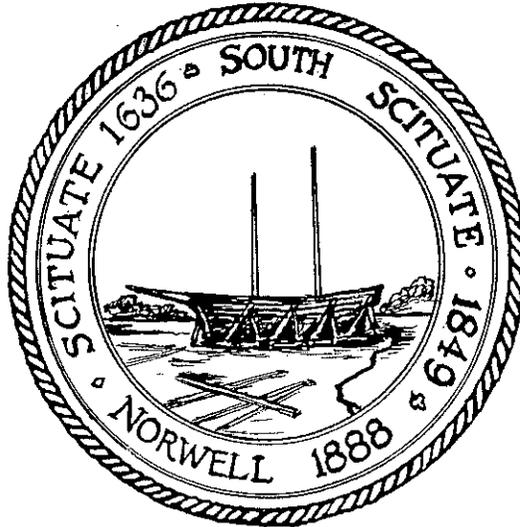


TOWN OF NORWELL  
PLANNING BOARD  
SUBDIVISION RULES AND REGULATIONS



NORWELL TOWN SEAL

*By town meeting vote of May 11, 1925, the present Norwell seal, designed by Selectman William J. Leonard, was adopted with its three dates surrounding a ship nearing completion and launching. As in an earlier seal, the vessel was a "pinkie" of which many were built on the North River between 1780 and 1820 for coasting trade and fishing. The design was based on a small model which Joseph Merritt, builder of the "Helen M. Foster" had made about 1888 and which is still preserved in that family.*

TOWN OF NORWELL  
APR - 6 2004  
TOWN CLERK  
JANICE M. LAWSON

Voted: April 5, 2004  
ADOPTIONS NOTED MAY 20, 2006

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**NORWELL PLANNING BOARD**  
**RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND**

**Adopted: May 20, 2006**

**SECTION 1.0 PURPOSE AND AUTHORITY**

**1.1 PURPOSE.** These Subdivision Rules and Regulations (the “Regulations”) are enacted in accordance with the provisions of the Subdivision Control Law, G.L. c. 41, §81M and §81Q, and for all of the purposes stated therein, including protecting the safety, convenience, and welfare of the inhabitants of the Town of Norwell, by regulating the laying out and construction of ways in subdivisions which provide 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 Planning Board shall exercise its powers under the Regulations and the Subdivision Control Law 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 the lessening of congestion in such ways and in the adjacent public ways; for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the Town of Norwell’s Zoning By-law; for securing adequate provisions for water, sewerage, drainage, underground utility services, fire, police, and other municipal equipment and services; and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the town, and with the ways in neighboring subdivisions.

**1.2 AUTHORITY.** The Regulations have been adopted under G.L. c. 41, §81Q. The Planning Board shall administer the Regulations and have all of the powers assigned to it under G.L. c. 41, §§81K to 81GG, inclusive (the “Subdivision Control Law”).

**1.3 AMENDMENTS.** The Regulations or any portion may be amended, supplemented, or repealed from time to time by the Planning Board under G.L. c. 41, §81Q.

**1.4 SEVERABILITY.** The final determination of the invalidity of any section, subsection or provision of the Regulations shall not invalidate any other section, subsection or provision thereof. If any provision of the Regulations is finally determined by a court of competent jurisdiction to be invalid as applied in a particular case, all other applications of such provisions to other cases shall not be affected thereby.

**SECTION 2.0 DEFINITIONS**

For the purposes of the Regulations the following words and terms used herein are hereby defined or the meaning thereof explained, extended, or limited as stated in G.L. c. 41, as amended. Where a term is defined in the Subdivision Control Law or the Norwell Zoning By-Law and not herein, such definition shall be incorporated by reference herein. Other terms or words or phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such other terms or

phrases as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

**AASHTO:** Standard Specifications for highway materials and methods of sampling testing adopted by the American Association of State Highway Transportation Officials.

**Abutter:** (a) an owner of land that shares a common property line with the owner(s) of land that is the subject of a subdivision application; and (b) an owner of land that is directly across a way from the land that is the subject of a subdivision application.

**ACI:** The American Concrete Institute.

**Applicant:** The individual or individuals seeking definitive subdivision approval or endorsement that subdivision approval is not required from the Planning Board. The term "Applicant" shall include the Applicant's successor in interest, and the Applicant's agents, servants and employees and shall include any contractor and subcontractor engaged by the Applicant.

**Approval Not Required Plan (ANR):** A plan of a proposed division of land submitted to the Planning Board for its endorsement under G.L. c. 41, §81L and §81P and prepared in accordance with the requirements set forth under Regulation §4.0.

**ASTM:** The American Society for Testing Materials.

**Building Code:** Massachusetts Building and Highway Construction Code.

**Construction Plan:** An overall soil and water management plan, prepared in accordance with Regulation §6.4.4, that shall be followed during construction and provide a maintenance schedule which shall be followed after completion of the project.

**Dwelling:** As defined in the Norwell Zoning By-law

**Definitive Plan:** The plan of a proposed subdivision, prepared under Regulation §6.0, submitted to the Planning Board for approval under the Subdivision Control Law.

**Easement:** A right acquired for the use or control of property for designated purposes.

**Engineer:** A professional civil engineer who is registered to practice in the Commonwealth of Massachusetts.

**Frontage:** As defined and regulated under the Norwell Zoning By-law.

**Land Surveyor:** A professional land surveyor who is registered to practice in the Commonwealth of Massachusetts.

**Level of Service (“LOS”):** The measurement of the efficiency and adequacy of a roadway segment or intersection to handle the existing or proposed traffic flows, based upon existing or expected trip generation. The LOS shall be calculated based on the methodology of the most recent edition of the Transportation Research Board “Highway Capacity Manual.” An “Adequate LOS” shall be LOS “D” or better on every approach for residential roadways; LOS “C” or better for residential roadways.

**Lot:** As defined and regulated under the Norwell Zoning By-law.

**Lot, corner:** As defined and regulated under the Norwell Zoning By-law and which shall include a lot which has legal frontage on both a public way and on a proposed subdivision way, and which shall be shown on any proposed subdivision plan and shall be considered a part of said plan.

**MCP:** The Manual of Concrete Practice published by the American Concrete Institute.

**Massachusetts General Laws or G.L.:** The General Laws of the Commonwealth of Massachusetts, with all additions thereto and amendments thereof. In the case of a rearrangement of the General Laws, any citation of particular sections herein set forth shall be applicable to the corresponding sections in the new codification.

**Municipal Services or Utilities:** Public utilities furnished by the Town of Norwell and all private utilities proposed for a subdivision, including sanitary sewers or septic systems, surface and subsurface water drains, water pipes, gas pipes, electric lines, street lighting, telephone lines, communication cables, fire alarm lines, communication cables, and their respective appurtenances.

**Owner:** All of the persons holding the ultimate fee simple title to the land depicted on a definitive subdivision plan or approval not required plan, as shown by the record in the appropriate Land Registration Office, Registry of Deeds, or Registry of Probate. The term “owner” shall include any successor in interest.

**Person:** An individual, partnership, trust, corporation, or two or more individuals or a group or association of individuals or other legal entity.

**Planning Board:** The Planning Board of the Town of Norwell.

**Planning Board Engineer:** A registered professional civil engineer designated by the Planning Board to act as its technical consultant and to provide the Planning Board with engineering assistance or data as requested by the Planning Board.

**Preliminary Plan:** A plan for a proposed subdivision or resubdivision of land prepared in accordance with Regulation §5.0.

**Print:** A contact print, dark line on a white background.

**Regulations or Rules and Regulations:** The Rules and Regulations promulgated and adopted by the Planning Board under G.L. c. 41, §81Q.

**Roadway or Street:** That portion of any way, right-of-way or street layout which has been designed and constructed to serve vehicular traffic for more than one lot. This term shall not include a driveway or common driveway or any other way that is not a public way or a way has not been approved under the Subdivision Control Law.

**Roadway or Street Categories:**

**Commercial or Industrial Street:** A street, which is being used or will be used to serve as access to a business or industrial subdivision.

**Dead-End Street:** A street or a combination of streets with only one means of through ingress or egress to a public way or through intersecting way and shall have a maximum length of not more than 550 feet as measured from the centerline of the intersection of the nearest through public way to the furthest edge of pavement, except in the case of a cul de sac, to the center point of the cul de sac.

**Private or Unaccepted Way:** A street, which has not been accepted as a public way.

**Residential Street:** A street, which is being used or will be used to serve a residential subdivision.

**Scenic Roads:** Any road designated as a "Scenic Road," under G.L. c.40, §15C, including, but not necessarily limited to, Bowker Street, Jacobs Lane, Norwell Avenue, Stetson Road, Stetson Shrine Lane and Tiffany Road.

**State Highway Standards:** The Massachusetts Standard Specifications for Highways, Bridges and Waterways as adopted by the Massachusetts Department of Public Works or Massachusetts Highway Department.

**Structure:** As defined and regulated under the Norwell Zoning By-law.

**Subdivision:** As defined under G.L. c.41, §81L.

**Subdivision Control Law:** G.L. c. 41, §§81K to 81GG, inclusive, and any amendments thereof, additions thereto, or substitutions therefor.

**Town:** The Town of Norwell.

**Trip Generation:** The expected number of vehicular trips to and from any given type of land use activity or development. Trip generation figures shall be calculated using the

methodology and statistics presented in the most recent edition of the Institute of Transportation Engineers "Trip Generation."

**Way:** The full strip of land designated as a way, including the full right of way layout and any planting strips or sidewalks. A designated way shall be available only for such uses as are customary for ways in the Town, and shall not be available for any private construction such as buildings, fuel tanks, septic systems, fences, or walls.

**Wetlands:** All land protected pursuant to G.L. c. 131, §40 and all land protected under the Town's Zoning By-law and the Town's Wetlands Protection By-law.

**Zoning By-Law:** the Zoning By-law of the Town of Norwell.

### **SECTION 3.0 GENERAL REGULATIONS**

The following regulations shall apply in all circumstances governed by the Subdivision Control Law.

**3.1 Applicability.** Any person desiring to divide or subdivide land shall, before proceeding with the improvement or sale of lots in the division or subdivision, or the construction of ways or the installation of municipal services therein, submit to the Planning Board a plan of such division or subdivision pursuant to the Subdivision Control Law and the Regulations and secure approval or endorsement by the Planning Board as hereinafter provided.

**3.2 Applications and Submittals.** Any application for approval or endorsement, required plan, required submittal, and required fee shall comply in all respects with the provisions of the Regulations. No plan shall be approved or endorsed by the Planning Board until said plan, together with all required applications, forms, fees, lists and other items have been duly submitted by the Applicant, and are properly executed and fully completed in accordance with the Regulations. Where the Applicant fails to comply with the Regulations, the Planning Board may reject the application after detailing the ways in which said application and plan do not conform as required under G.L. c.41, §§81P and 81U.

**3.3 Compliance with the Planning Board's Rules and Regulations.** Any proposed division and any proposed subdivision of land shall comply in all respects with the Regulations, unless the Planning Board authorizes an express waiver therefrom in specified and authorized instances in accordance with the requirements set forth under G.L. c.41, §81R and does so in writing.

**3.4 Waivers.** Strict compliance with the Regulations governing the subdivision of land may be waived under G.L. c.41, §81R, provided that the Planning Board determines that, in its judgment, in the particular case at issue, waiver of strict compliance would be in the public interest and not inconsistent with the Subdivision Control Law.

**3.5 Issuance of Building Permits.** As mandated under G.L. c.41, §81Y, ¶2, the Building Inspector shall not issue any permit for erection of a building until first satisfied that:

- (a) The lot on which the building is to be erected is not within a subdivision that requires approval under the Subdivision Control Law; or
- (b) The way, which furnishes the access to the lot within a subdivision as required by the subdivision control law, is shown on a recorded plan or entitled to be recorded under G.L. c.41, §81X; and
- (c) Any conditions endorsed on a subdivision plan that limit the right to erect or maintain buildings on such lot have been satisfied or waived by the Planning Board; and
- (d) In the event that the Planning Board has by rule or regulation required that not more than one building for dwelling purposes be erected or placed or converted to use as such on any lot without its consent, until the Building Inspector is satisfied that such consent has been obtained.

**3.6 Planning Board Procedures.** The Planning Board shall be responsible for the division or subdivision of land, as set forth in G.L. c. 41, §81N.

**3.6.1 Scheduling of Meetings.** The Planning Board shall schedule and hold regular meetings at such a place and on such dates and times as may be designated by notice filed with the Town Clerk at least 48 hours in advance as required under G.L. c.39, §23B. Regular meetings of the Planning Board are open for the public to attend.

