

SECTION 7.0 DEFINITIVE SUBDIVISION PLANS

7.1 Purpose. The purpose of the definitive subdivision approval process is to ensure that formal divisions of land conform to all of the requirements for such divisions pursuant to M.G.L. c.41, §81M and with all local zoning requirements.

7.2 Pre- Application Conference. Prior to investing in extensive professional design costs for preparation of Definitive Subdivision Plans, the Applicant may submit a Preliminary Subdivision Plan under Regulation §6.0 and M.G.L. c.41, §81S to informally explore general conditions involving the site and to discuss potential problems with the Planning Board, Town Planner, and other Departmental agencies as needed.

7.3 Application Requirements. An Applicant submitting a Definitive Subdivision Plan shall provide the following documentation and information.

7.3.1 Application Form and Copies.² An Applicant for Definitive Subdivision Plan approval or modification of Definitive Subdivision Plan approval shall submit an Application (Planning Form C) together with:

- a) One (1) original and three (3) copies of the Application;
- b) Ten (10) copies of the proposed Definitive Subdivision Plan.

The copies of the 10 Definitive Subdivision Plan sets shall consist of four full-sized (24" x 36") plan sets and six reduced-sized (11" x 17") plan sets for distribution; and,

- a) A copy of the Definitive Subdivision Plan and all materials in an electronic PDF format.

Whenever a drainage calculation, stormwater management, or operations and maintenance report is submitted, a minimum of four (4) full reports shall be provided and one (1) full copy shall be provided to the Planning Board's Engineer for review, together with a copy of any summary report.

7.3.2 Certified Abutters List. An Applicant for Definitive Subdivision Plan approval or modification of Definitive Subdivision Plan approval shall obtain a list of the owners of all land abutting upon the land proposed to be subdivided as appearing on the most recent tax list and have the list certified by the Town Assessor and then submit the certified abutters list (Planning Form D) with the Form C Application.

7.3.3 Required Signatures on Application. The Form C Application shall be signed by the Applicant and all record Owners of the land shown on the Definitive Subdivision Plan that is proposed to be subdivided. If the Definitive Subdivision Plan shows a connection

² Shown as adopted on May 20, 2006

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with a private way, the Applicant shall document to the Planning Board that the Applicant has the legal right to make the proposed connection. The Application shall be signed under oath and shall certify that all of the Owners of record have executed the Application. In addition, the engineer and/or surveyor who prepared the Definitive Subdivision Plan shall sign the Application and certify that the Definitive Subdivision Plan (referring to the last revision date of the specific plan submitted), as prepared, conforms to all of the Town's Zoning Bylaw and all of these Regulations, except for those provisions that are expressly identified on a written waiver list which shall be submitted as an exhibit to the Application.

7.3.4 Required Fee. A Definitive Subdivision Plan Applicant shall submit the required fee as set forth in Appendix V – Schedule of Fees, together with the fully executed Form C Application.

7.3.5 Delivery of Application. Pursuant to M.G.L. c.41, §81O, a Definitive Subdivision Plan Application shall be deemed submitted when the Application and Definitive Subdivision Plan are delivered to the Planning Board at a regular meeting or when sent by registered or certified mail to the Planning Department. If so mailed, the date of receipt shall be the date of submission.

7.3.6 Filing with Town Clerk. A Definitive Subdivision Plan Applicant may file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission of the Form C and Definitive Subdivision Plan to the Planning Board.

7.3.7 Filing with Board of Health. A Definitive Subdivision Plan Applicant shall file one (1) copy of the Definitive Subdivision Plan and one (1) copy of the Form C Application with the Board of Health immediately following submission to the Planning Board pursuant to M.G.L. c.41, §81U, ¶1 and shall provide evidence to the Planning Board of the date of said submission.

7.4 Definitive Subdivision Plan Requirements. A Definitive Subdivision Plan shall conform to the following requirements.

7.4.1 Preparation of Definitive Plan. A Definitive Subdivision Plan shall be prepared by a professional civil engineer and professional land surveyor, each of whom shall be registered in Massachusetts, and each separate plan sheet shall bear the appropriate stamp and signature of the registered professional who prepared the plan sheet.

