly completed in accordance with the approved plans and rules and regulations, it shall release the interest of the Town of Ayer in all applicable performance guarantees and covenants. If the Board determines that said construction or installation has not been fully and properly completed, it shall specify in a notice sent by registered mail to the Applicant and to the Town Clerk, the details whereby the construction is deficient, according to approved plans or fails to comply with its rules and regulations. Failure to take such action within forty-five days after the receipt by the Clerk of this statement shall mean that all obligations under the performance guarantee shall cease and terminate. Any monies still held on deposit shall be returned, and any applicable covenants shall become null and void. If this forty-five-day period expires without such action, or without the release and return of the deposit or applicable covenants, the Clerk shall issue a certificate to such effect, which may be recorded.

Any bond or financial security acting as a performance guarantee for required improvements that is held by the Town due to the Applicant's failure to fully and properly complete said improvements, may be applied by the Board for the benefit of the Town, as provided in section eighty-one Y. The Town may apply such funds to offset the costs of completing the incomplete work. If such proceeds do not exceed one hundred thousand dollars or whatever sum is applicable by statute at the time, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four, provided that such expenditure is approved by the Board of Selectmen.

#### C. Park Designations

As further provided for in MGL Chapter 41, section 81U, before approval of a definitive plan, the Board shall also, where appropriate and feasible, require the plan to show a park or parks suitably located for playground, recreation, conservation or similar public purposes, provided that such area not unreasonable in area in relation to the area of the land being subdivided, and if so determined,

the Board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks for a period of not more than three years without its approval.

## **SECTION XII: MODIFICATIONS, SUSPENSION AND RESCISSION**

- A. Any subdivision approved under these rules and regulations may be modified, suspended or rescinded in accordance with MGL c. 41, § 81W.
- B. The Board may include provisions for automatic rescission. Ways not completed at the time of such rescission in accordance with the conditions of the approval shall not be treated as ways previously approved under the Subdivision Control Law.
- C. When the applicant requests a modification after approval of a subdivision application, it shall generally be handled with the same process as new applications. The same fee structure shall apply however, the Planning Board may impose a fee of \$300 and \$50 per lot. The initial consulting fee is not required, but the Board may establish a consulting fee subsequent to receiving the application. Said fee must be paid within one week.
- D. The applicant or successor may make such changes to the layout as are allowed under MGL c. 41, § 81O, except that OSRD developments will normally be prohibited by the terms of the associated special permit from making such changes. When such changes are made, they may not affect any of the drainage calculations or designs, road design or safety standards or otherwise cause the subdivision to be in violation of these rules and regulations.

## APPENDIX A) APPLICATION FORMS FOR ANRs, PRELIMINARY SUBDIVISIONS AND DEFINITIVE SUBDIVISIONS

### Ayer Planning Board *Form A*

#### Application for Endorsement of a Plan Not Requiring Approval (ANR)

TO: Town of Ayer Planning Board

Date: \_\_\_\_\_

The undersigned, Applicant, believing that the accompanying plan of his property in the TOWN OF AYER does not constitute a Subdivision within 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.

1. Name(s) and Address(es) of Applicant(s):

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2. Name of Engineer or Surveyor:

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3. Name(s) and Address(es) of Owner(s) of Record:

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4. Location and Description of Property:

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5. Narrative (if needed):

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6. Deed of Property Recorded in Middlesex Registry of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_

7. Number of lots shown on plan \_\_\_\_\_

8. Indicate below compliance with the requirement that the plan submitted is not a subdivision under the subdivision control regulations (either A, B, or C) (cannot be a combination)

- |                                                                                                      | Lot Numbers |
|------------------------------------------------------------------------------------------------------|-------------|
| A. Each lot on the plan or each lot altered by the plan meets one of these criteria:                 |             |
| 1. Has the frontage required under the Zoning Bylaw on:                                              |             |
| (a) A public way, or                                                                                 | _____       |
| (b) A way which the Town Clerk certifies is maintained<br>And used as a public way, or               | _____       |
| (c) A way shown on a plan approved and endorsed earlier<br>By the Planning Board under this law, or  | _____       |
| (d) A way in existence prior to and which the Board finds<br>Adequate for the way's proposed use, or | _____       |
| (e) A way shown on a plan of a subdivision registered in<br>the Land Court prior to                  | _____       |
| 2. Has Been clearly marked on the plan to be either:                                                 |             |
| (a) Joined to and made part of an adjacent lot, or                                                   | _____       |
| (b) "Not a building lot"                                                                             | _____       |
| B. Each lot on the plan contains a building which existed prior to                                   | _____       |
| C. The plan simply describes already existing parcels with no lot<br>divisions                       | _____       |

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Record Owner  
(if other than Applicant)

Received By Planning Board \_\_\_\_\_

Received By Town Clerk \_\_\_\_\_

# Ayer Planning Board

## Form B

### Application for Approval of Preliminary Subdivision

TO: Town of Ayer Planning Board

Date: \_\_\_\_\_

The undersigned, Applicant, Herewith submits the accompanying Preliminary Plan of property located in the Town of Ayer for approval as a Preliminary Subdivision as allowed under the Subdivision control law and the Rules and Regulation governing the Subdivision of Land of the Planning Board of the Town of Ayer.