**3.6.2 Appointments.** Anyone desiring to initiate an action that is within the jurisdiction of the Planning Board shall do so by advance appointment only at a posted meeting, unless otherwise provided for by law. To secure an appointment, all Applicants shall contact the Planning Board's staff at least four business days prior to a regularly scheduled meeting. The Applicant shall provide the Applicant's name, address and a brief outline of the nature of the business that is to be discussed with the Planning Board. The only exception to the four-day rule shall be that the nature of the business is confidential under G.L. c.39, §23A, *et. seq.*

**3.6.3 Public Meeting Procedures.** All meetings of the Planning Board shall be public, unless conducted in executive session, and shall be conducted formally under the direction of the Chair or the Chair's designee and only when a quorum of the Board is in attendance, other than to reschedule meetings or to take action that is required to indicate that a quorum was not present.

All Applicants and all other persons desiring to submit a petition or to be heard, shall address the Planning Board only upon being properly recognized by the Chair and shall direct all testimony to the Chair. All spectators at a meeting of the Planning Board shall respect the desire of the Chair to conduct business in an orderly manner. No person shall

address a public meeting of the Planning Board without permission of the presiding officer. All persons shall, at the request of the presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, the presiding officer may order that person to withdraw from the meeting and, if the disorderly person does not withdraw, the presiding officer may order a constable or any other person to remove the disorderly person and confine said person in some convenient place until the meeting is adjourned. G.L. c.39, §23C.

**3.6.3.1 Executive Sessions.** Executive sessions of the Planning Board may be held as authorized by the Open Meeting Law. G.L. c.39, §23B.

**3.6.4 Public Hearing Procedures.** All comments or information, documents, plans and letters received during a public hearing shall be taken into consideration by the Planning Board in making a decision on a pending matter.

**3.6.5 Records.** The records of the Planning Board shall be public records as provided for under state law. Maintenance of such records shall be consistent with the requirements of G. L. c. 39, §§ 23A and 23B.

**3.7 Professional and Technical Assistance.** Pursuant to G.L. c. 41, §81Q and G.L. c.44, §53G, the Planning Board may assign as its agents appropriate Town officials and/or may hire professional technical consultants for the purpose of reviewing plans and inspecting improvements at the cost of the Applicant. The selection of an outside consultant shall be subject to an administrative appeal to the Board of Selectmen, but 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 as set forth under G.L. c.44, §53G.

**3.8 Fees.** The fees, appended hereto as "Appendix V. Schedule of Fees" are hereby adopted under G.L. c.41 and G.L. c.44, §53G and shall apply to the submittal of application materials of the various plans specified in the Regulations, to cover the Planning Board's costs of processing applications, obtaining technical review, and inspecting work.

**3.9 Modification, Amendment or Rescission of Subdivisions.** The Planning Board, on its own motion or on the petition of any interested person, shall have the power to modify, amend, or rescind its approval of a plan of a subdivision, or to require a change in a plan as a condition of its retaining the status of an approved plan, after due notice and opportunity to the owner to be heard in accordance with G.L. c. 41, §81W, as amended.

No modification, amendment or rescission of the approval of a plan of a subdivision or changes in such plan shall affect the lots in such subdivision which have been sold or mortgaged in good faith and for a valuable consideration subsequent to the approval of the plan, or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage or mortgages, if any, thereon; provided, however, that nothing herein shall be deemed to prohibit such modification, amendment or rescission

when there has been a sale to a single grantee of either the entire parcel of land shown on the subdivision plan or of all the lots not previously released by the Planning Board.

**3.10 Dwelling Limitation.** Not more than one dwelling shall be erected, or placed, or converted to use as a dwelling on any lot in a subdivision or elsewhere in the Town without the consent of the Planning Board and such consent shall be conditioned upon provision of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision. G.L. c.41, §81Q, ¶1 and §81Y, ¶2. This regulation applies to all land in the Town, even if it is not being subdivided.

**3.10.1 Lot Limitation.** No lot may be added to an approved subdivision without obtaining further subdivision approval under G.L. c.41, §81W.

**3.11. Access Adequacy Regulations.** Plans shall be endorsed as not requiring approval under the Subdivision Control Law and subdivision plans shall be approved only if each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, G.L. c. 41, §§81K-81GG.

**3.11.1. Standards of Adequacy of Access.** The following standards of adequacy of access shall be followed.

- 1) **ANR Site.** A way providing access to lots proposed on a plan submitted under pursuant to G.L. c. 41, §81P shall be considered adequate access only if said way meets the requirements of G.L. c. 41 §81L.
- 2) **Within a Subdivision.** A street depicted on a proposed subdivision plan shall be considered adequate access only if it complies with the standards established in the Regulations or has received proper waivers therefrom.
- 3) **To a Subdivision.** Adjacent, existing ways that would provide access to streets within a proposed subdivision shall be considered to provide adequate access to the proposed subdivision only if such adjacent, existing ways meet the standards set forth herein for width of right of way, construction, drainage, pavement width, sight distance, and maximum grade.

**3.11.2. Obligations of Applicant to Make Improvements.** The Planning Board may require appropriate and reasonable improvements in adjacent streets and ways to minimize congestion, to insure safe and adequate access to the proposed subdivision and to insure safe and adequate vehicular and pedestrian travel in a coordinated system of streets and ways in Norwell and connecting to adjacent municipalities. The Planning Board may require, as a condition of its approval of a definitive subdivision plan, that the Applicant shall dedicate or acquire and then dedicate a strip of land for the purpose of widening existing ways to a width as required in the Regulations and that the Applicant shall make physical improvements within such way or compensate the Town for the cost of such improvements in order to meet the standards specified above.

## **SECTION 4.0 APPROVAL NOT REQUIRED PLANS**

An Applicant, who wishes to record in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that such plan does not require approval under the Subdivision Control Law, pursuant to G.L. c. 41, §81L and §81P, may submit such an Approval Not Required or ANR Plan to the Planning Board and request that the plan be endorsed "Approval Not Required Under the Subdivision Control Law."

**4.1 Application Requirements.** An Applicant submitting an ANR plan to the Planning Board for consideration shall provide an application to the Planning Board as set forth below.

**4.1.1 Application Form and Copies.** An ANR plan Applicant shall submit an application on Planning Board Form A (Appendix I. Form A.), together with:

- (a) One original and six copies of the application;
- (b) Twelve copies of the ANR Plan [one for the Planning Board's file; one for each of the five Planning Board Members, one for the Town Planner; and five for endorsement and distribution following endorsement to the Planning Board file, Town Clerk, Building Inspector, Highway Surveyor and the Applicant];
- (c) A Mylar of the ANR Plan; and
- (d) All the necessary evidence to show that said ANR plan does not require subdivision approval.

**4.1.2 Required Signatures on Application.** The Form A application shall be signed by the Applicant and the owner (i.e., all owner(s)) of record of all the land proposed to be divided by the ANR plan. 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 plan shall sign the application and certify that the plan (referring to the date and last revision date of the plan submitted), as prepared, to the best of his/her knowledge, conforms to all of requirements of the Regulations.

**4.1.3 Required Application Fee.** An ANR plan Applicant shall submit the required fee, as set forth in Appendix V. Schedule of Fees, with the Form A Application.

**4.1.4 Delivery of Application.** An ANR plan shall be submitted to the Planning Board at a regular meeting or by registered mail. (See, G.L. c.41, §§81O, 81P and 81T.)

**4.1.5 Filing with Town Clerk.** An ANR plan Applicant may file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission of such a plan to the Planning Board under G.L. c.41, §81T.

**4.1.6 Effective Date of Subdivision Control Law.** The Town accepted the provisions of the Subdivision Control Law on February 9, 1953.

**4.2 ANR Plan Requirements.** An ANR plan shall satisfy all of the requirements set forth below.

**4.2.1 Preparation.** An ANR plan shall be of a minimum dimension of nine and one-half inches by fourteen inches (9 ½" x 14") but shall not exceed a dimension of twenty-four inches by thirty six inches (24" x 36"), and shall be drawn at a minimum of one (1) inch equals eighty feet and a maximum scale of one inch equals forty feet (1"=40').

**4.2.2 Contents.** An ANR plan shall contain, but shall not necessarily be limited to, the following information and shall be based upon an on the ground survey (Shown as adopted on 5/20/2006):

1. Name, address, telephone number and e-mail address of the Applicant and each owner of record for the land to be divided under the ANR plan.
2. North point.
3. Date of ground survey performed and seal and signature of the registered professional who prepared said plan.
4. Name, address and seal of the Registered Professional Engineer and Registered Land Surveyor who prepared, signed and stamped said plan.
5. Names and addresses of all abutters from the most recent Town tax list.
6. The Assessing Map reference for the land proposed to be divided.
7. Existing and proposed boundary lines, dimensions and areas of each of the parcels and lots shown on said plan, with all bounds, keyed into the Massachusetts grid system. At least two bounds shall reference the corresponding Massachusetts grid coordinates. If the division 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 Public Works, the division shall also be tied into two or more permanent points or bounds of the existing highway or road by bearing and distance.
8. Existing and proposed lines of streets, ways and easements and whether each is a public or private way.
9. Zoning classification and location of any zoning district boundaries that may lie within the locus.
10. Any present or proposed public areas within the property.
11. Location of all existing buildings or structures, if any, including setback and side and rear yard designations of any existing structures on any remaining adjoining land owned by the Applicant and dimensions of yards relating to such structures. A note shall be placed on the plan as follows:  
Endorsement of this plan shall not be deemed to be a verification of the location of the structures shown or setbacks indicated.
12. Proposed or existing permanent monuments.
13. The limits of all wetlands or a notation that there are no wetlands, if none exist. If wetlands limits exist, then a note shall be placed on the plan as follows:

Endorsement of this plan shall not be deemed to be a verification of the location of the wetlands shown on this plan and can be verified only by a current plan approved by the Conservation Commission.

14. A locus map at a minimum scale of 1" = 1000' extending a minimum of one-half mile beyond the property limits.
15. Remaining adjoining land in the ownership of the Applicant, if any; if applicable, the Applicant shall furnish evidence on the plan indicating that the adjoining land has adequate frontage for later development.
16. Location of any easement, public or private, across the land, with a designation as to the use of the same.
17. A signature block shall be placed on the plan that provides sufficient space for the date of endorsement and the signatures of the members of the Planning Board.
18. In any instance in which ANR endorsement of a plan is sought based upon the assertion that the plan show a division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect into separate lots on each of which one of such buildings remains standing, under G.L. c.41, §81L, ¶13, the Applicant shall provide information to satisfy the Planning Board that:
  - A. The buildings are presently substantial in nature.
  - B. The buildings were substantial in nature and in existence on or before February 9, 1953.
  - C. The buildings were on the same tract of land on or before February 9, 1953.
  - D. Each of the new parcels to be created for each of the buildings will qualify as a "lot" within the meaning of G.L. c.41, §81L.

In the event that the Planning Board votes to endorse such an ANR Plan, a note shall be placed on each of the new parcels created as follows:

This parcel was created as a separate parcel under G.L. c.41, §81L, ¶13 and zoning compliance requirements shall be followed prior to conveyance of the parcel as a separate lot with a building that may be occupied either by: (1) obtaining a special permit that a lawfully pre-existing, nonconforming lot may be extend, changed or altered so as to allow the proposed division and conveyance; or (2) obtaining a variance to address all nonconformities.

19. A note shall be placed on every ANR plan as follows: "Approval Under the Subdivision Control Law Not Required".
20. A note shall be placed on every ANR plan as follows: "Endorsement of this plan shall not be an indication, express or implied, that the parcels or structures shown on this plan conform to applicable zoning requirements."
21. If a parcel is shown on the plan that does not have frontage as required by the Zoning By-Law, each such parcel shall contain the following notation: "Not a building lot without further zoning relief."

**4.3 Planning Board Action.** The Planning Board shall review the ANR plan to determine whether it is a subdivision within the meaning of the Subdivision Control Law and whether it conforms to the standards for endorsement of an ANR Plan.

**4.3.1 Endorsement.** If the Planning Board determines that the ANR plan does not require approval under the Subdivision Control Law, a majority of the Planning Board or its Clerk shall, without a public hearing and within twenty-one (21) days of submission, endorse on the plan the words "Approval under the Subdivision Control Law Not Required," together with any reasonable notations to indicate that: (1) endorsement shall not constitute a determination as to zoning compliance; (2) in particular cases, that further zoning relief shall be required if endorsement is obtained under G.L. c.41, §81L, ¶13.

**4.3.2 Denial of Endorsement.** If the Planning Board determines that an ANR plan does require approval under the Subdivision Control Law or does not conform to the standards for endorsement hereunder, it shall within 21 days of submission of said plan, notify the Applicant and the Town Clerk in writing that in the Planning Board's opinion the plan shows a subdivision and cannot be endorsed and return the Mylar plan to the Applicant.

**4.3.3 Constructive Endorsement.** The failure of the Planning Board to take final action to endorse or refuse endorsement for a plan submitted under G.L. c.41, §§81L and 81P may result in a constructive endorsement as provided for by state law.