7.4.2 Survey to Support Definitive Plan. A Definitive Subdivision Plan shall be based upon an on the ground survey that was performed by a professional land surveyor who shall be registered in Massachusetts. All surveying shall conform to the requirements of the Land Court, Class A, as set forth in the manual of the Land Court, as may from time to time be changed. The plan shall contain a note that indicates the method of surveying, the date of the survey and a certification that the survey as performed conformed to the requirements of the Land Court. The sheet containing this note shall be signed and stamped by the Registered Professional Land Surveyor who performed the survey.

7.4.3 Definitive Plan Details. A Definitive Subdivision Plan shall be clearly and legibly drawn and shall be drawn at a scale of one-inch equals forty feet (1" = 40'). Each plan sheet shall be twenty-four (24) inches wide and thirty-six (36) inches long, with a one-inch border (1"), except on the left side where the border shall be two and one-quarter inches (2¼"). If multiple sheets are required, they shall be numbered consecutively in the lower right hand corner and set forth a title and be accompanied by an index sheet that shows the proposed layout of the entire subdivision and lists the title of each subsequent sheet. The index sheet shall contain a key plan at one inch equals one hundred feet (1" = 100') or as approved by the Planning Board, indicating the location of each sheet. A glossary of terms and symbols that explains the terms and symbols used in the plan set shall be provided on the title sheet.

7.4.4 Definitive Subdivision Plan Contents. A Definitive Subdivision Plan shall contain the following:

1. A title block on each plan sheet that sets forth the following:
 - (i) The name of the proposed subdivision;
 - (ii) The date of the plan and each revision date;
 - (iii) The scale of the plan;
 - (iv) The name and address of the subdivision Applicant;
 - (v) The name and address of each Owner of record;
 - (vi) The name and address and telephone number of the engineer and land surveyor who prepared the plan;
 - (vii) A north point;
 - (viii) Bench marks;
 - (ix) The name of the plan sheet; and
 - (x) The number of the plan sheet (e.g., "1 of 1").
2. Adequate space above the title block for the Planning Board's endorsement on each sheet.
3. A locus map at a scale of one-inch equals one-thousand feet (1" = 1000') showing the streets in the immediate vicinity on the title sheet.
4. Names of all abutters, including those separated from the subdivision by only a street, as they appear on the most recent tax list, and approximate intersecting boundary lines of the abutting lands.
5. Assessor's Map and parcel reference information for the locus.
6. The Zoning Classification (and requirements) shall be detailed in a note and any zoning boundary(s) shall be shown.
7. Lines of existing and proposed streets, ways, lots, easements, and public or common areas within the subdivision.

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8. The proposed names of the proposed streets shall be shown, but shall not be final until approved by the Planning Board.
9. Existing and proposed boundary lines, dimensions and areas of lots shall be shown, with all bounds keyed into the Massachusetts grid system and at least two Massachusetts grid points shown on the plan. If the subdivision is within 500 feet of a highway or road which has been laid out by the Town of Norwell, Plymouth County Commissioners, or the Massachusetts Department of Transportation, the subdivision shall also be tied into two (2) or more permanent points or bounds of the existing highway or road by bearing and distance.
10. Sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line shown on the plan so as to establish these lines on the ground. Closure information shall be provided to indicate all street corners with a relative error of closure of property line traverse that shall be less than 1 part in 12,000. All monuments referenced in the closure calculations shall be indicated on the plan. A closure certification shall appear on the surveyor's drawing and be signed and stamped by the surveyor. A copy of traverse notes shall be furnished to the Planning Board upon request.
11. Acreage including total upland areas on the subject property and total wetland areas on the property and within 100 feet of each lot line, with bearings and length thereof in conformity with the Zoning Bylaw in each case.
12. Location of all permanent monuments as defined in "Design Standards and Required Improvements," properly identified as to whether existing or proposed.
13. Location, names and present widths and grades of streets, public and private ways bounding, approaching, or within reasonable proximity of the subdivision, with existing water, electrical, cable, gas, telephone, fire hydrants, and drainage facilities.
14. Location of existing roadways and driveways opposite or adjacent to the site within 200 feet of the property limits.
15. So that drainage calculations and impacts can be properly understood and evaluated, the plan shall depict the location of major site features, such as existing stone walls, fences, buildings and all buildings within 50' of property limits; large trees, rock ridges and outcroppings, bodies of water, natural waterways, the limits of all wetlands on and within 100 feet of the subdivision; all streams, including perennial and intermittent streams and other water bodies, located on the property and within 200 feet of the

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subdivision, as approved by the Conservation Commission or Department of Environmental Protection; flood plains located on the property and within 200 feet of the subdivision; and all existing culverts and drains on the property and within 200 feet of the subdivision.