1. Name(s) and Address(es) of Applicant(s):

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2. Name of Engineer or Surveyor:

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3. Name(s) and Address(es) of Owner(s) of Record:

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4. Location and Description of Property:

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5. Deed of Property Recorded in Middlesex Registry of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_

6. Number of lots shown on plan \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



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Signature of Record Owner  
(if other than Applicant)

**Filing Fee \$500.00 and \$50.00 per each lot being created as shown on the plans.**

7 Full Size plans, (5) 11 x 17 copies of the stamped plans and 13 copies of the application, are required at the time of application.

Received By Planning Board \_\_\_\_\_

Received By Town Clerk \_\_\_\_\_

# Ayer Planning Board

## Form C

### Application for Approval of Definitive Subdivision

TO: Town of Ayer Planning Board

Date: \_\_\_\_\_

The undersigned, herewith submits the accompanying Definitive Plan of land for approval as a subdivision under the requirements of the Subdivision Control Law and the Ayer Planning Board's Rules and Regulations Covering the Subdivision of Land.

1. Name(s) and Address(es) of Applicant(s):

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2. Name of Engineer or Surveyor:

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3. Name(s) and Address(es) of Owner(s) of Record:

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4. Location and Description of Proposed Subdivision:

Street Reference: \_\_\_\_\_

Number of Lots: \_\_\_\_\_

Total Acreage: \_\_\_\_\_

Name of Subdivision: \_\_\_\_\_

Assessors Map(s) \_\_\_\_\_ and Parcel(s) \_\_\_\_\_

5. Deed of Property Recorded in Middlesex Registry of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_

6. Preliminary Subdivision Approval Date (if Applicable): \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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Signature of Record Owner  
(if other than Applicant)

Received By Planning Board \_\_\_\_\_

Received By Town Clerk

## APPENDIX B) APPLICATION FEE SCHEDULE

- 1) Approval Not Required (ANR) Plans:** All ANR plans require an application fee of \$115, plus \$50 for each lot or parcel shown on the plan, excluding lots and parcels that are unaffected by the endorsement, but including lots and parcels that are the intended recipient of a conveyance.
- 2) Preliminary Plans:** The application fee for a preliminary subdivision plan is \$500 and \$50 per each lot being created as shown on the plan.
- 3) Definitive Plans:** The application fee for a definitive subdivision is \$1,000 and \$250.00 per each lot being created.
- 4) Re-Application Fees:**
  - a. Approval Not Required (ANR) Plans: \$100.00
  - b. Preliminary Plan: \$100.00
  - c. Definitive Plan: \$100.00

## **APPENDIX C : CONSTRUCTION STANDARDS FOR REQUIRED IMPROVEMENTS**

In subdivisions, the ways shall be constructed, and municipal services installed in accordance with the Town of Ayer Construction Standards and the following specific requirements:

### **A. General**

The latest edition of the MassDOT 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 SSHB shall be brought before the Planning Board for review and approval.

### **B. Site Disturbance and Erosion Control Measures**

Before any clearing and grubbing operations within the project take place the contractor shall place all erosion protection measures as directed by the plans and Conservation Commission Order of Conditions (if applicable). The contractor shall also identify in the field, the limits of disturbance 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 Ayer DPW prior to any site clearing. The first fifty (50) feet of the construction access points to the subdivision shall have stabilized ingress/egress installed and maintained according to the latest edition of the MassDOT Erosion and Sediment Control Field Guide. The Applicant shall comply with the requirements of the NPDES General Permit for Discharges from Construction Activities (Construction General Permit). The latest edition of the MassDOT Erosion and Sediment Control Field Guide shall be referred to in any case where this section or the Plans do not specify a material or method used in the construction and maintenance of any erosion or sediment control.

### **C. Stormwater Management**

The construction of the stormwater management drainage system, including methods of construction and quality of materials used, shall be in conformity with the Definitive Plan and in conformity with the Stormwater Rules and Regulations of the Ayer DPW. The stormwater drainage system shall be installed as shown on the approved plan, and outlet drainage rights shall be secured by the applicant for the Town. Drains and catch basins shall not be backfilled or covered until inspected and approved by the Ayer DPW or their designate.