**4.4 Distribution of Prints and Original Tracing.** One copy of the endorsed ANR plan shall be retained by the Planning Board for its files. An endorsed copy shall be forwarded to the Town Clerk, Building Department and Highway Surveyor. The Mylar shall be returned to the Applicant for recording in the Plymouth Registry of Deeds or for registration with the Land Court. No construction shall commence in accordance with the endorsed ANR plan until it has been duly recorded.

## **SECTION 5.0 PRELIMINARY PLANS**

A preliminary subdivision plan may be submitted by an Applicant, pursuant to G.L. c. 41, §81S, to the Planning Board for discussion and approval, modification, or disapproval. All nonresidential subdivisions shall submit a preliminary plan.

**5.1 Purpose.** The purpose of a preliminary plan is to provide a prospective Applicant with an opportunity to acquaint the Planning Board with the Applicant's intentions and allow for an informal discussion of the plan. This procedure allows recommended changes to be conveniently incorporated into the preliminary plan prior to the development of the final plans. It is recommended that a preliminary plan be filed in every case and is required for a nonresidential subdivision under G.L. c. 41, §81S, ¶2.

**5.2 Pre-Application.** Prior to investing in extensive professional design costs for preparation of a preliminary plan, the Applicant may review the proposed development of the parcel of land with the Planning Board, in order to explore general conditions

involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion, and should show the critical features of the preliminary plan. In some cases, the pre-submission review may eliminate the need for the formal submission of a preliminary plan. Neither the Applicant nor the Planning Board shall be bound by the discussions and no binding waivers of the Regulations can be made.

**5.3 Effect.** The submission of a preliminary plan to the Planning Board shall not be deemed submission of a definitive subdivision plan for approval by the Planning Board under G.L. c.41, §81U.

**5.4 Preliminary Plan Application Requirements.** An Applicant submitting a preliminary plan of a subdivision for consideration shall provide an application as set forth below.

**5.4.1 Application Form and Copies.** An Applicant shall submit an application in duplicate on Planning Board Form B (Appendix I. Forms. Form B), together with fifteen (15) copies of the preliminary plan to the Planning Board.

**5.4.2 Required Signatures on Application.** The Form B application shall contain the original signatures of the Applicant and all record owners of the land that is proposed to be subdivided, indicating that all owners of record are aware of the application and have assented to the application.

**5.4.3 Required Application Fee.** A preliminary plan Applicant shall submit the required fee as set forth in Appendix V - Schedule of Fees with the Form B Application.

**5.4.4 Delivery of Application.** The preliminary plan shall be deemed submitted when the Form B and preliminary plan are delivered to the Planning Board at a public meeting or delivered by registered mail.

**5.4.5 Filing of Application with Town Clerk.** A preliminary plan Applicant may file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission of the Form B and preliminary plan to the Planning Board.

**5.5 Preliminary Plan Requirements.** A preliminary plan shall be prepared and contain information and documentation as set forth below.

**5.5.1 Preparation.** The preliminary plan shall be on paper with clearly legible lines, at a scale of one inch equals forty feet. The preliminary plan shall be clearly labeled: "Preliminary Plan." A preliminary plan shall be prepared by a registered land surveyor and a registered professional engineer, who each shall be appropriately licensed to perform the specific work involved.

**5.5.2 Contents.** A preliminary plan shall contain the following documentation and information.

1. The subdivision name, boundaries, north point, date and scale.
2. Name, address, telephone number and signature of the Applicant and each record owner of the land proposed to be subdivided.
3. Name, address, e-mail address and telephone number of the Applicant's engineer or surveyor.
4. Names of all abutters, as determined from the most recent Town tax list.
5. Assessing Map reference information.
6. Lines of existing and proposed streets, ways, easements and common or public areas within the subdivision.
7. Location, names, and present width of streets abounding, approaching or near the subdivision.
8. Existing and proposed boundary lines, dimensions and areas of lots.
9. All existing bodies of water, brooks and streams and wetlands, with direction of flow and the proposed disposition of watercourses.
10. Existing highway drainage within the frontage area of the subdivision and for a sufficient distance beyond as required by the Planning Board.
11. The boundary lines of proposed lots with areas and dimensions indicated.
12. Profile of streets including details of typical road and sidewalk cross-sections full storm drainage details, and location of all utilities.
13. Where the owner or Applicant also owns or controls land adjacent to or across the street from the land shown on the preliminary plan, the Applicant shall submit a sketch plan showing a possible or prospective street layout for such adjacent land. The sketch may be submitted separately from the preliminary plan.
14. Evidence that all lots and other aspects of such plan conform to the Zoning By-law or evidence that a variance has been granted.
15. A written list of any waivers from the Regulations requested.
16. The location of the general soil classification boundaries identified by the Natural Resources Conservation Service.
17. The proposed roadway centerline should be staked at 50-foot intervals at the time of submission. Additional staking of drainage facilities, easements and other areas may be required by the Planning Board.
18. The Applicant shall demonstrate that development of the site shall be balanced relative to earthwork and result in no net loss of earth materials. Calculations of anticipated cut and fill volumes shall be provided.

**5.6 REVIEW BY MUNICIPAL AGENCIES.** The Planning Board may submit copies of the preliminary plan to the Board of Health, Board of Selectmen, Building Inspector, Conservation Commission, Drainage Committee, Fire Department, Highway Surveyor, Police Department, Board of Water Commissioners, and Tree Warden for their review and comment. Replies shall be made to the Planning Board within thirty days.

**5.7 SITE VISIT.** After the regular Planning Board meeting at which preliminary plan is first discussed, the Planning Board and/or its agent may schedule a site visit to the proposed subdivision, with or without the Applicant and the Applicant's agents or

representatives under G.L. c.41, §81CC. To facilitate review of the proposed subdivision site, temporary staking may be required along the center line of all proposed roads in the subdivision before the site visit; or, if staking is impractical, the Planning Board may permit a suitable alternative procedure.

**5.8 PLANNING BOARD ACTION.** The Planning Board shall, under G.L. c.41, §81S, approve a preliminary plan, approve it with modifications or disapprove it with the detailed reasons stated therefore in writing.

**5.8.1 Disapproval.** In case of disapproval, the Planning Board shall state in detail its reasons for disapproval, enabling the Applicant to resubmit the plan after correcting it to comply with the Regulations and the Zoning By-Laws.

**5.8.2 Effect of Preliminary Plan Action.** Approval of a preliminary plan, with or without modifications, shall not constitute approval of a definitive subdivision. Planning Board action regarding a preliminary plan shall not prejudice action as to any later filed definitive plan.

**5.8.3 Notice to Town Clerk.** The Planning Board shall notify the Town Clerk in writing of its action on a preliminary plan within forty-five days of the date of submittal of the application, under G.L. c.41, §81S, unless the time for action is otherwise extended.

## **SECTION 6.0 DEFINITIVE PLANS**

**6.1 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 that are set forth under G.L. c.41, §81M and with all local zoning requirements.

**6.2 PRE-APPLICATION CONFERENCE.** Prior to investing in extensive professional design costs for preparation of definitive subdivision plans, the Applicant may submit a preliminary plan under Regulation §5.0 and G.L. c.41, §81S to informally explore general conditions involving the site and to discuss potential problems with the Planning Board.

**6.3 APPLICATION REQUIREMENTS.** An Applicant submitting a definitive subdivision plan shall provide the following documentation and information.

### **6.3.1 Application Form and Copies.** (Shown as adopted on 5/20/2006)

An Applicant for definitive subdivision approval or modification of subdivision approval shall submit an application to the Planning Board in duplicate on Planning Board Form C (See Appendix I. Forms, Form C), together with eighteen (18) copies of the proposed definitive plan to be filed with the Planning Board [one for the Planning Board's file; one for each of the five Planning Board Members; one for the Town Planner; one for the Planning Board's technical consultant; nine for distribution for comments and recommendations to the Board of Health, Board of Selectmen, Board of Water Commissioners, Conservation Commission, Drainage Committee, Fire Department,

Highway Surveyor, Police Department and Tree Warden. (See G.L. c.41, §81O and §81T.)

The copies of the 18 definitive plan sets shall consist of six full-sized plan sets and twelve reduced 11" x 17" sized plan sets for distribution. One full-sized plan shall be provided to the Planning Board's engineering consultant.

Whenever a drainage calculation report is submitted, a minimum of three full reports shall be provided and one full copy shall be provided to the Planning Board's engineering consultant for review, together with a copy of any summary report. If an applicant desires, the remaining 15 copies may be in the form of a summary report. If a summary report is provided, then 18 copies of the summary report shall be provided.

**6.3.2 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 (Appendix I. Form D) with the Form C Application.

**6.3.3 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 plan that is proposed to be subdivided. If the definitive plan shows a connection 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 plan shall sign the application and certify that the subdivision plan (referring to the last revision date of the specific plan submitted), as prepared, conforms to all of the Town's Zoning By-laws and all of the Regulations, except for those provisions that are expressly identified on a written list which shall be submitted as an exhibit to the application.

**6.3.4 Required Fee.** A definitive subdivision plan Applicant shall submit the required fee as set forth in Appendix I. – Schedule of Fees, together with the fully executed Form C application.

**6.3.5 Delivery of Application.** As set forth in G.L. c. 41, §81O, a definitive plan application shall be deemed submitted when the application and definitive plan are delivered to the Planning Board at a regular meeting or when sent by registered or certified mail to the Planning Board. If so mailed, the date of receipt shall be the date of submission.

**6.3.6 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 plan to the Planning Board.

**6.3.7 Filing with Board of Health.** A definitive subdivision plan Applicant shall file one copy of the definitive plan and one copy of the Form C Application with the Board of Health immediately following submission to the Planning Board and shall provide evidence to the Planning Board of the date of said submission. See G.L. c.41, §81U, ¶1.

**6.4 DEFINITIVE PLAN REQUIREMENTS.** A definitive plan shall conform to the following requirements.

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

**6.4.2 Survey to Support Definitive Plan.** A definitive 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 professional land surveyor who performed the survey.

**6.4.3 Definitive Plan Details.** A definitive plan shall be clearly and legibly drawn and shall be drawn at a scale of one (1) inch equals forty (40) feet. Each plan sheet shall be twenty-four (24) inches wide and thirty-six (36) inches long, with a one-inch border, except on the left side where the border shall be two and one-quarter (2 1/4) inches. 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 (1) inch equals one hundred (100) feet 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.

**6.4.4 Definitive Plan Contents.** A definitive 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 (1) inch equals one thousand (1000) feet 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.
  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 Public Works, the subdivision shall also be tied into two 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 By-Law 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 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 (1") equals forty feet (40').
  - b. A vertical scale of one inch (1") equals four feet (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. (See the General Rules and Regulations of the Norwell Permanent Drainage Committee in the Town By-Laws, which are printed in the Norwell General By-laws, as revised through November 1970.)
  - 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 water-ways, 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.
  - 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.
  - d. 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 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 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 technical consultant or by another person designated by the Planning Board within thirty days of the submission of a definitive 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.
  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 home owners 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 professional registered 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 professional registered engineer.

**6.4.5 Other Submittal Requirements.** The following additional documents shall be submitted with the Form C Application and the definitive 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 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 plan.
2. Construction Plan per §6.4.6.
3. Traffic Analysis per §6.4.7.
4. The report of one percolation test per two 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 the Regulations.

**6.4.6 Construction Plan.** An Applicant for definitive subdivision plan approval shall submit a Construction Plan and 8 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:

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 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 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 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 the Regulations and the Town of Norwell's By-law requirements.
16. All areas to be protected from encroachment from construction shall be marked on the ground as shown on the approved 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.
19. A copy of the NPDES plan and permit, if applicable, for construction sites with one 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 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 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 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 Subdivision Plan, as approved by the Planning Board, and the plans approved by the Conservation Commission, the Applicant shall apply for subdivision modification under G.L. c.41, §81W. The amended plan shall be accompanied by a report detailing changes from the prior approved 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 Building Inspector 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 Building Inspector 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.

**6.4.7 Traffic Impact Analysis.** At the time of submission of the Form C and definitive 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.

**6.4.8 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.

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

**6.5.1 Timing of Review by Municipal Agencies.** The Board of Health shall provide its report, if any, within 45 days of submittal by the Applicant. Comments from by other Town agencies should be made to the Planning Board within 30 days of the Planning Board's request.

**6.6 Public Hearing.** Before approval, modification, or disapproval of a definitive plan is granted, a public hearing shall be held by the Planning Board after posting and advertising the public hearing as required under G.L. c.41, §§81K through 81GG.

**6.6.1 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 Board should direct its staff to advertise the public hearing as required under state law.
4. The Planning Board should direct its staff to provide a copy of the public hearing notice to the Applicant for mailing under G.L. c.41, §81T.