16. Size and location of existing and proposed storm drains, water mains, utilities, and their appurtenances, including hydrants, within and adjacent to the subdivision.
17. Profile plans of proposed streets, drawn as follows:
 - a. A horizontal scale of one-inch equals forty feet (1" = 40').
 - b. A vertical scale of one-inch equals four feet (1" = 4').
 - c. Existing center line in fine solid black line.
 - d. Existing right side line in fine dotted black line.
 - e. Existing left side line in fine dashed black line.
 - f. Proposed center line grades in heavy lines, all appropriately designated showing grade elevations at every fifty (50) foot station, except on vertical curves where they shall be shown at every twenty-five (25) foot station and at P.V.C. and P.V.T.
 - g. Proposed system of drainage, including, but not limited to, catch basins, manholes and proposed rim elevations, inverts and pipe sizes, and stormwater management systems such as detention or retention basins and under drains.³
 - h. All existing intersecting walks and driveways.
 - i. Elevations referred to mean sea level as established by the U.S. Coast and Geodetic Survey.
 - j. Rates of gradient (% slope) shown by figures for roadways and drainage.
18. Typical section of proposed streets shall be shown on a profile plan in accordance with the typical cross-sections as shown in Appendix II. Typical Cross-Sections and Appendix III. Detail A.
19. Profiles and cross-sections of drainage easements, existing water bodies, natural waterways, swamps and flood plains within and adjacent to the subdivision.
20. Existing and proposed topography shall be depicted on separate plan sheets as follows:
 - a. The contour intervals shall be one foot (1') where slopes are less than 5% and two feet (2') on slopes 5% or greater.
 - b. Existing contours shall be shown as dashed lines and proposed final contours as dark solid lines.

³ (See the General Rules and Regulations of the Norwell Permanent Drainage Committee in the Town Bylaws, which are printed in the Norwell General Bylaws, as revised through November 1970.)

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- c. Contours shall extend beyond the boundaries of the property a sufficient distance to indicate the effect of the subdivision on abutting property, at least 100 feet and such greater distance as the Planning Board may reasonably require in a particular instance. A note shall be placed on the plan indicating that the existing contours were determined pursuant to an on the ground survey and provide the date of the survey and the note shall be certified by the Registered Professional Land Surveyor who shall sign and stamp the sheet on which this note appears.
- 21. The location of the general soil classification boundaries identified by the Natural Resources Conservation Service.
- 22. Soil evaluations and percolation tests. Soil test data should be provided for each proposed lot. Test locations shall be indicated on the plans and standard soil evaluation logs and percolation test forms provided. A minimum of two (2) soil tests including percolation tests at the location of stormwater management systems shall be performed. Soil permeability testing may be required in infiltration systems. Soil testing at a minimum of every 250 feet along the roadway and at locations requested by the Planning Board, in order to demonstrate suitable soils for roadway construction. Soil testing shall be witnessed or confirmed by the Planning Board's Engineer or by another person designated by the Planning Board within thirty (30) days of the submission of a Definitive Subdivision Plan.
- 23. Each subdivision, regardless of size, shall be designed to meet the performance standards of the Department of Environmental Protection's Stormwater Management Policy. There shall be no net increase in runoff allowed and the storm drainage capacity shall be designed to handle two-year through 100-year storm events without creating a net increase in runoff or runoff.
- 24. The stormwater management system design shall be documented in a report submitted at the time of Application. This report shall include all drainage calculations, proposed maintenance and operation requirements and provide a copy of the instrument(s) that are proposed to be used to create a Homeowners Association that will own and maintain said system to allow the Planning Board to evaluate the adequacy of the proposed design.
- 25. The subdivision submission shall include a plan in the plan set that indicates the maximum build-out of the property. This plan shall indicate proposed buildings, driveways, lot grading including grading for septic systems, limits of clearing, and any other pertinent data. This plan will be utilized to evaluate the proposed stormwater management system. The plan and associated drainage design shall demonstrate that no increase in runoff rate or flooding of adjacent properties or streets will result post-construction. All

