

# **SUBDIVISION REGULATIONS**

**TOWN OF AYER SUBDIVISION CONTROL REGULATIONS  
UPDATED 1987**

**RULES AND REGULATIONS GOVERNING  
THE SUBDIVISION OF LAND  
IN THE TOWN OF AYER**

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

**PURPOSE**

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the cities and town in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases, parks and open areas. The powers of a planning board and a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility service, fire, police and other municipal equipment, street lights and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in Section eight-one R, such portions of the rules and regulations as is deemed advisable." (Section 81-M of Chapter 41, G.L.)

**SECTION I. AUTHORITY SECTION**

Under the Authority vested in the Planning Board of the Town of Ayer by Section 81-Q of Chapter 41 of the General Laws, said Board hereby amends those rules and regulations governing the subdivision of land in the Town of Ayer which took effect on and after the first day of February, 1966.

## SECTION II. GENERAL

### A. Definitions

"Subdivision" shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if at the time when it is made, every lot within the tract so divided has frontage on (a) a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the town of Ayer having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction, provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, for erection of a building on such lot, and if no distance is required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the town of Ayer in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision." (Section 81-L of Chapter 41, G.L.)

"Board" shall mean the Planning Board of the town of Ayer.

"Preliminary Plan" shall mean a plan of proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend and title 'Preliminary Plan'; (b) the names of the record owner and the applicant and the name of the designer engineer or surveyor; (c) the names of all abutters as determined from the most recent local tax list; (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; (h) and the topography of the land in a general manner." (Section 81-L of Chapter 41, G.L.)

### B. Limitation of One Dwelling On Any Lot

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

### C. Rules and Regulations

After a public hearing notice of the time and place of which and of the subject matter sufficient for identification shall be published in a newspaper of general circulation in the town once in each of two successive weeks the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the town hall for a period of not less than fourteen days before the day of such hearing a planning board shall adopt and in the same manner may from time to time amend reasonable rules and regulations relative to subdivision control not inconsistent with the subdivision control law or with any other provisions of a statute or of any valid ordinance or by-law of the town.

### D. Building Permits

No building shall be erected within a subdivision in the town of Ayer without written permission from the Planning Board Building Permits shall be issued in accordance with the Zoning By-Law of the Town of Ayer, March 13, 1972.

### E. Plan Believed Not To Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and application Form A (see Appendix) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application.

If the Board determines that the plan does not require approval, it shall without a public hearing and within fourteen days of submission endorse on the plan the words "Planning Board approval under Subdivision Control Law not required." Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within fourteen days of submission of said plan so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.

### F. Subdivision

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the town, or proceed with 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.

## G. Enforcement

Planning boards established under section 81A, their officers and agents, may, so far as they deem it necessary, enter upon any lands and there make examinations and surveys, and place and maintain monuments and marks, but any person injured in his property by such entry or other acts without his consent, may recover the damages so caused.

## SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

### A. Preliminary Plan

#### 1. General:

A Preliminary Plan of a subdivision may be submitted by the applicant to the Board and to the Board of Health for discussion and approval modification or disapproval by each board. The submission of such a Preliminary Plan will enable the subdivider, the Board, the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case.

The plan shall be submitted by delivery at a meeting of the Board or by registered mail to the Planning Board in care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan.

#### 2. Contents:

The Preliminary Plan shall be drawn on tracing paper with pencil at a suitable scale preferably at 1" - 40', and two prints shall be filed at the office of the Board and one print at the office of the Board of Health. Said plan shall be identified as a Preliminary Plan and show all the information described under the definition of the Preliminary Plan so as to form a clear basis for discussion of its problems and for preparation of the definitive Plan. During discussion of the Preliminary Plan the complete information required for the definitive Plan (Section III- B-2 Contents) and the financial arrangements (Section III- B-3 Performance Guarantee) will be developed.

#### 3. Approval:

The Planning Board may give such Preliminary Plan its approval with or without modification. Such approval does not constitute approval of a subdivision but does facilitate the procedure in securing final approval of the Definitive Plan.

### B. Definitive Plan

#### 1. General:

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the board the following:

- a. An original drawing of the Definitive plan and five contact prints thereof. The original drawings will be returned after approval or disapproval.
- b. A properly executed application Form B (see Appendix).
- c. A minimum filing fee of \$25.00 per lot shown on the Plan plus any additional monies which may be necessary to cover costs incurred by the town in the processing of the plan.