5. The Planning Board should appoint a Planning Board engineer to review the definitive 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 By-law and send a detailed written report to the Planning Board via e-mail and regular mail within 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 plan and other submittals be distributed to town agencies as set forth under the Regulations.
7. The Planning Board should encourage the Applicant to arrange a meeting between the Applicant's engineer, the Planning Board's 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 plan for compliance with the Regulations and the Zoning By-laws 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 Board's staff with evidence that the Applicant gave notice of the public hearing as required under 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.

**6.6.2 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 plan.

**6.7 Site Visit.** After the first session of the public hearing at which the definitive plan is discussed, the Planning Board and/or its agent may schedule a site visit to the proposed subdivision under 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.

**6.8 REVIEW OF DEFINITIVE PLANS.** The Planning Board shall review the Form C Application and definitive plan and submittals for compliance with these Regulations and the Zoning By-law, in consultation with other Town agencies and the Planning Board's engineer and the interested members of the public.

**6.8.1 Board of Health Report.** The Board of Health, within forty-five (45) days after submission of the definitive plan with the Board of Health by the Applicant under 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 officer 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. 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 Officer. In the event that approval by the Board of Health or Officer is by failure to report, a note to this effect shall be placed on the definitive plan before endorsement. 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 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."

**6.8.2 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.

**6.9 Planning Board Action.** Following the close of the public hearing, the Planning Board in due course shall approve, approve with conditions or disapprove the definitive plan. The Planning Board shall approve the definitive plan if the plan conforms in all respects to the Regulations (including conformance to applicable zoning requirements) and the Board of Health's recommendations. If the definitive plan does not conform in all respects to the Regulations (including zoning requirements) and/or the Board of Health's recommendations, the Planning Board may either approve the definitive plan with conditions or deny the plan.

**6.10 Certificate of Final Action.** The final action of the Planning Board with respect to any definitive 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 the 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.

**6.11 Amendment, Modification or Rescission of Approval.** Pursuant to 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 plan.

**6.12 Modification of Definitive Plan.** A modification of a definitive plan shall adhere to the following requirements.

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

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

**6.12.3 Effect.** The modification of a previously approved definitive plan shall not affect lots sold or mortgaged by the Applicant except as provided for under G. L. c. 41, §81W.

### **6.13. Endorsement and Recording**

**6.13.1. Endorsement.** Following approval of a definitive 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 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 technical consultant 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 subdivision plan (i.e., filing of the certificate of vote with the Town Clerk.) Once the Planning is satisfied that its decision is final and that all conditions of approval have been added to the definitive plan and that all required revisions have been made, the Planning Board shall endorse the original Mylar drawing of the definitive plan, by placing the signatures of a majority of the Board upon such plan.

#### **6.13.2 Endorsement Copies.** (Shown as adopted on 5/20/2006)

After the definitive 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 Board with the original Mylar, two 11 inch x 17 inch prints, and five additional copies, which shall be distributed following endorsement to: the Applicant, Board of Health, Conservation Commission, Highway Surveyor and Planning Board file.

**6.13.3 Effect.** Final approval of the definitive 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.

**6.13.4 Recording.** Within thirty (30) days after the endorsement of an approved plan, the Applicant shall cause said endorsed plan to be recorded in the 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 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.

## **SECTION 7.0 DESIGN STANDARDS**

A definitive subdivision plan shall conform to all of the following design standards requirements, unless an express, written waiver is granted by the Planning Board under G.L. c.41, §81R.

### **7A STREET DESIGN.**

All streets shall be designed and located so as to be continuous and in alignment with existing streets and with other proposed streets and so as to provide adequate access to all lots in the subdivision via ways that are safe and convenient for travel and so as to satisfy all of the purposes set forth under G.L. c.41, §81M. No grant of approval for any definitive subdivision shall occur unless the Planning Board first determines that the adjacent private and public ways to which the subdivision streets are proposed to connect will provide adequate access that is safe and convenient for travel and satisfy all of the purposes set forth under G.L. c.41, §81M and Regulation 3.11.

**7A.1. General.** Streets shall be designed and constructed so as to be continuous, of uniform width, and in alignment with existing streets and shall conform to the following specific requirements.

**7A.2 Typical Street Cross-Section.** Street and roadway construction shall conform to the typical street cross-sections and details shown in Appendices II and II to the Regulations, which shall be considered part of the Regulations.

**7A.3 Street Width of Right-of-Way.** The minimum width of a street right-of-way shall be 50 feet. A greater width may be required for streets that serve commercial or industrial uses. Width of street right-of-way within an industrial park or area shall be 70 feet.

**7A.4 Street Width of Pavement.** Streets shall be constructed in the manner described herein with a minimum paved surface width of 26 feet for all residential streets and a minimum paved surface width of 40 feet for all commercial and industrial streets. Each street shall be constructed on the centerline of the way. The Planning Board may require, for commercial and industrial development, that the traveled way shall be separated by a raised median strip with a width of to be determined by the Planning Board. In this case, the traveled way shall consist of two roadways each with a minimum width of 20 feet or such greater width as the Planning Board may specify.

**7A.5 Projection of Streets and Easements.** Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property that is not yet subdivided, including a condition that such a through connection shall not occur without further subdivision approval, including modification of the original subdivision. If such a projection is required, then, except as otherwise provided by law, projection of streets shall be included within the street layout and provision made to deed an easement interest to the Town at the time of street acceptance although not constructed. (See Appendix VI.) Sufficient easements for construction of the way(s) shall be included in the plans and deeds for abutting lots. Easements shall be located to the property boundary for future utility connections, water main looping, etc. to the satisfaction of the Planning Board and applicable utility purveyors. Alignment for roadways across the street shall be provided.

**7A.6 Reserve Strips Prohibited.** Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Planning Board, such strips shall be in the public interest.

**7A.7 Street Intersection Design.** Street intersections shall be laid out either directly opposite one another, or be separated by a minimum offset of 200 feet from centerline to centerline, unless otherwise specified by the Planning Board. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees. Street intersections on the same side of the roadway shall be separated by a minimum of 350 feet from centerline to centerline.

**7A.8 Driveway Intersections.** The centerline of new subdivision way intersections shall be separated from all existing and proposed driveways (both within and outside of the subdivision) by a minimum of 75 feet.

**7A.9 Curb Radius.** Street right-of-way lines at intersections shall have a minimum curb radius of not less than thirty (30) feet. Where the angle of intersection between two streets varies more than ten (10) degrees from a right angle, the radius of the curve at the gutter line curb lines at the obtuse angle shall be less and at the acute angle shall be correspondingly greater than the radius specified herein to the extent approved by the Planning Board.

**7A.10 Minimum Centerline Radii.** The minimum centerline radii of curved streets shall be 150 feet for minor streets, 500 feet for secondary streets and 1000 feet for major streets. All curved streets shall be designed to insure safe vehicular travel.

**7A.11 Minimum Length of Tangent Between Reverse Curbs.** The minimum length of the tangent between reverse curves shall not be less than 100 feet radii.

**7A.12 Minimum Centerline Grade.** The centerline grade of any street shall not be less than 1 percent.

**7A.13 Maximum Centerline Grade.** The maximum centerline grade shall not exceed 6 percent.

**7A.14 Vertical Curves.** All changes in grade exceeding five-tenths of one percent (0.5%) shall be connected by vertical curves of sufficient length to afford a sight distance of 200 feet. For purpose of design calculations a minimum K value of 30 on a crest curve and 35 on a sag curve shall be provided.

**7A.15 Leveling Area and Maximum Gradient at Intersections.** A profile shall be provided for a distance of 200 feet on each side of layout lines. Where the gradient of any street is 5 percent or greater within 150 feet of the intersection of street right-of-way lines, a leveling area of at least 75 feet with a maximum gradient of 3 percent shall be provided. No street shall intersect another street at a gradient in excess of 3 percent.

**7A.16 Maximum Gradient on Curves.** No centerline gradient shall exceed 6 percent on any curve.

**7A.17 Maximum Gradient on Dead-Ends.** No centerline gradient shall exceed 6 percent within 500 feet of a dead end.

**7A.18 Retaining Walls, Guard Fences and Slopes.** Whenever the approved street grade differs substantially from the grade of adjacent land, or where otherwise determined by the Planning Board to be reasonably necessary for public safety, the Applicant shall be required to erect retaining walls and guard rail fences or provide slopes with proper plantings to retain the slope, not steeper than 3:1. The Planning Board shall approve the type and dimensions of such retaining walls, fences or slopes and all work shall conform to the "Standard Specifications" of the Town of Norwell. Construction of retaining walls shall conform to the standards established by the Massachusetts Highway Department. No work shall be performed in the right of way to a public way other than to tie the pavement of a new subdivision way into the public way at grade level without obtaining the necessary easement interest to do so from Town Meeting. No work shall be performed in the right of to a private way other than to tie the pavement of a new subdivision way into the private way at grade level without providing evidence of the legal right to do so.

**7A.19 Shoulders.** Improved shoulders shall slope toward the paved surface at one and one-half (1 1/2) percent slope. They shall be covered with six (6) inches of loam and shall be raked, seeded and rolled. Deviation from the above shall occur only with the written approval of the Planning Board. Improved shoulders on all roads shall be a minimum of 4 feet wide. In the event that the sidewalk requirement is waived, the improved shoulder shall be a minimum of five feet in width.

**7A.20 Curbs/Berms.** Curbing or berming shall be required throughout the subdivision. Granite curbing or Cape Cod berm shall be installed at such points as required by the Planning Board. Vertical granite curbing shall be required at all street corners along the circumference of the roadway for the full length of the rounded curve plus a straight section at each end of the curve for at least six feet in length. Vertical granite curbing may also be required on both sides of streets where the grade exceeds three percent. Additional areas may require vertical granite curbing if, in the opinion of the Planning Board, it would contribute to the proper control of drainage, traffic or pedestrian safety. Driveway cuts shall be at least eight feet wide and have a curb return at the roadway of three feet in radius. Vertical granite curbing shall be installed at the edge of the pavement wherever the street sideline is laid out on a curve of sixty (60) feet or less radius and at all drain catch basin inlets as specified in Appendix II. Sloped granite curbing shall be allowed for cul-de-sac islands.

Granite curbing shall be cut to the following dimensions: minimum length: 6 feet; width at top: 6 inches; depth: 17 to 19 inches; minimum width at bottom: 4 inches; projection above pavement: 7 inches.

**7A.21 Way Lines Parallel.** Way lines shall be parallel.

**7A.22 Free Flow of Traffic.** At principal intersections, extra space shall be required to allow for traffic circles and other devices to expedite the free flow of traffic and to provide for adequate sight distance at the proposed curb cut.

**7A.23 Traffic Standard.** New development shall be permitted only when the projected traffic that would be generated by the proposed development can be accommodated either by existing roadway capacity or proposed improvements that will insure public safety.

**7A.24 Extension of Streets.** Subdivision streets shall be laid out so as to safely connect to existing ways. No subdivision shall be approved unless the proposed streets connect to and are accessible from a public way or a private way that is open and dedicated to public use, having in the opinion of the Planning Board adequate construction, width and grades.

**7A.25 Intersection Sight Distance.** Adequate sight distance shall be provided at all intersections with existing and proposed roadways and as set forth below.

**7A.25.1 Required Stopping Distance.** The required stopping sight distance shall be calculated under the Stopping Sight Distance of the American Association of State Highway and Transportation Officials, "A Policy On Geometric Design of Highways and

Streets 2001," 4<sup>th</sup> edition, based on the 85th-percentile speed of the major roadway. The 85<sup>th</sup>- percentile speed shall be determined from an acceptable engineering speed study with a minimum of 20 speed observations in each direction.

**7A.25.2 Calculation of Sight Distance.** Available intersection sight distance shall be measured a minimum of 15 feet from the edge of pavement along the centerline of the proposed roadway. For all calculations, the height of the driver's eye shall be considered to be 3.75 feet above the road surface and the height of the object shall be considered to be 0.50 feet above the road surface in accordance with AASHTO policy.

**7A.25.3 Required Plan Details to Allow Sight Distance Evaluation.** The definitive plan shall detail existing trees (of a caliper greater than 6 inches), stone walls, fences, topography, driveways and streets within 350 feet and pavement limits so as to allow the Planning Board's technical consultant to adequately evaluate intersection sight distance. The definitive plan shall include the measured sight distance triangles and any applicable approach grades. Sufficient sight easements shall be provided before a plan is approved.

**7B. DEAD-END STREET DESIGN.** A dead-end street shall mean any street that is closed to through traffic at one end and shall adhere to the following requirements.

**7B.1. Maximum Length of Dead-End Streets.** No dead-end street shall exceed 550 feet in length. The length of a dead-end street shall be measured from the centerline of the nearest intersecting through street to the end of the subdivision way. A cul-de-sac shall be deemed a dead end street. A hammerhead or T-shaped arrangement of streets shall not be considered an 'intersecting through street' for purposes of this section.

**7B.2. Turn-Around Dimensions.** A dead-end street shall be designed and constructed with a turn-around at the closed end that has an outside roadway diameter of at least 100 feet and a property line diameter of at least 124 feet. A 50' minimum island diameter shall be provided in the center of the turn-around.