### **D. Water**

- (1) The water system shall be installed in accordance with the Definitive Plan and shall be in conformity with the rules and regulations of the Ayer DPW.
- (2) Private on-lot water systems shall be located in accordance with the Ayer Board of Health regulations.

### **E. Sewerage**

The sewerage system shall be installed in accordance with the Definitive Plan and shall be in conformity with the rules and regulations of the Ayer DPW.

F. Underground Services

- (1) In rock, clay or peat, excavation trenches shall be excavated to a depth of six (6) inches or more below the bottom of any water pipe, storm drain, or sewer and filled with suitable base material (select gravel or other material approved by the Ayer DPW).
- (2) All water pipes, storm drains and/or sewers, gas mains or underground electrical or communication conduits shall be installed in the street prior to completion of the roadway foundation. This includes the installation of service pipes and conduits to the front lot line of each residential lot shown in the subdivision.
- (3) All storm drains, sewers, culverts manholes, water mains and laterals, shutoff valves and hydrants shall be inspected prior to any backfilling of trenches or other covering of structure. Following such inspection, the fill material shall be carefully placed around the structures and rammed and compacted to a depth of one (1) foot lifts before completing the filling. All underground utilities shall be tested and approved prior to installation of base course(s) and pavement.
- (4) The Board may require that underground distribution systems be provided for any and all utility services, including electrical and communication services as may be specified in such rules and regulations and may set forth a requirement that poles and any associated overhead structures, of a design approved by the planning board, be provided for use for police and fire alarm boxes and any similar municipal equipment and for use for street lighting.

G. Filling of Trenches

- (1) Unsuitable material below normal pipe inverts shall be removed and replaced by material approved by the Ayer DPW. Unsuitable material shall not be used for trench backfill.
- (2) Backfill shall be compacted to ninety five percent (95%) of the maximum dry density of the material as determined by the AASHTO, Designation T-180D. Uncompacted lifts shall be no greater than twelve (12) inches.

H. Roadway Grading

- (1) 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 minimum depth of 16 inches.
- (2) Upon removal of existing topsoil and organic matter, the Ayer DPW shall inspect the exposed soil and decide 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 Ayer DPW 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 Ayer DPW 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 Ayer DPW. Large fills shall be placed and compacted in lifts not exceeding twelve (12) inches.

#### I. Roadways

- (1) Roadways shall be constructed for the full length and width. The centerline of such roadways shall coincide with the centerline of the street rights-of-way, unless a minor variance is specifically approved by the Board.
- (2) After the road has been carefully graded to an elevation sixteen (16) inches below the finished grade, an eight (8) inch layer of base gravel meeting the requirements of SSHB material specification M1.03.0 gravel borrow type b (maximum three (3) inch size aggregate) shall be spread and rolled with a roller of sufficient weight to achieve 95% compaction of the gravel. A dense graded base layer four (4) inches thick meeting the requirements of SSHB material specification M2.01.7 gravel borrow (maximum two (2) inch size aggregate) shall be applied above the eight (8) inch base layer and rolled as specified above. The above thickness of gravel refers to thickness after thorough compaction. All gravel used for base materials shall consist of hard, durable stone and coarse sand practically free from loam and clay, and uniformly graded.
- (3) The twelve (12) inches of gravel base described above shall be brought to true grade and compacted to fine grade with roller of size specified above. The surface shall be penetrated with one coat of MC-30 cut-back asphalt, at a temperature of approximately 125° to 145° degrees Fahrenheit, one-half (1/2) gallon per square yard of surface. This shall be allowed to seal for 24 hours without traffic.
- (4) After base material and one coat of MC-30 have been inspected and approved by the Ayer DPW, the pavement shall be laid in two separate operations: a two and one-half (2-1/2) inch thick (compacted) layer of Class I bituminous concrete base course type I-1 and a one and one-half (1-1/2) inch thick (compacted) layer of Class I type I-1 bituminous concrete pavement 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 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 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 DPW 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 DPW. 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 Ayer DPW's periodic inspections. All pavement shall be "water tested" with a

representative from the Ayer DPW 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.

- (5) On industrial, general business, downtown business, or roadways having truck traffic, five and one-half (5 -1/2) inch Class I Type I-1 plant-mixed bituminous concrete shall install as follows: two and one-half (2-1/2) inch base course; one and one-half (1-1/2) inch binder course and one and one-half (1-1/2) inch top course.

J. Curbing and Berms

- (1) Granite curbing required hereunder shall be vertical granite VA3 or VA4 or sloped granite Type SB as described in the SSHB.
- (2) Hot Mix Asphalt (HMA) Berm shall be Type A ("Cape Cod Berms") per MassDOT Construction Standard Details.