The applicant shall file by delivery or certified mail, a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form B).

## 2. Contents:

The Definitive Plan shall be prepared by a Registered professional engineer or land surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth, linen mylar or equivalent. The plan shall be at a scale of one inch equals forty feet or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed 24 in. x 36 in. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision.

The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, north point, date of survey and scale.
- b. Name and address of record owner, subdivider and engineer or surveyor.
- c. Names of all abutters as they appear in the most recent tax list.
- d. Existing and proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the board.)
- e. Sufficient data to determine the location, direction and length of every street and way lot, lot line and to establish these lines on the ground.
- f. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- g. Location of all permanent monuments properly identified as to whether existing or proposed.
- h. Suitable space to record the action of the Board and the signatures of the members of the
  - i. Board (or officially authorized person).
  - i. Existing and proposed topography at a five-foot contour interval or lesser interval.
  - j. Proposed layout of storm drainage, water supply and sewage disposal system.
  - k. Indication of purpose of easements.
  - l. Existing profiles on the exterior lines and property profile on the centerline of proposed streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals four feet, or such other scales acceptable to the Board. All elevations shall refer to the town datum. On the same sheet there shall be drawn cross-sections of the proposed street, property located and identified by station number at such intervals along the street as will adequately indicate any variations in its section.

## 3. Performance Guarantee:

Before approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in Section V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant:

a. Approval with bonds or surety

The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under "b" hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Selectmen, and shall be contingent on the completion of such improvements within two years or the date of the bond.

b. Approval with covenant

The applicant shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in Section V, not covered by bond or deposit under "a" hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

4. Reduction of Bond or Surety:

The penal sum of any such bond, or the amount of any deposits held under clause "a" above, may, from time to time, be reduced by the Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.

5. Release of Performance Guarantee:

Upon the completion of improvements required under Section V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider, may orally request and agree on terms of release with said Board, or he may send by registered mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Section V, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Board. If the Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction and installation fails to comply with the requirements contained under Section V. Failure of the Board to act on such applicant within forty-five days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

6. Release of lots if lender guarantees construction:

Following the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, the planning board may, at its option, release lots from the operation of the covenant given pursuant to clause (2) above, without receipt of a bond or deposit of money upon delivery to the Planning Board of an agreement with the Planning Board, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of sufficient funds otherwise due the applicant to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon the 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 undisturbed shall be available for completion.

7. Evidence of Satisfactory Performance:

Before the Board will release the interest of the town in a performance bond or deposit or, in the case of approval with covenant, issue a release of covenant:

a. Three (3) sets of black India ink upon tracing cloth, linen, mylar or equivalent "as built drawings" will be submitted to the Board of Public Works for their files, water, sewer and highways.

b. The Board shall obtain in writing from the Town Board of Public Works, a statement that all work required by these rules and regulations has been inspected by it and completed - on each street in the subdivision (or the street or streets serving the lots in question), including storm drains, bridges and sidewalks and that it has approved the methods of construction and materials used in the performance of such work.

c. The Board shall obtain in writing from the Town Board of Public Works, a statement that they have inspected and the applicant has completed, each water main and sanitary sewer and their appurtenances in accordance with the requirements of these rules and regulations and they have approved the methods of construction and materials used in the performance of such work.

d. The applicant shall execute an instrument transferring to the town, without cost, valid unencumbered title to all sanitary sewers, water mains and appurtenances thereto, constructed and installed in the subdivision or approved portion thereof, and conveying to the town, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers and water mains, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto in through and under the whole of all streets in the subdivision or approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through and under such a strip of land extending ten feet in width on each side of the centerline of all such sewers and water mains.



## 8. Review by Board of Health as to Suitability of the Land:

A the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health two contact prints of the definitive Plan, dark line on white background. The Board of Health shall within forty-five days after filing the plan, report to the Board in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible, shall make recommendations for the adjustment thereof. Every lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with an on-lot sewerage system or community-type system satisfactory to the Board of Health.