**7B.3. Fire Lane.** A dead-end street, having in the opinion of the Planning Board a potential hazard to public safety, shall have a fire lane easement for the travel of emergency vehicles connecting the dead end street with the nearest possible way in existence. The fire lane shall be kept clear of all obstructions and shall be properly graded for its intended use.

**7B.4. Grade.** The last one hundred (100) feet of a dead-end street shall not have a grade greater than 3 percent.

**7B.5. Termination of Dead-End Turn-Around.** Upon construction of an extension to a dead end street that makes it a through way, the easement for the existing turn-around shall terminate and the turn-around shall be removed by the Applicant extending the street as a condition of subdivision approval.

**7C. DRAINAGE DESIGN.** All drainage systems, including, but not limited to storm drains, culverts, swales, paved waterways, ditches, ponds, basins, check dams, drainage systems, and related construction, grading and installation including, but not limited to, riprap, fore bays, catch basins, gutters, manholes and drain pipes shall be designed, installed, maintained and replaced, in accordance with the Regulations herein and the Regulations of the Permanent Drainage Committee in effect at the date of the adoption of the Regulations as revised through November 1970 and printed in the Norwell General By-laws in order to provide adequate disposal of surface and subsurface water, including control of erosion, flooding, and standing water from or in the subdivision and adjacent land. All drainage systems shall adhere to the standards set forth below.

**7.C.1. General.** (Shown as adopted on 5/20/2006)

a. Massachusetts Department of Environmental Protection Stormwater Standards.

All stormwater management systems shall be designed to meet the performance standards of the Massachusetts Department of Environmental Protection, known as Stormwater Phase II, as in effect on June 15, 2006, except as set forth below.

b. American Society of Civil Engineers Standards.

All stormwater management systems shall be designed to be consistent with the most recent technical references published by the American Society of Civil Engineers, as of June 15, 2006, as applicable. The design of every stormwater management system shall demonstrate that no increase in off-site runoff rate or flooding for the 1, 2, 10, 25 and 100-year storm events shall occur. Every stormwater management system shall demonstrate that it shall provide 80% Total Suspended Solid ("TSS") removal in a 10-year storm event.

c. Hydrologic Design: Cornell Stormwater Standard, Not TP40.

Hydrologic designs shall be based on NRCS TR55 and TR20 methodology except that the Northeast Regional Climate Center's "Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada," Publication No. RR 93-5 (Cornell University, Ithaca, NY: September 1993)(the "Cornell Standard") shall be used for rainfall, not the Technical Paper 40 Standard ("TP40").

d. Emergency Overflow Requirements for Systems that Use Infiltration.

All stormwater management systems, which are designed to rely upon infiltration, shall be designed to provide safe and controlled emergency overflow in a 100-year storm event, as defined under the Cornell Standard, when Antecedent Moisture Condition III (i.e., saturated surface and groundwater conditions) exists. Safe and controlled emergency overflow shall mean that no increase in off-site runoff rate or flooding shall occur, post-construction. (Shown as adopted on 5/20/2006)

**7.C.2 Data Submission.** An Applicant shall provide four copies of the following data to the Planning Board and to the Permanent Drainage Committee to allow the Planning Board's engineer and the Permanent Drainage Committee to evaluate the proposed stormwater runoff designs:

1. Sub area delineation at a minimum scale of 1 inch = 100 feet. A minimum scale of 1 inch = 40 feet shall be required for smaller sites or if plans are unclear at 1 inch = 100 feet.
2. The Sub area plan shall include any offsite area, which flows onto the site and shall include a downstream area to a defined control point.
3. Pre and post construction cover types shall be identified on the sub area plan.
4. Post construction site design shall be indicated on the post construction sub area plan.
5. The plan shall indicate conceptual proposed buildings, drives, grading, clearing limits, etc, for the maximum build out of the lots.
6. Test pit logs and test pit locations shall be provided.
7. Test pits shall be required at the location of stormwater management systems to determine seasonal high groundwater and soil type.
8. NRCS soil types shall be identified on the sub area plan.
9. Soil type divides shall be modified if appropriate based on actual field test data.
10. Pre and post development runoff flow paths and control points shall be indicated on the sub area plans.
11. Drainage reports shall be provided as follows:
  - Reports shall be bound and clearly present all assumptions used to develop the data together with final results.
  - References used to develop the report and justify assumptions used shall be included in the report.
  - Runoff hydrographs together with input data shall be provided for both pre and post construction.
  - Routing hydrographs with all structure data, (i.e., stage, storage and discharge) shall be provided to justify the assumptions for structures.
  - A summary table indicating pre and post development peak discharge rates and total volume of runoff at each control point and flood elevations as applicable shall be included in the report.
  - TSS Form.
12. Eight copies of the proposed Operations and Maintenance Plan for the proposed stormwater drainage system shall be provided by the Applicant with the drainage report.

**7C.3 Minimum Design Criteria for Stormwater Basins.** The minimum design and construction requirements for stormwater basins shall be as follows:

1. Side slopes for stormwater basins shall be constructed with 4:1 side slopes per ASCE Design and Construction of Urban Stormwater Management.
2. No subsurface infiltration systems shall be allowed.

3. The top of the berm width shall be 8 feet per ASCE Design and Construction of Urban Stormwater Management.
4. Clogging protection – Trash grates per ASCE Design and Construction of Urban Stormwater Management shall be used and no outlet smaller than 2 inches shall be used.
5. Maximum depth in a 2-year storm event shall not exceed 2 feet.
6. Maximum depth in a 100-year storm event shall not exceed 4 feet.
7. Berms shall be built into natural landscape if possible and as much as possible.
8. Excavation shall be prohibited if the water table is within two feet of existing grade.
9. An interim as-built of drainage system, including basins, shall be completed prior to the sub-base for the roadway being laid.

**7C.4 Minimum Design Criteria for Drainage Pipes.** The minimum design and construction requirements for drainage pipes shall be as follows:

1. Cover – Shall be a minimum of 2.5 feet and have a maximum depth of 8 feet.
2. Slope – Shall have a minimum slope of 0.5% and not exceed a maximum of 15 feet per second velocity.
3. Design Calculations – No surcharge in system shall be allowed.
4. Downstream system determination shall be made and reviewed and approved by the Planning Board's Engineer. If the downstream system is inadequate to handle the proposed runoff or the existing runoff, the system shall be upgraded.
5. Minimum actual velocity in trunk lines shall be 2 feet per second.
6. Maximum actual velocity in pipes shall not exceed 12 feet per second.

**7C.5 Drainage Easements.** Easements for all surface and subsurface drainage structures shall be provided, as necessary and in a form that is acceptable to the Planning Board in consultation with Town Counsel, and shall be recorded prior to or simultaneously with the endorsed definitive plan to ensure that individual lot owners shall properly maintain or allow proper maintenance, repair and replacement of said structures and shall run to a Homeowners Association.

**7C.6 Homeowners Association Required to Own, Maintain, Repair and Replace Drainage Systems.** If any drainage structures are to be installed within the subdivision, then a Homeowners Association shall be created and satisfy the following minimum requirements.

**7C.6.1 Membership Shall Be Mandatory.** All owners of land within the subdivision shall be required to be members as a condition of subdivision approval.

**7C.6.2. Ownership of Drainage Improvements.** The Homeowners Association shall be the owner of the drainage structures and shall hold all of the necessary easements and fees to all of the drainage structures, including detention basins or ponds, retention basins or ponds, combination detention/retention basins or ponds, catch basins, pipes, swales, berms, riprap, check dams, drainage catchment areas and other drainage structures and

equipment and to all areas that must be used to access the drainage systems and equipment to effect maintenance, repairs and replacement.

**7C.6.3. Management of Drainage.** The Homeowners Association shall be responsible for repairing, maintaining and replacing the drainage systems within a subdivision. As a condition of approval, the Homeowners Association, in the opinion of the Planning Board, shall be sufficiently funded initially and then require monthly or yearly funding by individual lot owners to allow for sufficient funding of initial and projected repair, maintenance and replacement costs.

**7C.6.4. Status Reports.** The Homeowners Association shall be responsible for writing to the individual lots owners twice per year to provide a report on the status of drainage funding, including: (1) the yearly cost of drainage maintenance and repairs for that calendar year; (2) the yearly cost of drainage maintenance and repairs projected for the following ten calendar years; and (3) the projected date for replacement of drainage systems and the projected cost of same. In addition, at the same time, the Homeowners Association shall write to the individual lot owners and remind the individual lots owners of any obligations that the owners may have to maintain drainage swales or berms or other structures located on their individual lots, whether by periodic mowing or clean outs and by not planting trees and other landscaping in drainage swales. Individual lot owners shall also be instructed as to best management practices that require the subdivision streets to be maintained in a clear, swept condition to avoid damage to drainage structures.

**7C.6.5. Installation.** Installation of drainage shall be under the supervision of the Planning Board engineer.

**7C.6.6. Gas and Sand Traps.** Gas and sand traps shall be required by the Planning Board to prevent pollution of ponds, lakes, rivers, and/or streams.

**7C.7. Excavation.** No excavation or removal of gravel, topsoil, or other matter shall take place within a subdivision except:

1. Within the right of way for normal roadway construction.
2. For the digging of a cellar hole, water well, or trench for normal utility installation.
3. Normal grading and filling around the houses to beautify the lot or to satisfy Board of Health requirements.

**7C.8. Gravel Removal Permit.** No gravel or other earth materials shall be removed from any site without a Gravel Removal Permit under Article XVI of the Town By-Laws, except as specified in Article XVI.

**7D WATER PROVISION.** An adequate supply of water, via water mains and related equipment such as hydrants, main shut-off valves and other fittings, shall be installed in all streets within the subdivision as necessary to provide adequate water supply for domestic use and fire protection.

**7D.1. Connection to Public Water System.** Proper connections shall be made with the existing public water system whenever available. Where a public water system is not reasonably accessible, the Applicant shall install water mains and hydrants or provide easements to allow for future connections, at the Planning Board's election.

**7D.2. Design and Installation.** The design and installation of the water system shall be in accordance with the Rules and Regulations of the Board of Water Commissioners of the Town of Norwell, as revised through November 1970 and printed in the Town's General By-laws. In no case shall a water main be within 3 feet (3'-0") of a catch basin.

**7D.3. Fire Chief Approval.** The hydrant locations shall be approved by the Norwell Fire Chief prior to approval of the definitive plan.

**7D.4. Dead-End Water Mains.** Dead-end water mains shall be avoided and all water mains shall be looped to eliminate standing water, except upon the express written recommendation of the Board of Water Commissioners. Easements for future extension or looping of the water system shall be provided, except upon the express written recommendation of the Board of Water Commissioners.

**7D.5. Supervision of Installation.** Installation of water mains shall be under the supervision of the Board of Water Commissioners.

**7E. OTHER UTILITIES.** All other utilities shall conform to the following requirements.

**7E.1. Utilities shall be underground.** Utility poles, above ground wires and guy wires shall not be permitted in subdivisions. All utilities including, but not limited to, water lines, drainage, fire alarm, electricity, gas, computer cables, telephone and cable television shall be installed underground, including service to the individual dwellings. Placement of utilities in streets and roadways shall be installed as shown on the typical street cross-sections set forth in Appendix II. The location of transformers, switches, and other such equipment shall be approved by the Planning Board and shown on the definitive plan.

**7E.2. Primary and Secondary Electric Lines.** Primary and secondary lines shall run on the same side of the road. All road crossings shall be in conduit and shall be perpendicular to the road centerline at that point. Location of telephone cables and primary and secondary power lines shall be approved by the Wiring Inspector and a copy of the definitive plan so endorsed and provided to the Planning Board.

**7E.3. Warning Strips.** All electrical cable shall be protected with a safety located strip or warning tape.

**7E.4 Gas Pressure Reducers and Meters.** If a dwelling is served by gas, then pressure reducers and meters shall be installed outside the dwelling. A dresser type connection shall be placed in the gas line outside of the dwelling, but within 6 feet of it.

**7E.5. Standards.** Minimum standards for installation of utilities shall be those prescribed by nationally recognized authorities such as the National Electric Corp. (N.E.C.), American Water Works Association (A.W.W.A.), and American Gas Association (A.G.A.). Requirements of local inspectors, if more strict than the aforementioned sources, shall prevail.

**7E.6. Installation and Inspection.** Installation and inspection of all underground utilities shall be performed and written approval obtained before construction of the roadway base course begins.

**7F. EASEMENTS FOR UTILITIES.** The necessary easements to support utilities that are to be installed in a subdivision shall be provided as follows.

**7F.1 Location.** Easements shall not be permitted to straddle lot lines, but should be located along the lines.

**7F.2. Width.** Easements shall be a minimum of 20 feet in width.

**7F.3. Recording.** Easements shall be recorded before deeds for individual lots are conveyed and shall run initially to the Homeowners Association and then be conveyed to lot owners as necessary.