water runoff and flooding shall be controlled on site in any instance in which downstream receiving waters are not adequate to handle any portion of the runoff from a 2-year through a 100-year storm event.

26. The proposed roadway centerline shall be staked at 50-foot intervals and be in place at the time of the Planning Board's site visit. Additional staking of drainage facilities, easements, and other areas may be required at the discretion of the Planning Board.
27. It shall be demonstrated through a volume calculation that there shall be no net loss of soil materials from the site. This calculation shall be set forth in a note on the post-construction conditions sheet and shall be certified and signed and stamped by the Registered Professional Engineer.
28. Construction details and specifications shall be shown on a separate sheet as part of the subdivision submission and shall be certified and signed and stamped by the Registered Professional Engineer.

7.4.5 Other Submittal Requirements. The following additional documents shall be submitted with the Form C Application and the Definitive Subdivision Plan:

1. If the Applicant or Owner(s) of the land to be subdivided owns or controls land adjacent to or across the street from that shown on the Definitive Subdivision Plan, the Applicant shall submit a sketch plan showing a possible or prospective street layout for such adjacent land, unless such a plan has already been submitted to the Planning Board with a Preliminary Subdivision Plan.
2. Construction Plan per Regulation §7.4.6.
3. Traffic Analysis per Regulation §7.4.7.
4. The report of one (1) percolation test per two (2) lots in the area of the proposed septic systems, performed in accordance with the requirements of the Norwell Board of Health.
5. A written list of any waivers requested from these Regulations.

7.4.6 Construction Plan. An Applicant for Definitive Subdivision Plan approval shall submit a Construction Plan and five (5) copies for approval by the Planning Board before the close of the public hearing and it shall be imposed as a condition of approval.

The Construction Plan shall be prepared by a Registered Professional Engineer and shall be signed and stamped by said engineer. The Construction Plan shall contain the following information and requirements:

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1. The Applicant shall provide to the Planning Board the name, address, telephone number and e-mail address of the project manager or other responsible party on site who will be responsible for construction activities. This must be provided at least forty-eight (48) hours prior to any land disturbing activity on site.
2. The location of any and all construction areas shall be delineated.
3. The location of vehicle parking and location of equipment storage during construction, together with the location for wash down of vehicles and equipment.
4. Construction equipment shall not be parked or stored adjacent to any drainage channel, drainage inlet, or wetland buffer area. Maintenance of construction equipment involving transfer of fluids and fuels shall be conducted in areas away from drainage channels and inlets and wetland buffer areas.
5. Limits of clearing and grading in relation to the existing trees and the property lines shall be shown on the plan.
6. The calculations for stormwater run-off from the property for all storm events, up to and including a 100-year storm events, shall be provided and the runoff for same shall be shown to be fully contained on site during construction so as to eliminate flooding runoff and runoff.
7. The total amount of land disturbance shall be quantified for the entire project, including, but not limited to, any disturbance that will be caused by roadway work, lot clearing, foundations for any structure, septic work, pools, tennis courts, landscaping. The amount of bare earth that will be exposed at any one time during development of the project (roads, lots and any other clearing) and the length of time it will be exposed shall also be quantified.
8. The methods that will be employed to protect areas with exposed earth during development and to prevent erosion and control sedimentation during and after the construction. This shall include a detailed description of the procedures that will be employed to maintain the site in good condition during and after construction, including all operations and maintenance procedures and plans, vegetation controls and erosion and sediment control measures (e.g., siltation fences and hay baling and filter bags for catch basins and a specific program for cleaning and repairing catch basins).
9. Methods for construction within a flood plain to flood-proof all structures and replace all flood storage capacity to control runoff and runoff in the

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event of 2-year through 100-year storm events so as to result in no net increase in runoff during such events.