## 9. Review by Other Town Officials

The Clerk of the Board will transmit copies of the Definitive Plan to town officials other than the Board of Health as follows:

- One copy to the Building Inspector.
- Two copies to the Board of Public Works.
- One copy to the Conservation Commission.

The above officials may state in writing on or before the date of the public hearing, any proposed modifications or revisions to the plan they desire in the following respects:

- a. The Board of Public Works as to the design of the water system; the location and number of hydrants the design of the street system; the location of easements, monuments; and the adequacy of drainage systems.
- b. The Conservation Commission insofar as the proposed development will affect or relate to water bodies and wetlands.

If no modifications, revisions or objections are received prior to or at the public hearing, approval may be assumed for purposes of any action by the Board. However, such assumption shall not negate or supercede the legal powers of any other board or officials in any way.

## 10. Public Hearing:

Before approval modification and approval or disapproval of the Definitive Plan is given a public hearing shall be held by the Planning Board notice of the time and place of which and of the subject matter sufficient for identification shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Ayer once in each of two successive weeks the first publication being not less than fourteen days before the day of such hearing or if there is no such newspaper in said town then by posting such notice in a conspicuous place in the Town hall for a period of not less than fourteen days before the day of such hearing and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

## 11. Certificate of Approval

The action of the Board in respect to such plan shall be by vote copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Board modified or disapproves such plan, it shall state in its vote the reasons for its action. Approval if granted shall be endorsed on the original drawing of the Definitive Plan by the signature of a majority of the Board (or by the signature of the person officially authorized by the Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed the applicant shall furnish the Board with three prints thereof.

Approval of the Definitive Plan does not constitute the laying out of acceptance by the town of streets within a subdivision.

## SECTION IV. DESIGN STANDARDS

### A. Streets

#### 1. Location and Alignment:

- a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider 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 or Study Plan as adopted in whole or in part by the Board.
- c. Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet 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 should be avoided.
- f. 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 so as to intersect perpendicularly at right angles for a minimum centerline length of 100 feet from intersection of centerline. No street shall intersect any other street at less than sixty degrees.

h. Acceptable sight distance requirements based on published traffic engineering standards shall apply at all intersections. Refer to examples provided: Standard drawing No. 1 and No. 2, page 23.

2. Cross-Section:

a. The minimum width of right-of-way shall be as follows:

Minor streets:            Fifty (50) feet

Major streets and such minor streets, which in the judgement of the Planning Board, may require sixty (60) feet of right-of-way.

The minimum roadway width for a fifty-foot right-of-way shall be thirty-six feet, two - four-foot wide sidewalk areas and two - three-foot wide planting strips. The minimum roadway width for a sixty-foot right-of-way shall be forty feet, two - four-foot wide sidewalk areas and two - six-foot wide planting strips.

3. Grade:

1. Grades of streets shall be not less than 0.6 percent. Grades shall not be more than 12.0 percent for secondary streets. 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 five hundred feet (excluding turn around circle) unless, in the opinion of the board, a greater length is necessitated by topography or other local conditions.

b. Dead-end streets shall be provided at the closed end with a turn-around having an outside paved road diameter of at least one hundred feet with a property line diameter of at least one hundred and twenty feet.

5. Intersections:

a. Curb lines at street intersections shall be rounded to a radius of not less than twenty-five feet.

b. Curb openings shall be made at street intersections for wheel chair ramps in conformance with the requirement of the Massachusetts Barrier's Board.

6. Curb Cuts:

The design standards presented are based on the type of road, design speed, right of the highway user and abutting property owners.

a. Driveways should be located to the best advantage with regard to the highway alignment, profile, sight distance conditions, etc.

b. 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. The maximum driveway width allowed is twenty-four (24) feet.

c. The subdivision of a parcel of property by the owner does not in any way change the number of drives allowed under the standards. If there are a number of commercial establishments to be constructed, then a service road shall be constructed by the applicant to connect with the exit and entrance allowed under the existing standards.

d. The standard, for commercial drives, on roads having a design speed or an 85 percentile speed of 30 M.P.H. or less may have two 45-degree drives with a minimum radius of 30' and a minimum square width of 20'. If the major use of the drive is for trucks, the width may be increased to a maximum of 24'. See Sketch "A".

e. On roads having a higher assumed design speed than 30 M.P.H., the radius may be increased to a 50' maximum where site conditions permit, with a maximum square width of 24'. See Sketch "B".