**7F.4. Water Courses and Drainage Ways.** Where a subdivision is traversed by a water course, drainage way, channel or stream, the Applicant shall provide to the Home Owners Association 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 activities. The necessary fee and easement interests in drainage structures shall be conveyed to and held by the Homeowners Association. Large drainage structures such as detention or retention basins or ponds shall be segregated on separate parcels that are owned by the Homeowners Association.

**7F.5. Easements for Maintenance.** Adequate easements for the maintenance of slopes, bodies of water or land-locked areas shall be provided to allow for mowing, tree maintenance and other landscaping needs and mosquito and pest control.

**7G. STREET LIGHT DESIGN.** Street lights shall be provided by the Applicant at street intersections, dead end or turn-arounds and at all vertical and/or horizontal curves as may be required by the Planning Board.

**7G.1. Street light standard.** Street lights shall be Town and Country luminaire lights, or equivalent, mounted on wood laminated poles with extension and decorative fixture,

unless otherwise approved by the Planning Board. All lighting shall be controlled so as to be directed down and prevent light pollution.

**7H. SIDEWALKS AND PLANTINGS.** Sidewalks and plantings shall be required in all subdivision on both sides of every subdivision way as follows.

**7H.1. Sidewalks.** Sidewalks shall be a minimum of 5 feet wide and located along the sideline of the roadway layout in such a manner as to blend in with the natural land features and terrain. The areas between the sidewalk and the road surface shall be finished as directed by the Planning Board so as to maintain a natural appearance.

**7H.2. Pedestrian Ways/Walkways.** Pedestrian ways or walkways shall be provided to allow convenient circulation or access within the subdivision to area schools, playgrounds, shopping, churches, transportation, parks, conservation areas and/or other facilities. An easement of proper width and length shall be provided.

**7H.3. Construction Requirements.** Construction shall consist of 12 inches of gravel that is consistent with the roadway cross-section and, after having been brought to sub-grade by the necessary excavation and filling, shall receive 2 inches, compacted depth, of approved bituminous concrete. The areas between the sidewalk and the roadway, if to be loamed, shall have at least 6 inches of screened loam. The loam shall be spread to grade, seeded and rolled. Once gravel is laid for a sidewalk it shall remain undisturbed. (i.e., utility crossings should be installed prior to laying of sub-base.) Sidewalk construction shall be inspected by the Planning Board's engineer at each stage of construction.

**7H.4. Sidewalks, Along Existing Highways.** Sidewalk construction shall be required along existing highways when adjacent land is subdivided.

**7H.5. Trees and Plantings.** Existing trees and shrubs, and the limbs of existing trees and shrubs, standing within the limits of any proposed way or public way, which, because of their location, species and/or condition are suitable for preservation, shall be shown on the definitive plan and shall be preserved by the Applicant, provided that to do so shall not interfere with installation and future maintenance of underground utilities. Furthermore, all sight line requirements shall prevail over preservation of existing trees and vegetation. The definitive plan shall adhere to the following requirements.

- Trees shall be planted by the Applicant along subdivision streets at intervals of 50 feet, subject to the location of proposed driveways, street intersections or other features of the subdivision and shall be planted so that they will not interfere as they grow with proposed utility services and sidewalk construction.
- New trees shall be nursery grown and comply with the Association of American Nurseries specifications and be at least 3 inches in caliper.
- The preservation of existing trees and the varieties of new trees for planting shall be subject to the approval of the Planning Board which shall be guided by the recommendations of the Town's Director of Lands and

Natural Resources as to the number, location, condition and species of such trees and under Appendix III.Detail B.

- No tree shall be allowed within 4 feet of the edge of pavement for a way, nor shall a tree be allowed within five feet from the edge of an underground utility that exists or is to be installed.
- The Applicant shall show on the definitive plan the placement and type of trees to be preserved and planted as set forth in this section of the Regulations and under Appendix III.Detail B.

**7H.6. Grass Plots and Slopes.** Embankments outside the shoulders shall be evenly graded and pitched at a rate not steeper than 3:1. The Planning Board may require such banks and all other disturbed areas adjacent to the traveled way to be loamed and seeded with grass. It is recommended that consideration be given to the surrounding growth and terrain. Roadsides should be made to blend with the woods or natural surroundings that exist and plantings in such areas should be chosen accordingly.

**7H.7. Parks and Open Spaces.** Before approval of a definitive plan, the Planning Board may also, in proper cases, under G.L. c.41, §81U, ¶14, require that the plan 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 the prospective uses of such land, the Planning Board may, by appropriate endorsement on the plan, require that no buildings be erected upon such park or parks without its approval for a period of not more than three years. Such action is to be taken in accordance with that portion of Section 81-Q of G.L.c. 41, which states that: "No rule or regulation shall require, and no Planning Board shall impose as a condition for approval of a plan of a subdivision, that any land within said subdivision be dedicated to the public use, or conveyed or released to the Commonwealth or the County, City or Town in which the subdivision is located, for use as a public way, public park or playground, or for any other purpose, without just compensation to the owner thereof."

**7H.8. Use of Conservation Grants and Easements.** The Planning Board encourages Applicants to investigate and make use of conservation grants and easements, particularly in wet areas. Information can be obtained from the Conservation Commission.

## **8.0 CONSTRUCTION REQUIREMENTS.**

An Applicant shall conform to the following construction requirements following subdivision approval and endorsement of the definitive plan.

**8.1.1 Pre-construction Requirements.** An Applicant shall provide the following information and then arrange a pre-construction meeting with the Planning Board's Engineer.

**8.1.2 Pre-Construction Submittals.** At least seven days prior to the proposed construction start date and before the pre-construction meeting takes place, an Applicant

shall provide the Planning Board, the Planning Board's Engineer with the following information:

1. An affidavit certifying that the Applicant is the owner of record of all of the property shown on the endorsed definitive plan or documentation signed by the owner(s) of record that the Applicant has authorization to act on all matters pertaining to the construction of the development.
2. An affidavit certifying that the Applicant has reviewed all of the conditions of subdivision approval and has taken all of the required steps to satisfy the conditions.
3. An affidavit certifying that all required federal, state and local permits have been obtained and providing a list, with the dates of issuance of each permit and the permit identification number.
4. A letter identifying the persons or entities responsible for completion of any portion of the project including the name, address, telephone number and e-mail address of each such person or entity.
5. A letter that identifies (name, business address, telephone and facsimile numbers and e-mail) for the following:
  - \*The official representative of the Applicant and owners.
  - \*The engineering firm to be used during construction.
  - \*The general contractor.
  - \*The soils testing firm to be used during construction.
6. Shop drawings and/or catalog cuts of all structures/materials to be used to construct the approved definitive subdivision. All catalog cuts shall be hi-lighted as to product submitted for approval.
7. The location of the disposal site for all solid waste and surplus material must be supplied and approved.
8. Any changes to previously submitted information contained above must receive approval of the Planning Board.

**8.1.3 Pre-Construction Meeting.** At least 48 hours prior to the beginning of construction, the Applicant shall arrange and participate in a pre-construction meeting with the Planning Board's Engineer to review all construction requirements.

**8.2 CONSTRUCTION REQUIREMENTS.** The Applicant shall conform to the following construction requirements.

**8.2.1 Staking.** During construction, proper staking shall be maintained at all times by the Applicant including:

1. Establishment of base lines on centerline of construction for all roadways. Reproduction of base lines and centerlines, or lines offset to them when roadway cuts and fills have been completed.
2. General benchmark control for the subdivision.
3. Original grade stakes at fifty foot intervals.
4. Bound points and side line stakes.

5. All necessary stakes for pipes and headwalls, and for the establishment of all catch basins and manhole locations as to line and grade.

**8.2.2 Clearing.** The entire roadway area shall be cleared and grubbed of all obstructions and growth of any kind. Unsuitable material shall be removed to the required depth and the area shall be evenly graded for a distance of not greater than seventeen (17) feet either side of the centerline. A greater width may be required at corners and on the inside of curves for visibility. Clearance of trees beyond a total width of thirty-four (34) feet or more than one (1) foot beyond the slope at cuts or fills is not permitted, except for the construction of sidewalks or utilities.

**8.2.3 Non-frost Susceptible Soil.** All fill and undisturbed soil shall be non-frost susceptible, to a minimum depth of three (3) feet below the finished pavement grade. Non-frost susceptible soil shall mean soil that shall not contain more than three (3) percent material that passes through the #200 sieve and, in addition, shall not include any material that is larger than three (3) inches in size.

**8.2.4 Sub-Grade Preparation.** All existing material shall be removed for a depth of at least 17 inches below finish grade for the full cleared width. Ledge and large boulders shall be removed to a depth of at least 24 inches below finish grade. Clay, mulch, or other unstable material shall be removed to a greater depth as required and/or directed. Backfill of approved, stable materials shall be used to bring the sub-grade to a uniform grade 17 inches below finish grade. The sub-grade shall be prepared to required lines and grades, and all fill shall be constructed in 6 inch lifts. The sub-grade shall be compacted to a minimum of 92% and 95% of maximum dry unit weight and at or near optimum moisture content as determined by ASTM D-1557-66T, Method D. Preparation of the sub-grade shall be approved by the Planning Board's Engineer before any subsequent construction is permitted.

**8.2.5 Base course.** After approval of the sub-grade, a minimum of 12 inches of approved compacted gravel in two courses shall be placed over the sub-grade for the full cleared width and brought to a true even grade. The gravel base course shall be constructed in 6 inch lifts and shall be compacted to a minimum of 95% of maximum dry unit weight and at or near optimum moisture content as determined by ASTM D-1557-66T, Method D. Total depth of gravel at all points after complete compaction shall be not less than 12 inches. The base course shall consist of six inches of Massachusetts Specifications M1.03.0 type b and the top course shall consist of six inches of Mass. Spec. M1.03.1 processed gravel. The gravel base shall be carried 12 inches past the pavement on each side of the roadway.

**8.2.6 Bituminous Pavement.** The approved primed base course shall be paved with a minimum of three and one-half (3 1/2) inches of Massachusetts Department of Public Works Type 1-1 binder course and one and one half (1 1/2) inches of top course to lines and grades as required. The pavement shall be compacted to a minimum of 95% of laboratory density, and surface irregularities greater than one-quarter (1/4) inch as

measured with a ten-foot straightedge shall be corrected as determined by the Planning Board's Engineer.

**8.2.7 Alternate Bituminous Pavement with Maintenance Bond.** The Planning Board may allow construction of the following if a ten (10) year maintenance bond is provided: The approved primed base course shall be paved with a minimum of one and one-half (1 1/2) inches of Massachusetts Department of Public Works Type 1-1 binder course and one and one-half (1 1/2) inches of top course to lines and grades as required. The pavement shall be compacted to a minimum of 95% of laboratory density, and surface irregularities greater than one-quarter (1/4) inch as measured with a ten-foot straightedge shall be corrected as determined by the Planning Board's Engineer.

**8.2.8 Truck Tickets.** Printed truck tickets showing the weight and mix of the bituminous paving material at the batch plant plus the date and time shall be turned over to the Planning Board's Engineer at the time of each delivery.

**8.2.9 Months and Conditions during which Bituminous Material shall not be laid.** No bituminous material shall be laid between November 15 and April 15 of any calendar year. No such material shall be laid when the ambient temperature drops below 40 degrees or when it is raining. A waiver or subsequent modification of the definitive plan shall be required to pave outside of these dates. The Planning Board's engineer cannot provide a waiver. In the event that such paving occurs, an Applicant shall be required to remove the pavement and lay new pavement or provide adequate surety to guarantee that the pavement shall survive for its expected useful life or be replaced.

**8.2.10 Dust and Debris Control.** The Applicant shall promptly remove gravel, sand, dirt and/or any debris generated by the subdivision project from all town ways. The Applicant shall provide and obtain approval from the Planning Board for dust control measures and then conform to those measures during all phases of subdivision construction.

**8.2.11 Driveway Entrances.** A driveway entrance proposed within the way lines shall be installed at the time of the road construction and in accordance with the requirements of the road construction. To prevent surface water from roadways from draining onto individual lots, driveway entrances shall be constructed such that they slope toward the roadway for a minimum distance of four (4) feet at a slope of not less than one (1) inch per foot. Adequate means shall be taken to prevent water from draining onto the roadway in such quantities as to erode the roadway or to form ice buildup in the winter months. Adequate means shall also be taken to prevent any driveway from blocking natural drainage via a culvert or pipe. Driveways, including existing driveways both within and outside of the subdivision, shall not be within seventy-five (75) feet of the intersection of the centerlines of intersecting streets.

**8.2.12 Street Signs.** Street signs shall be erected as required before construction of the roadway begins. The cost of the sign and its installation shall be borne by the Applicant and shall conform to the street sign standard used by the Town of Norwell and shall be

installed under the direction of the Planning Board or Highway Surveyor. The Planning Board shall approve the name of any new subdivision street.