10. Methods for the preservation and protection of waterways, flood plains, open space/conservation areas.
11. Location of all other conservation measures, permanent and temporary, including, but not limited to, dikes, water diversions, terraces, dams, reservoirs, water conduits, grassed waterways and plantings of drought resistant grass, shrubs and trees, temporary seeding, mulching, dust control, diversion dams, sediment traps, snow fence, silt fence, hay bales, filter fabric or filter bags in catch basins and stabilized construction entrance.
12. Location of specific major structures controls (i.e., where the stabilization practices will be placed, surface water locations, soil disturbance areas, drainage patterns and during and following grading).
13. The location for the stockpiling of topsoil, loam, gravel and any other materials, together with a plan to contain same so as to prevent erosion and runoff in the event of 2-year through 100-year storm events. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long term stockpiles (i.e., over 30 days) shall be shaped stabilized and circled by siltation fence or hay bales and shall be stabilized by temporary seeding or netting. Such stockpiling shall not exceed a duration of more than three (3) years from the date of endorsement.
14. Any soil or earth material brought to the property during construction shall be approved by the Planning Board's Engineer, prior to its arrival.
15. All earth removal shall comply with these Regulations and the Town of Norwell's Earth Removal Bylaw requirements.
16. All areas to be protected from encroachment from construction shall be marked on the ground as shown on the approved Definitive Subdivision Plan and these barriers shall be maintained by the developer throughout the construction phase of the project.
17. Satisfactory inlet protection shall be provided for the drainage system until all work has been completed and vegetation established.
18. The Construction Plan must account for the timing and sequence of installing all conservation measures in order to provide for maximum control of erosion and sedimentation in the event of a 2-year through a 100-year storm event during construction.

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19. A copy of the NPDES plan and permit, if applicable, for construction sites with one (1) acre or more of total disturbed area, inclusive of lot development, shall be provided by the Applicant to the Planning Board prior to the start of construction.
20. All stormwater management basins shall be constructed and stabilized to contain the runoff from a 2-year storm even through and including a 100-year storm event prior to paving and connection of the storm drain system. This requirement shall be a mandatory condition of subdivision approval and a note setting forth this requirement shall be placed upon the Definitive Subdivision Plan.
21. In the event that a temporary stormwater management basin is proposed, it shall be shown in detail on the plan and shall be constructed and stabilized to contain the runoff before paving of any roadway that will contribute to the runoff occurs. This requirement shall be a mandatory condition of subdivision approval and a note setting forth this requirement shall be placed upon the Definitive Subdivision Plan.
22. Tree stumps, limbs, brush and all construction debris shall be legally disposed of, off-site.
23. Hours of construction shall occur only during the following times:

Monday – Friday:	7 a.m. to 6 p.m., or dusk whichever is earlier
Saturday:	8 a.m. to 5 p.m., or dusk whichever is earlier
Sunday	None.
24. Any blasting operations shall require proper permits and shall not be undertaken on any weekend or holiday.
25. Prior to the start of any road construction, a standard Town of Norwell street sign shall be erected indicating the approved street name.
26. Excavation dewatering shall be in a workman like manner and such water shall be free of suspended solids before being discharged into either a wetland or any stormwater drainage system. This condition applies to all forms of dewatering including pumping and trenching.
27. The Definitive Subdivision Plan endorsement and approval shall be exercised in compliance with all applicable provisions of the Norwell Conservation Commission Order of Conditions. If there is any inconsistency between the Definitive Subdivision Plan, as approved by the Planning Board, and the plans approved by the Conservation Commission, the Applicant shall apply for subdivision modification under M.G.L. c.41, §81W. The amended plan shall be accompanied by a report detailing

changes from the prior approved Definitive Subdivision Plan and include revised drainage calculations, if applicable.