f. In the case of short frontage, where it would be impossible to construct two 45-degree drives and a dividing island, or where warranted by other site conditions, a single 90-degree driveway, 24' wide measured at the point of tangency to the drive, and a 30' radii may be used. See Sketch "C".

g. In the case of an entrance to a high volume traffic generator such as a drive-in theater or shopping plaza, a channelizing island shall be constructed in the throat of a 90-degree drive. The drives on each side of the central island shall be a minimum 24' width measured at the point of tangency to the drive, with a maximum radius of 50'. (Unusually large traffic generators may require special design.) The location of the traffic island is to be determined by control radii not less than 40' but preferable 50' as illustrated on Sketch "D". The design is to be used primarily on an undivided highway and on a divided highway in conjunction with a left turn storage lane at median opening. On a divided highway having no median openings, the design to be used is as illustrated in Sketch "E".

h. The radii of a private drive may not extend beyond the applicant's property line.

## 7. Delineation of Drives, Islands and Street Radii:

1) Delineation of drives, islands and street radii are required, by either curb or bituminous berm to match existing edging, if any, and shall be installed according to the prevailing construction standards. The edging shall extend onto the applicant's property to that point where the radii becomes tangent and the required square width is defined.

## 8. Locations of Drives in Respect to Intersections:

Wherever possible, drives are to be set back 50' 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. A driver entering the highway from this point would not be faced with a signal indication and thus his entrance would introduce a potential hazard. Vehicles leaving the highway would also follow paths unacceptable from a traffic safety viewpoint.

9. Driveway on Rotaries:

- a. Driveways located directly on a rotary are discouraged since weaving distances are too short and a serious hazard in the form of rear and passing accidents could result.

10. Bridges:

- a. Bridges shall be designed in accordance with the design criteria of the Massachusetts Department of Public Works.

11. Highway Guard Rails:

Highway guard rails shall be placed at all locations where the fill slopes are two horizontal to one vertical or steeper and the depth of fill is greater than eight feet.

B. Drainage

1. The quality of storm water carried by drains shall be determined by the rational method, and the design storm shall be twenty-five years except for bridges in which case it shall be fifty years.
2. Pipe drains, where used, shall have a minimum diameter of fifteen inches. In general, they should be designed to flow full with the hydraulic gradient at the crown. However, in flat slope areas surcharge may be allowed. In determining the capacity of concrete pipe drains, the Manning formula should be used with the coefficient of friction 'n' equal to 0.013. The minimum velocity at design flow should be two and one-half feet per second and the maximum fifteen feet per second.
3. In some cases earth and stone-pave open channels should be used. The typical section of the earth channel should have a flat bottom and side slopes of one vertical on two horizontal with the top of the slope at least one foot higher than the design water surface. The maximum velocity allowed in an open earth channel at design flow should be six feet per second. A coefficient of friction 'n' equal to 0.030 should be used for both the earth-pave channels.
4. Where feasible, storm water should be directed to enter the nearest open stream channel. Storm water shall not be permitted to cross any roadway upon the surface but must be piped underground. Storm water runoff, except in areas where the lot size is forty thousand square feet or larger or where it is in already existing open stream channels, shall not be permitted to flow upon the surface for a longer distance than four hundred feet before it enters the underground system. Catch-basins shall be located on both sides of the roadway on continuous grades at intervals of not more than four hundred feet, at all sags in the roadway, and near the corners of the roadway at intersecting streets.

5. Proper connections shall be made with any existing public drainage system within four hundred feet of the subdivision. Where adjacent property is not subdivided and no public drain is within four hundred feet, provisions shall be made for extension of the system by continuing appropriate drains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper protection.

6. No open water body or pond shall be filled in under any circumstances and no wet or swampy area shall be filled unless it can be shown to the Board that provision has been made in the lower drainage system for the removal of the storage area represented by the former wet or swampy area.

#### C. Water

1. Public water mains shall not be less than eight inches unless approved otherwise by the Town Board of Public Works. A hydrant shall be located not more than five hundred feet from any existing or potential building.