**8.2.13 Not an Accepted Street.** Streets within a subdivision that have not yet been accepted by the Town as public ways shall have conspicuously posted, by and at the expense of the Applicant, signs at intersections, suitable to the Highway Surveyor, stating: "Private Way." The latter sign shall be a separate sign that is attached before the signage that sets forth the name of the way, suitable for easy removal when and if the way is accepted by the Town as a public way.

**8.2.14 Advertisement Signs.** Signs may be posted within a subdivision advertising lots or houses for sale only in accordance with the following:

1. Signs shall be no larger than six (6) square feet and not longer than 3 feet in either direction or higher than six (6) feet at the highest point above the average surrounding grade.
2. Signs shall not fluoresce or glow or be lighted in any manner.
3. A sketch of any proposed sign or signs shall be filed with the Planning Board prior to erection.
4. No sign may be erected or displayed until written approval for each such sign is obtained from the Planning Board. No permit is valid for longer than two (2) years. A permit may be renewed by the Planning Board.

**8.2.15 Monuments.** Stone or approved reinforced concrete bounds shall be placed on both sides of the street at all angle points, at the beginning and end of all curves, and at all intersections of streets. Bounds shall be not less than four (4) feet in length and not less than 6 inches in width and breadth. Way bounds shall be capped with bronze inserts. No permanent monuments or bounds shall be installed until all construction, which could destroy or disturb the monuments or bounds, is completed. The top of the bounds shall be set to finished grade and be set by a registered professional or registered land surveyor who shall certify in writing that they conform to the endorsed definitive plan.

**8.2.16 Prevention of Water Pollution.** During the performance of work within the subdivision, the Applicant shall take sufficient precautions during construction to avoid contaminating water in adjacent streams or bodies of water. All earthwork, grading, moving of equipment, water control in foundation areas, and other operations likely to create silting, shall be conducted to avoid or minimize pollution in adjacent streams and bodies of water. Water used for any purpose whatsoever by the Applicant, which has become contaminated with oil, bitumen, salt or other contaminants, shall be so discharged so as to avoid affecting nearby waters. Under no circumstances shall the Applicant discharge contaminants directly into any adjacent stream or bodies of water.

When the Applicant uses water from natural sources for any construction related operations, intake methods shall be such as to avoid contaminating the source of supply and maintain adequate downstream flow when the source is a stream. Violations will result in termination of work until the impacted area is restored.

**8.2.17 Barricades and Warning Signs.** The Applicant shall furnish, erect and maintain adequate warning and guide signs, traffic signs, safety lighting, barricades and barrier fences for the safe flow of traffic and protection of all life and limb.

**8.2.18 Protection and Restoration of Property.** The Applicant shall preserve and protect from injury all property either public or private adjacent to the subdivision, and he shall be responsible for and repair any and all damage and injury thereto, arising out of or in consequence of any act of omission, neglect or misconduct in the execution of the work, or in consequence of the non-execution thereof by the Applicant in the performance of the work prior to completion and acceptance thereof.

**8.2.19 Clean-Up.** Upon completion of all work on the grounds, the Applicant shall remove from the streets and lots all temporary structures, surplus material and rubbish, and shall leave the work in a neat and orderly condition. All disturbed areas shall be properly graded, top soiled to a minimum depth of 6 inches, limed, fertilized and seeded to satisfactory established growth including a minimum of 3 necessary mowings.

## **9.0 MANDATORY CONDITIONS OF SUBDIVISION APPROVAL.**

No subdivision shall be approved without the following mandatory conditions.

**9.1.1 Conditions of Approval shall be noted on the plan prior to endorsement.** Prior to endorsement of the definitive plan, the plan shall be revised to reflect all conditions of approval and the Planning Board's consulting engineer shall confirm that the revisions are complete and accurate and in accordance with this decision.

**9.1.2 Failure to Obtain Endorsement.** The Applicant shall obtain the endorsement of the Planning Board upon the approved definitive plan within 120 days of the date of approval. Failure to obtain such endorsement shall result in the automatic rescission of the approval of such plan. Endorsement shall not be provided until proper surety has been provided as required under G.L. c.41, §81U and until the approved plan has been properly revised to set forth on required revisions and notes as to each condition of approval.

**9.1.3 Failure to Complete Construction.** The Applicant shall begin and complete the construction of all ways and municipal services within three years of the date of endorsement of the definitive plan. Failure to so complete shall result in the automatic rescission of the approval of such plan, unless the Planning Board extends said period, for good cause shown, upon the written request of the Applicant prior to the expiration of said period and after holding a public hearing with notice to modify the subdivision approval to extend the time period.

**9.1.4 Construct Streets and All Required Utilities.** As a condition of approval of a subdivision, the Applicant shall construct the streets and complete all other work

specified on the approved definitive plan and required under the Regulations, satisfy all relevant provisions of the Zoning By-Laws and other By-Laws, including installation of required utilities and all work incidental thereto, such as grading of lots to provide drainage, construction of retaining walls and other details, as outlined in §7.0 of the Regulations or as specifically required by the Planning Board. The Planning Board may require that such construction be completed within a specified period of time.

**9.1.5 Grant Perpetual Rights and Easements.** As a condition of approval of a subdivision, the Applicant shall reserve a right and easement to construct, repair, replace, extended, operate, use and forever maintain all streets, water mains, sewer mains, and all surface and subsurface stormwater drains in, through or under the streets and easements as indicated on the definitive plan and to use the roadways shown on the plan as public ways so that these rights and easements may be conveyed to the Town of Norwell in the event that the roadway(s) are offered and accepted as public ways by the Town. The Applicant may convey this right and interest to a Homeowners Association. This provision shall not relieve the Applicant from the responsibility to complete all construction as required by the Applicant's agreements with the Town.

**9.1.6 Right of Entry of Town Officials.** As a condition of approval of a subdivision, and in accordance with G.L. c. 41, §81B and §81CC, the Applicant shall allow the Planning Board and its officers and agents to enter upon any lands and make examinations and surveys and play and maintain monuments and marks as the Planning Board deems necessary to carry out its duties under the Subdivision Control Law.

**9.1.7 Certification of completion of subdivision in accordance with the approved and endorsed plan.** As a condition of subdivision approval by the Planning Board, an Applicant shall, prior to final surety release, provide a certification to the Planning Board from a registered professional engineer that the subdivision has been completed in accordance with the approved and endorsed plan and the conditions of approval and certify that the layout, design and construction work in the subdivision are satisfactory and conform to the Town's specifications and the requirements of the Regulations. In addition, a separate and express certification shall be provided that the final grades have been constructed at the subdivision in accordance with the approved and endorsed plan. The certification shall be signed and stamped by the registered professional engineer.

**9.1.8.A. Interim As-Built Plans.** (Shown as adopted on 5/20/2006)

i. Drainage Basins.

Interim As-Built Plans shall be prepared by the applicant and provided to the Planning Board, for any and all drainage basins approved for a project, and then approved by the Planning Board before any building permits for new structures or buildings are issued for any lot in the subdivision. Interim as-built plans for a drainage basin, to be approved, shall confirm that the drainage basin is properly constructed, is located in the approved location and is properly sized, as required, so that the required storage capacity is available and no upland necessary for

adjacent lots has been used. The location of a drainage basin shall be confirmed by at least two bounds and shall be tied to at least two bounds for the adjacent subdivision way and shall be tied to at least two Mass. Grid Coordinates. The As-Built plans shall be signed and stamped by a Registered Professional Engineer.

ii. Roadways.

Interim As-built Plans shall be prepared by the applicant and provided to the Planning Board, for the roadway system approved for a project, and then approved by the Planning Board before any building permits for new structures or buildings are issued for any lot in the subdivision. The interim as-built plans, to be approved, shall confirm that the roadway is properly constructed, located in the approved location and that no upland necessary for adjacent lots has been used to construct the roadway. The location of the roadway shall be confirmed by at least two bounds that shall be tied to the nearest town way and shall be tied to at least two Mass. Grid Coordinates. The as-built plans shall be signed and stamped by a Registered Professional Engineer.

**9.1.8.B. Final As-Built Plans.** (Shown as adopted on 5/20/2006)

Final As-Built Plans shall be provided by the Applicant and at the Applicant's expense prior to final release of subdivision surety to confirm that the subdivision has been completed in accordance with the requirements of the endorsed definitive plan and the Regulations. The Final As-Built Plans shall be prepared by a Registered Professional Engineer and include the following:

1. A plan showing street line with the bearings and distances on linen or another suitable permanent reproducible material at a scale of 1 inch = 40 feet.
2. A plan to show pavement locations, house locations, lot lines, driveway locations, all utilities above ground such as water gates, gas gates, utility poles, manholes with rim elevations and inverts, catch basin rims and inverts, top of head wall with pipe size and invert. All utility easements; ties from house foundations to water services. Final site grading including all drainage structures and lot grading to demonstrate conformance to the approved drainage design, with a certification as to final grading that is signed and stamped by a registered professional engineer.
3. Names of abutters.
4. A plan section showing profile of centerline elevations every 50 feet.
5. Deed descriptions.
6. A plan showing concrete bounds on all Points of Curvature and Points of Tangency.
7. Ten (10) sets of as built prints.
8. Provide the final As-Built with Mass grid datum shown in a digital format acceptable to the Planning Board.

**9.1.9 Homeowners Association/Maintenance of Private Streets and Utilities.** As a condition of approval of a subdivision, prior to endorsement of the definitive plan the

Applicant shall create and properly fund a Homeowners Association and all purchasers of land within the subdivision shall be required to belong to the Homeowners Association. The Homeowners Association shall be responsible for the maintenance, repairs and plowing of the subdivision roadway(s) unless and until the Town accepts the roadway(s) as a public way(s). The Homeowners Association shall maintain permanent ownership of any drainage basins or ponds in the subdivision, including all pipes and other appurtenant devices, and shall have the permanent responsibility of maintaining, repairing and replacing said drainage systems, as necessary. The Homeowners Association documents shall be reviewed and approved by the Planning Board, in consultation with Town Counsel, and the Homeowners Association shall have an initial fund that is deemed satisfactory to the Planning Board, in consultation with the Planning Board's technical consultant. The Homeowners Association shall send correspondence to all members of the Association twice a year, once during March and once during September, to advise each member of the Association's duties and responsibilities to: (1) maintain, repair and plow the roadways; and (2) maintain, repair and replace the drainage systems. At the same time, the Homeowners Association shall provide a written reminder to each individual member to maintain any portion of the systems on each member's property, including the mowing and clearing of drainage swales and berms. The Homeowners Association shall also notify the members that, if public acceptance of the subdivision roadway(s) is sought, then the Town may assess betterments for any work needed to make such streets conform to Town standards prior to acceptance.

**9.1.10 Pre-Construction Preparations.** Prior to the pre-construction meeting, the Applicant shall provide the Planning Board with a copy of the Subdivision Plan on disc in DXF format or other digital format acceptable to the Planning Board and also two legibly printed 11 inch x 17 inch sets of the Subdivision Plan.

**9.1.11 Modification of Roadway Layout.** Any modification of the roadway layout approved hereunder shall be subject to the requirements of G.L. c.41, §81W.

**9.1.12 Recording of Certificate of Vote.** The Certificate of Vote shall be recorded with and referenced to the Subdivision Plan immediately following endorsement and the Applicant shall provide evidence of the recording to the Planning Board not later than 120 days following endorsement.

## **SECTION 10.0 SUBDIVISION SURETY**

### **10.1 Surety shall be provided prior to endorsement**

Prior to endorsement of the definitive plan, the Applicant shall provide subdivision surety in accordance with G.L. c.41, §81U, ¶7 and Appendix I.Forms E-1 through E-5.

### **10.2 Required form of surety**

All surety shall conform to the requirements of G.L. c.41, §81U, ¶7 and Appendix I. Form E-1-E-5. Letters of credit are not acceptable. The form of the surety shall be acceptable to the Planning Board in consultation with Town Counsel and the Town Treasurer.

1. A covenant form of surety shall be executed by the Applicant, all owners of record and any and all mortgagees. Such covenant shall state that the improvements shown on the definitive plan shall be completed not later than three years from the date of the endorsement of the definitive plan. Failure to so complete the improvements shall result in the automatic rescission of the approval of the definitive plan by the Planning Board, unless the Planning Board extends said period, for good cause shown, after the written request of the Applicant prior to the expiration of said period. The covenant shall be referenced on the definitive plan prior to recordation in the Registry of Deeds. The Applicant, after recording, shall promptly send a copy of the covenant, showing the Registry book and page number, to the Planning Board.
2. All surety instruments, other than covenants not to build, shall be accompanied by a separate surety agreement that has been executed by the Applicant, all owners of record and all mortgagees and that shall detail the rights and obligations of the various parties and assign the proceeds of the surety to the Town of Norwell, by and through the Planning Board, in the event of a default and provide an easement to the Town to allow the work shown on the endorsed definitive plan to be performed, creating the right to perform such work, but not an obligation. The amount of the surety instrument shall be approved by the Planning Board, the form of the surety instrument shall be approved as to form by the Planning Board and Town Counsel and be acceptable to the Town Treasurer. The surety instrument shall provide that the required improvements shown on the endorsed definitive plan shall be completed not later than three years from the date of the endorsement of the definitive plan. Failure to so complete shall result in the automatic rescission of the approval of the definitive plan by the Planning Board, unless the Planning Board extends said period, for good cause shown, after the written request of the Applicant prior to the expiration of said period after holding a public hearing with notice.