K. Sidewalks

- (1) Sidewalks shall be required per the specifications of Table 1 in Design Standards above.
- (2) In constructing all sidewalks, the material shall be removed for the full width of the sidewalk to a subgrade at least ten (10) inches 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. Sidewalks shall be constructed in accordance with the MassDOT SSHB and according to the following:

Cement Concrete Sidewalk at Driveways

6-inch cement concrete (Air entrained 4,000 PSI, 3/4", 610) OVER  
8-inch gravel borrow (MassDOT M1.03.0 Type b)

Cement Concrete Walkways/Wheelchair Ramps

4-inch cement concrete (Air entrained 4,000 PSI, 3/4", 610) OVER  
8-inch gravel borrow (MassDOT M1.03.0 Type b)

Hot-Mix Asphalt Walk at Driveways

1.5-inch HMA top course OVER  
0.05 gallon per square yard tack coat (RS-1) OVER  
2-inch HMA binder course OVER  
8-inch gravel borrow (MassDOT M1.03.0 Type b)

Hot-Mix Asphalt Walkways

1-inch HMA top course OVER  
0.05 gallon per square yard tack coat (RS-1) OVER  
1.5-inch HMA binder course OVER  
8-inch gravel borrow (MassDOT M1.03.0 Type b)

- (3) Driveway aprons shall be constructed in conjunction with the sidewalk.



- (4) Sidewalks, including where they cross at driveway aprons and at wheelchair 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 responsibility that the sidewalk meets ADA requirements.
- (5) All wheelchair ramps shall be constructed of cement concrete with vertical granite curbing along ramp transitions. In the area where the sidewalk connects to the wheelchair ramp, a vertical-to-slope granite transition curb shall be installed if sloped curbing or berm (i.e. no vertical curb) is proposed. All wheelchair ramps must meet or exceed ADA requirements.
- (6) Refer to the latest edition of MassDOT Construction Standard Details for standard wheelchair ramp details.

L. Common Driveways

- (1) The common driveway shall have a minimum cleared width of twenty feet (20) feet and a maximum paved width of eighteen (18) feet.
- (2) In constructing the common driveway, the existing material shall be removed for the full width of the driveway to a subgrade at least twelve (15) inches below the approved finished grade. The Ayer DPW shall inspect the exposed soil and decide on the suitability of the material for use as a roadway subgrade following the requirements in Section VIII, H.2.
- (3) After suitable subgrade has been established and approved, construction of the base and asphalt layers shall follow the requirements of Section VIII.I.2 with the exception that the characteristics of the base course and asphalt shall be as follows: a minimum of 12-inch gravel borrow (MassDOT M1.03.0 Type b), 2-inch HMA binder course, and 1.5-inch HMA surface course.

M. Planting Strips

- (1) 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.
- (2) Planting strips shall be minimum 4-feet wide.
- (3) No trees or other obstruction shall be placed or retained within the planting strip so as to be closer than two (2) feet to the edge of the roadway. Tree species and planting locations shall be approved by a consultant acceptable to 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 Ayer DPW shall be installed at locations where street trees are closer than ten (10) feet to a roadway or sidewalk.

- (4) The top six (6) inches 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.

N. Monuments

- (1) Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent monuments are necessary. Land monuments shall be constructed of reinforced concrete or granite of not less than six inches by six inches by four feet, with a three-eighths-inch drill hole in the center.

O. Trees

- (1) The subdivider shall provide and plant at approximately 50-foot intervals on each side of the way at least one suitable shade tree, having a minimum height of 10 feet. These trees may be varied species, as approved by the Board, and shall be planted with approval of the Ayer Tree Warden. All trees shall be subject to a one-year guarantee.
- (2) Existing trees that are going to be preserved within the Right of Way will be identified on the Plan, flagged in the field and protected during construction with fencing or suitable substitute.

P. Streetlights

- (1) Streetlights shall be installed at each intersection and spaced along the edge of the roadway in such a manner as to provide proper and adequate lighting for the entire roadway surface and shall meet the requirements of the Ayer General and Zoning Bylaws.
- (2) When the actual installation of streetlights is waived by the Board, the designs shall nevertheless consider the possible future installation of streetlights, including of their locations.
- (3) Streetlights shall be furnished with controls that are compatible with the Town's existing wireless streetlight control system and shall be connected to the system.

Q. Mailboxes

- (1) All mailboxes intended as receptacles for U.S. Mail must meet all size, placement and location standards of the United States Postal Service.

## **APPENDIX D) AYER OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD) GUIDELINES FOR PREPARATION OF THE CONSERVATION ANALYSIS**

Note: To be inserted here once finalized.

A public hearing to revise these Regulations to include this section will be held in the near future.