2. Each hydrant shall be served directly from the water main through a six-inch lateral connection. A six-inch open left (counter clockwise) gate valve will be located at the tap of the water main. Hydrant valve opening shall be a bottom valve with an area at least equal to that area of a 5-1/4 in. min. diameter circle and be obstructed only by the valve rod. Each hydrant shall be able to deliver 500 gallons minimum through its two 2-1/2 in. hose nozzles when opened together with a loss of not more than two pi in the hydrant.

The hydrant shall be equipped with one five-inch pump outlet. Make of hydrant shall be approved by the Board of Public Works. Hydrant shall be located not more than one thousand (1,000) feet apart. Valves shall be located in such a manner and number so that lines by individual block may be isolated for maintenance purposes. Length of water main shall not exceed one thousand (1,000) feet between line valves.

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 be subject to the standards of the Massachusetts Department of Public Health.

5. Superintendent, in reviewing all proposed water facilities to be located in the flood plain district established under the zoning by-law, shall require that new and replacement water supply systems be designed to minimize or eliminate infiltration of flood waters into the systems.

#### D. Sewerage

1. Public sewers shall be not less than eight inches in diameter.

2. Manholes shall be located at every change in grade or horizontal alignment or more than three hundred feet apart. Sump pumps may be permitted at the discretion of the Town Board of Public Works.

3. Where a public sewer system is located within four hundred 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.

4. Community-type systems or joint use of on-lot sewerage systems shall be subject to the approval of the Massachusetts Department of Public Health.

5. The Superintendent, in reviewing all proposed sewer facilities in the flood plain district area established under the zoning by-law, shall require that new and replacement sewer facilities be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into the floodwater.

#### E. Easements

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

2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a 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.

3. All easements will be "utility easements," which will allow for the construction and maintenance of any town service for the town utility within the boundaries of the easement.

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

#### G. 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.

## **SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION**

In subdivisions, the ways shall be constructed and municipal services installed in accordance with the following specific requirements:

### **A. Drainage**

The construction of the drainage system, including methods of construction and quality of materials used, shall be in conformity with the Definitive Plan and the details shall conform with the details of the Massachusetts Department of Public Works Specifications and Standards, unless specifically excepted by the Board. In particular, all catchbasins shall be constructed of brick (either clay or concrete), or of cement concrete, or of cement concrete blocks, laid in mortar and plastered on the outside, and standard "D" frames and grates. Granite headwalls shall be installed where required by the Town Board of Public Works. A granite mouth curb is to be furnished and set as directed by the Town Board of Public Works. All catchbasins shall have an inside diameter of at least four feet, and shall be constructed to a minimum depth of two feet below the invert of the outflow pipe. Joints on all drain pipes shall be sealed unless open joints are specifically approved by the Town Board of Public Works. Where the pipes are of reinforced concrete, there shall be a minimum cover of two feet; and where not reinforced, a minimum cover of three and one-half feet to finished grade.

### **B. Water**

The water system shall be installed in accordance with the Definitive Plan and shall be in conformity with the rules and regulations of the Town Board of Public Works and at their direction.

### **C. 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 Town Board of Public Works and at their direction.

### **D. Underground Services**

1. All water mains and laterals within the exterior lines of the street shall be installed at least five feet below the finished grade.
2. In rock, clay or peat excavation, trenches shall be excavated to a depth of six inches or more below the bottom of any water pipe, storm drain or sewer and filled with suitable base material (select gravel or two and one-half inch trap rock as is found necessary).
3. All water pipes, storm drains and/or sewers and any gas mains or underground light and power 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.
4. All storm drains, sewers, culverts, manholes, water mains and laterals, shutoff valves and hydrants shall be inspected prior to any back-filling 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 foot before completing the filling.

5. The Board may require that underground distribution systems be provided for any and all utility services, including electrical and telephone 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.

#### E. Street Grading

1. The entire area of each street within its exterior lines shall be cleared of all stumps, brush, roots, rocks or boulders and like material, and of all trees not intended for preservation.

2. Within each street, the full length and width of the roadway shall be excavated for the full length and width of the roadway to a depth of at least fourteen and one-half inches below the finished surface or filled, as necessary, to a subgrade parallel to the finished grade herein specified. If the soil is soft or yielding, or contains rocks or boulders, clay, sand pockets, peat or other material detrimental to the subgrade, such material shall be removed to such additional depth as required by the Town Board of Public Works and replaced with well-compacted material approved by him. Where fills are very deep, the material shall be placed in layers of approximately one foot and thoroughly compacted.