28. Catch basin grates shall be set flush with the binder course and then reset so as to be flush with the topcoat when installed.
29. Once paved, the subdivision street shall be kept clear and passable at all times. No equipment shall be parked in such a manner as to render the street impassable, and no refuse containers, trailers, or construction materials of any kind shall be placed or stored upon the street.
30. A program for sweeping of the streets, cleaning and repairing of catch basins and other drainage structures and mowing of all drainage structures that are to be stabilized with seeding.
31. All construction activities associated with the endorsed plan shall be conducted in a workman-like manner. During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust, and blocking of Town roads.
32. Construction, once commenced, shall progress through to completion of the development as approved as continuously and expeditiously as possible and in accordance with the construction sequence and timetable approved at the pre-construction meeting.
33. No building permit for any new dwelling unit shall be granted by the Inspector of Buildings until all drainage facilities and associated structures including pipes, underground utilities, such as electric, telephone and cable television, have been completed to the satisfaction of the Planning Board. No building permit for any new dwelling unit shall be granted by the Inspector of Buildings until the base course of the roadway pavement to serve each unit has been completed to the satisfaction of the Planning Board.
34. Adequate provision for snowplowing, deicing and road maintenance shall be provided for by the Applicant during construction and by the Applicant or the Homeowners Association once construction is completed and before roadway acceptance.

7.4.7 Traffic Impact Analysis. At the time of submission of the Form C Application and Definitive Subdivision Plan, the Applicant shall provide a traffic impact analysis report. The report shall document and assess existing traffic conditions, including the current level of service, document the increased traffic that would be generated by the proposed subdivision development and analyze the impact of the proposed development, including the Level of Service, on existing conditions. The Planning Board, upon written request by the Applicant, may waive this requirement, if it finds that the traffic impact that would be caused by the proposed development would be insignificant and that the existing level of

service is satisfactory and the current satisfactory level of service would be maintained or improved as a result of the project.

7.4.8 Site Development Plan. The Planning Board may require a site development plan for individual lots shown on the plan where, in its opinion, such lots are located on steep slopes, high groundwater, or have similar development constraints.

7.5 Review by Municipal Agencies. Upon submission of a Form C Application and a Definitive Subdivision Plan, the Planning Board, should, forthwith, forward copies of same and accompanying submittals to the Board of Health, Board of Selectmen, Water Department, Conservation Commission, Permanent Drainage Committee, Fire Department, Highway Department, Police Department, and Tree & Grounds Department and request their review and comment. The Planning Board may request comment and advice regarding the Form C Application and Definitive Subdivision Plan from other parties as well, including Town Counsel. In addition, the Applicant shall file a copy of the Definitive Subdivision Plan with the Board of Health as required under M.G.L. c.41, §81U, ¶1 and provide evidence of the date of submittal to the Planning Board.

7.5.1 Timing of Review by Municipal Agencies. The Board of Health shall provide its report, if any, within forty-five (45) days of submittal by the Applicant. Comments by other Town agencies should be made to the Planning Board within thirty (30) days of the Planning Board's request.

7.6 Public Hearing. Before approval, modification, or denial of a Definitive Subdivision Plan is granted, a public hearing shall be held by the Planning Board after posting and advertising the public hearing pursuant to M.G.L. c.41, §§81K through 81GG.

7.6.1 Procedure for the Scheduling of the Public Hearing. At the regular meeting at which a Form C Application and Definitive Plan are submitted to the Planning Board, the Planning Board should develop a schedule for the orderly and productive review of the project as follows:

1. The Planning Board should determine the date of submittal and the deadline for final action.
2. The Planning Board should review its meeting calendar and establish a date for the opening of the public hearing.
3. The Planning Department shall advertise the public hearing as required under state law.
4. The Planning Department shall provide a copy of the public hearing notice to the Applicant for mailing pursuant to M.G.L. c.41, §81T.