#### F. 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.

2a. After the road has been carefully graded to an elevation 14-1/2" below the finished grade, 8" of base gravel shall be spread and rolled with a roller of sufficient weight to achieve 95% compaction of the gravel. Gravel shall meet with the Specifications of the Ayer Board of Public Works (copies available) and shall consist of hard, durable stone and coarse sand practically free from loam and clay, uniformly graded, and containing no stone having a dimension greater than four inches (4"). A top course four inches (4") thick shall be applied and rolled as specified above. Gravel shall be as described above except that the maximum size of any stone shall be two inches (2"). The above thickness of gravel refers to thickness after thorough compaction.

2b. The twelve inches (12") of gravel base described above shall be brought to true grade and compressed 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, 1/2 gallon per square yard of surface. This shall be allowed to seal for 24 hours without traffic.

2c. The wearing surface shall consist of two and one-half inches (2-1/2") after compact, of Class 1, Type 1-1 plant-mixed bituminous concrete, composed of materials and prepared in

conformity with the most recent "Standard Specifications for Highways and Bridges" of the Massachusetts Department of Public Works. It shall be applied in two courses a one and one-half inch (1-1/2") binder course and one inch (1") thickness top course, in conformity with detailed specifications aforementioned. Spreading and rolling shall also be in accordance with these specifications.

2d. On industrial, general business, downtown business, or roadways having truck traffic 5 1/2" Class I Type I-1 plant-mixed bituminous concrete shall install as follows: 2 1/2" base course, 1 1/2" binder course and 1 1/2" top course.

#### G. Curbing

1. Curbing shall be installed at street intersections along the circumference of the roadway for the full length of the rounded curve plus a straight section at each end at least six feet long.
2. Curbing required hereunder shall be standard granite VA3 or VA4 Massachusetts DPW standard specifications.

#### H. Sidewalks

1. Sidewalks, of not less than four feet in width shall be constructed as shown on the Definitive Plan on at least one side of each roadway on all streets.
2. In constructing all sidewalks, the material shall be removed for the full width of the sidewalk to be subgraded at least ten 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. Unless the applicant elects to install cement concrete sidewalks (built according to specifications of Massachusetts Department of Public Works), the excavated area shall be filled with at least eight inches of select gravel containing some binding material and compressed and rolled to a surface with the pitch parallel to that shown on the applicable cross-section plan. Sidewalks shall then be paved to a thickness of three inches with bituminous concrete pavement, applied in two, one and one-half inch courses.

#### I. 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. Such monuments shall conform to the standard specifications of the Town Board of Public Works and shall be set according to such specifications. No permanent monuments shall be installed until all construction which destroy or disturb the monuments is completed.

### SECTION VI. ADMINISTRATION

#### A. Variation

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Board such action is in the public interest and not inconsistent with the Subdivision Control Law.

**B. Reference**

For matters not covered by these rules and regulations reference is made to Sections 81-R to 81-GG, inclusive; of Chapter 41 of the General Laws.

Standard Drawing No. 1  
Recommended Street Connection  
Sight Distance for No-Stop Condition

Standard Drawing No. 2  
Recommended Street Connection  
Sight Distance for Stop Condition

**STANDARD DRIVES**  
For Short Frontage Or Site Conditions  
Sketch A - On Roads Having An 85 Percentile Speed of 30 MPH or Less  
  
- On Roads Having A Greater Assumed Design Speed than 30 MPH.

**STANDARD DRIVES**  
For Short Frontage or site Conditions  
Sketch C

For Shopping Plaza and Drive-In Theatre On A Divided Highway

**STANDARD DRIVES**  
For Shopping Plaza and Drive-in Theatre  
Sketch D

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF AYER

(FORM A)

APPLICATION FOR ENDORSEMENT  
OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and one copy with the  
City (or Town) Clerk in accordance with the requirements of Section II-B.

No. .... 20.....

To the Planning Board:

The undersigned 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 of Applicant.....

Address.....

2. Name of Engineer or Surveyor .....

Address .....

3. Deed of property recorded in .....Registry.

Book..... Page .....

4. Location and Description of Property:

Signature of owner .....

Address .....