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5. The Planning Board should appoint a Planning Board Engineer to review the Definitive Subdivision Plan and other submittals and forward same to the engineer forthwith, together with a request that the engineer review the same for compliance with the Regulations and the Zoning Bylaw and send a detailed written report to the Planning Board via e-mail and regular mail within thirty (30) days of receipt of the materials by the engineer and forward a copy of said report directly to the Applicant's engineer via e-mail and regular mail at the same time.
6. The Planning Board should direct that the Definitive Subdivision Plan and other submittals be distributed to Town agencies as set forth under these Regulations.
7. The Planning Board should encourage the Applicant to arrange a meeting between the Applicant's engineer, the Planning Board Engineer and the Town Planner, prior to the opening of the public hearing, to review the Planning Board Engineer's initial report. The purpose of this meeting shall be for the respective staffs to review the Application and the Definitive Subdivision Plan for compliance with these Regulations and the Zoning Bylaws and provide the Applicant with an opportunity to cure any defects in the Application prior to the opening of the public hearing.
8. Prior to the opening of public hearing, the Applicant shall provide the Planning Department with evidence that the Applicant gave notice of the public hearing as required under M.G.L. c.41, §81T.
9. Prior to the opening of the public hearing, the Application shall be technically complete (i.e., all required items and fees shall have been received) and the Application shall be subject to denial at the opening of the public hearing if it is not.

7.6.2 Conducting the Public Hearing. The Planning Board shall conduct the public hearing in accordance with state law and procedures set forth under Regulation §3. The Planning Board shall allow the Applicant an opportunity to present the plan at the public hearing and shall allow the public an opportunity to comment and file documents in support of and in opposition to the Application. In the event that the Applicant submits revised plans, the Applicant shall allow the Planning Board (and the public) sufficient time to obtain review and comments on the revised plans from other Town agencies and the Planning Board's Engineer. In the event that the Planning Board does not have sufficient time to obtain the required review of plan revisions before the deadline for final action expires, the Planning Board shall deny the Definitive Subdivision Plan.

7.7 Site Visit. After the first session of the public hearing at which the Definitive Subdivision Plan is discussed, the Planning Board and/or the Town Planner may schedule a site visit to the proposed subdivision under M.G.L. c.41, §81CC. In order to facilitate inspection and review of the site of the proposed subdivision, the Planning Board may

require temporary staking along the center line of all proposed roads in the subdivision before said site visit, or if impractical, the Planning Board may permit a suitable alternative procedure.

7.8 Review of Definitive Subdivision Plans. The Planning Board shall review the Form C Application and Definitive Subdivision Plan and submittals for compliance with these Regulations and the Zoning Bylaw, in consultation with other Town agencies and the Planning Board's Engineer and the interested members of the public.

7.8.1 Board of Health Report. The Board of Health, within forty-five (45) days after submission of the Definitive Subdivision Plan with the Board of Health by the Applicant pursuant to M.G.L. c.41, §81U, ¶1, shall report to the Planning Board in writing and provide its approval or disapproval of the plan and, in the event of disapproval, shall make specific findings as to which, if any, of the proposed 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 therefore in such report and, where possible, shall make recommendations for the adjustments thereof. Failure of the Board of Health or its Agent to report shall be deemed approval. The Board of Health shall send a copy of its report to the Applicant or the Applicant's representative who filed the plan with the Board of Health pursuant to M.G.L. c.41, §81U, ¶1.

In the event that the Board of Health so requires, subdivision approval shall be conditioned on the requirement that no building or structure shall be built or placed upon designated areas without consent by the Board of Health or Health Agent. In the event that approval by the Board of Health or Agent is by failure to report, a note to this effect shall be placed on the Definitive Subdivision Plan before endorsement as required under M.G.L. c.41, §81U, ¶3.

Notwithstanding this provision, a permit to construct an individual sewage disposal system for sanitary wastewater disposal shall be obtained from the Board of Health for each individual lot prior to the issuance of a building permit. A note shall be placed on the Definitive Subdivision Plan prior to endorsement as follows:

“No building or structure shall be built or placed upon any lot without a permit from the Board of Health.”

7.8.2 Closing of the Public Hearing. After the public hearing is closed, the Planning Board shall not take any further evidence from the Applicant, Town agencies, members of the public, or any other source; except that the Planning Board may seek procedural advice from Town Counsel and may accept draft decisions prepared by staff at the Planning Board's direction.

7.9 Planning Board Action. Following the close of the public hearing, the Planning Board in due course shall approve, approve with conditions, or deny the Definitive Subdivision Plan. The Planning Board shall approve the Definitive Subdivision Plan if the plan conforms in all respects to these Regulations (including conformance to applicable zoning requirements) and the Board of Health's recommendations. If the Definitive

Subdivision Plan does not conform in all respects to these Regulations (including zoning requirements) and/or the Board of Health's recommendations, the Planning Board may either approve the Definitive Subdivision Plan with conditions or deny the plan.

7.10 Certificate of Final Action. The final action of the Planning Board with respect to any Definitive Subdivision Plan shall be by vote, which shall be reduced to writing in the form of a certificate of final action. In the event of a disapproval, the Planning Board shall state in detail wherein the plan does not conform to these Regulations or the recommendations of the Board of Health. The Planning Board shall file a certificate of its final action with the Town Clerk and send notice of said action by registered or certified mail, postage prepaid, to the Applicant at the address stated on the Application.

7.11 Amendment, Modification or Rescission of Approval. Pursuant to M.G.L. c.41, §81W, the Planning Board may, upon its own motion or upon the request of the Applicant, amend, modify, or rescind the approval of a Definitive Subdivision Plan.

7.12 Modification of Definitive Plan. A modification of a Definitive Subdivision Plan shall adhere to the following requirements.

7.12.1 Procedure. The procedure for the modification of a Definitive Subdivision Plan, pursuant to M.G.L. c.41, §81W, shall conform to the requirements for approval of an original Definitive Subdivision Plan as set forth herein.

7.12.2 Change of Lot Lines. Pursuant to M.G.L. c.41, §81O, certain changes of lot lines may be approved by the Planning Board without a public hearing.

7.12.3 Effect. The modification of a previously approved Definitive Subdivision Plan shall not affect lots sold or mortgaged by the Applicant except as provided for pursuant to M.G.L. c.41, §81W.

7.13 Endorsement and Recording

7.13.1 Endorsement. Following approval of a Definitive Subdivision Plan and the expiration of the appeal period without an appeal or following termination of litigation in favor of the Applicant, the Applicant shall revise the Definitive Subdivision Plan to reflect all required revisions and conditions of approval and provide a copy of the revised plan to the Planning Board and to the Planning Board's Engineer for review prior to endorsement. Endorsement shall be sought and obtained within 120 days of the final action taken by the Planning Board to approve the Definitive Subdivision Plan (i.e., filing of the certificate of action with the Town Clerk.). Once the Planning Board is satisfied that its decision is final and that all conditions of approval have been added to the Definitive Subdivision Plan and that all required revisions have been made, the Planning Board shall endorse the original, or, if applicable, revised Mylar drawings of the Definitive Subdivision Plan, by placing the signatures of a majority of the Board upon such plan.

7.13.2 Endorsement Copies.⁴ After the Definitive Subdivision Plan has been finally approved and revised to show all required revisions and conditions of approval and is ready for endorsement, the Applicant shall furnish the Planning Board with the two (2) original, or, if applicable, revised Mylars, and five (5) reduced-sized eleven-inch by seventeen-inch (11" x 17") prints which shall be distributed following endorsement to: the Applicant (2x), Board of Health, Highway Department, and Town Assessor.

7.13.3 Effect. Final approval of the Definitive Subdivision Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision nor does final approval indicate that the lots shown on the plan conform to zoning requirements or other applicable local, state and federal requirements.

7.13.4 Recording. Within thirty (30) days after the endorsement of an approved plan, the Applicant shall cause said endorsed plan to be recorded in the Plymouth County Registry of Deeds, and in the case of registered land with the recorder of the Land Court. Following recording of the endorsed plan, the Applicant shall provide the Planning Board with one print of the endorsed plan that has been certified by the Plymouth County Registry of Deeds as having been recorded. In the event that the Planning Board's decision was required to be recorded also, the Applicant shall also provide the Board with evidence of the decision's recording.

The cost of all Registry recording will be borne by the Applicant. Removal of trees, grading, or any form of construction shall not proceed until the endorsed Definitive Subdivision Plan (and decision, if required) has/have been duly recorded and the Applicant has submitted to the Planning Board the endorsed and approved Definitive Subdivision Plan as certified by the Plymouth County Registry of Deeds as having been recorded.

⁴ Shown as adopted on May 20, 2006