**10.3. Amount of Surety.** In determining the amount of the bond or surety, the Planning Board shall be guided by the following formula in setting the sum of the security:

1. The Planning Board's estimate of the cost to the Town to complete the work;
2. A fifty percent (50%) contingency amount for work that is not performed in accordance with the Subdivision Control Law, the Subdivision Rules and Regulations and the conditions of definitive subdivision approval, to provide for sufficient funds to guarantee the cost to remove deficient work and replace it; and

3. An appropriate amount reflecting the rate of inflation expected over the ensuing five-year period.

The Planning Board reserves the right to increase the required amount of surety if work is released and then later proves defective and to demand different surety in the event of a failure of any surety instrument (e.g., bankruptcy of a surety company or bank).

**10.4 Performance Bonds.** All performance bonds shall contain the following provision:

If the Principal shall fully and satisfactorily observe and perform in accordance with the qualifications and time schedule set forth herein specified all the covenants, agreements, terms and provisions set forth in the following:

1. The application for definitive plan approval (Form C);
2. The subdivision control law and the rules and regulations of the Norwell Planning Board that govern this subdivision (dated: (insert date:       ));
3. The Decision of the Planning Board dated \_\_\_\_\_ and attached hereto as Exhibit A; and
4. The definitive plan, as approved and endorsed by the Planning Board in the Decision;

then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid sum shall be payable to the Town of Norwell, by and through the Planning Board, as liquidated damages in the event of a default.

**10.5 Supplemental Covenants.** The Planning Board may require, prior to the endorsement of the definitive plan, a supplemental covenant containing those conditions of approval that are intended to survive the release of the surety covenant. Such covenant shall be approved as to form by the Planning Board and, as necessary, Town Counsel. Such covenant shall be executed and duly recorded by all of the owners of record and any mortgagees and shall run with the land. The covenant shall be referenced on the definitive plan prior to recordation in the Registry of Deeds. The Applicant shall, after recording, promptly send a copy of the covenant, showing the Registry book and page number, to the Planning Board.

**10.6. Substituting Surety** An Applicant may substitute a new form of surety. If an Applicant desires that lots be released from a surety covenant prior to completion of the required improvements for the lots, then the Applicant shall provide alternate surety as set forth under G.L. c.41, §81U, ¶7 and shall send the Planning Board a formal written request regarding same by certified or registered mail which sets forth and includes:

**10.6.1. Determination of Extent of Work.** The extent and scope of remaining work to be completed to satisfy the requirements for the construction or installation of all required ways and municipal services.

**10.6.2 Estimate of Cost of Remaining Work.** An estimate, pursuant to the Regulations, which reflects all remaining costs related to the construction of all required ways and installation of all required municipal services.

**10.6.3. Form and Type.** The form and type of guarantee proposed to be given to the Planning Board to secure all remaining improvements.

**10.6.4 Planning Board Action.** The Planning Board or its agent will make a determination as to the sufficiency of the proposed surety, and, if acceptable, a new performance guarantee shall be given to and accepted by the Planning Board. Upon acceptance by the Planning Board of the new performance guarantee, all applicable lots shall be released from the covenant.

## **10.7 MAINTENANCE BONDS**

The Planning Board may require a maintenance bond in the following circumstances or for the following purposes:

**10.7.1 Roadways and Improvements.** A maintenance bond shall be required when construction is completed or at the time of release of any performance guarantee to ensure the maintenance of the roadways, required plantings, utilities, and other improvements for a period of up to 20 years.

**10.7.2 Drainage Systems.** A maintenance bond shall be required for a period of not less than twenty years to ensure the maintenance of any aspect of an approved drainage system, including catch basins and detention ponds. This requirement may be waived upon presentation of satisfactory evidence that a Homeowners Association has been created that mandates membership by all property owners in the subdivision and that the Association is properly funded. The purpose of this requirement shall be to prevent flooding of property and town maintained streets. (See Homeowners Association condition of approval.)

## **10.8 REDUCTION OF SECURITY**

The penal sum of any such security, or the amount of any deposit held under Regulation §8.1 may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by the Planning 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 in addition to all of the requirements for a covenant previously set forth.

## **10.9 RELEASE OF SECURITY**

**10.9.1 Submittal.** Before the Planning Board will release subdivision surety, the Applicant shall submit written evidence that the required performance has been satisfactorily completed or partially completed and shall send a copy of this evidence to the Board of Health, Board of Selectmen, Board of Water Commissioners Conservation

Commission, Drainage Committee, Fire Department, Highway Surveyor, Planning Board, Police Department and Tree Warden and include the following:

1. Certification by a registered professional engineer that the subdivision has been completed in accordance with the requirements of the endorsed subdivision plan and the Regulations.
2. Certification by a registered professional engineer that the final grading of the subdivision has been completed in accordance with the requirements of the endorsed plan.
3. Certification by a registered professional engineer or a registered land surveyor that all permanent monuments have been set in the locations shown on the approved plan.
4. A letter from the Highway Surveyor indicating that he has inspected the roadways and other required improvements and they conform to the requirements of the endorsed plan.
5. A letter from the Fire and Police Departments indicating that they have inspected the roadways and lots and that they have determined that the signage conforms to 911 requirements.
6. Certification by the Applicant that all required easements have been recorded and the recorded instrument delivered to and accepted the Homeowners Association and/or the Planning Board or other interested town agency, as appropriate.
7. A letter from the Water Department that the water supply has been properly provided.

**10.9.2 Release or Partial Release of Surety.** If the Planning Board determines that said construction and installation has been completed or partially completed in the proper manner as required under the Subdivision Control Law, the Regulations and conditions of approval, it shall release or partially release said security or bond or deposit and shall return same to the depositor, or release or partially release the subdivision covenant by appropriate instrument that shall be duly acknowledged and which may be recorded.

**10.9.3. Denial of Release.** If the Planning Board determines that the construction or installation has not been completed to its satisfaction and it receives written statement under G.L. c.41, §81U, ¶10 from the Applicant, it shall, within forty-five (45) days of the receipt of said statement, specify to the Applicant, in writing, the details wherein said construction and installation fail to comply with the Regulations and shall file a copy of same with the Town Clerk and deny the request for release.

## **SECTION 11.0 ADMINISTRATION AND SUPERVISION OF CONSTRUCTION**

### **11.1 Notice of Start of Construction**

Notice shall be given by the Applicant in writing to the Board, with duplicate copies to the Town's Highway Supervisor, Water Department, Fire Chief, Building Inspector,

Wiring Inspector and Board of Health at least ten (10) days before the Applicant first commences construction, clearing, grading or any related activities.

### **11.2.1 Inspections**

For the protection of the Town and future residents of the subdivision, a series of inspections during the course of construction shall be required to insure compliance with the endorsed definitive Plan and the Regulations. All materials and each part of detail of the work as required under the Regulations shall be subject to inspection. The cost of such inspections shall be borne by the Applicant. The Planning Board may establish, at the Applicant's expense, an escrow account pursuant to G.L. c. 44, §53G to fund the cost of such inspections.

**11.2.2 Inspection Requests.** Obtaining inspections shall be the responsibility of the Applicant. Inspections shall be requested by the Applicant at least 4 full working days in advance by written notice to the Planning Board and its authorized representative. The Applicant shall allow the Planning Board's Engineer and other duly authorized representatives access to all parts of the subdivision for purposes of inspection and shall be furnished with such information and assistance as is required to make a complete and detailed inspection.

**11.2.2 Inspections Required.** The Applicant shall contact the Planning Board and its duly authorized representative for inspections by the Planning Board's engineer regarding the following aspects of the subdivision, at the specified times:

1. An inspection shall be made of the project upon completion of all clearing, grubbing and excavation and all work incidental thereto, as may be required or implied herein. No fill shall have been placed at the time of this inspection.
2. An inspection shall be made of the completed drainage system as required or implied herein or on the endorsed definitive plan including: drain pipe, culverts, catch basins and all related construction. Backfill of any portion of the drainage system shall not be made until after receipt of satisfaction of approval or acceptance by the Planning Board's Engineer and the Town's Highway Surveyor.
3. Inspections and testing shall be made of the completed water distribution system by the Town's Water Department. The timing and number of inspections shall be determined by the Norwell Water Department.
4. The inspection of the construction of the way shall include the inspection of the backfilling and compaction of all utility trenches including gas, electric and telephone, as may be installed by utility companies, and such work shall be performed in the manner required by the Regulations. It shall be the Applicant's responsibility to insure compliance with these requirements. If, in the opinion of the Planning Board, the backfilling and compaction of utility trenches have not been performed properly, the Planning Board may refuse to release the applicable subdivision surety until such work has been performed to the satisfaction of the Planning Board.
5. An inspection shall be made of the compacted fill as specified herein and shall be required to bring the roadway to their proposed grades. The Applicant

shall certify the source of gravel for fill to the Planning Board's Engineer as soon as this information is known, so that samples may be taken and analyzed by the Planning Board's Engineer. The Applicant shall not proceed with filling operations until such time as the fill is determined by the Planning Board's Engineer, in writing, as acceptable. If the Applicant proceeds with filling prior to such determination, it shall be at the Applicant's risk that the Applicant shall be ordered to remove and replace the fill. The Applicant shall not use a gravel source other than the one designated without prior notice to the Planning Board's Engineer.

6. An inspection shall be made of the first six (6) inch layer of compacted roadway foundation as specified herein. A gravel sample or samples may be taken at the option of the Planning Board's Engineer.
7. An inspection shall be made of the final size (6) inch layer of compacted roadway foundation as specified herein and gravel samples may be taken by the Planning Board's Engineer.
8. An inspection shall be made of the bituminous concrete pavement for the roadway surface. Samples of the mix may be taken by the Planning Board's Engineer for purpose of performing an extraction test in order to compare samples with the job-mix formula provided on the trucker tickets.
9. An inspection shall be made of all work regarding sidewalks, curbing, grass plots, side slopes, monuments, bounds and street signs.
10. A final inspection shall be made to ensure that all work required by the endorsed definitive plan, the conditions of subdivision approval and the Regulations has been satisfactorily completed prior to final release of the subdivision surety.

**11.2.3 Backfilling.** No water main, storm drain, catch basin, utility installation, road sub-grade or foundation, or any other item of work designated for inspection, shall be backfilled or paved over until inspected and approved by the Planning Board or its duly authorized representative.

**11.2.4. Excavation Performed Without Authorization.** Any work done, material used or excavation performed without authorization by the Planning Board or without the required inspection may be ordered removed and/or replaced at the Applicant's expense.

**11.2.5. Failure to Reject Defective Work or Materials.** Failure to reject defective work or materials at the point of installation shall not prevent later rejection of the work or materials when the defect is discovered, nor obligate the Planning Board to make final acceptance of the work or materials or subdivision.

**11.2.6. Work Found to be Defective.** If the work or any part thereof shall be found defective by the Planning Board at any time before the final acceptance of the whole work, the Planning Board shall give written notice thereof to the Applicant and the Applicant shall, at the Applicant's sole expense, cure such defect in a satisfactory and timely manner.

**11.2.7. Unauthorized Work.** Any work done beyond the lines and grades shown on the plans, except as herein provided, shall be considered as unauthorized and shall be removed at the expense of the Applicant.

**11.2.8. Cost of Unacceptable Testing.** The cost of inspection or testing required or requested and found to be not acceptable for any of the following reasons shall be borne by the Applicant:

- A. Testing fails to pass minimum standards.
- B. Applicant requests testing but is not ready for same at the appointed time.

**11.2.9. Inspection Reports.** Once an Applicant indicates that a stage of work has been completed, the Planning Board's Engineer will review the status of the work and prepare and submit a report to the Planning Board and the Applicant and detail whether the work has been performed in accordance with the Regulations and the endorsed definitive plan or indicate the ways in which the work is not acceptable. At any time during the progress of the work, the Planning Board's Engineer shall advise the Planning Board of any factors that may adversely affect the progress of the work.

**11.2.10. Field Changes.** The Planning Board's Engineer may agree to minor field changes and shall notify the Planning Board in writing of such changes in a timely manner (i.e., forthwith). The Planning Board's Engineer may not agree to major field changes. A major field change shall not proceed without the prior approval of the Planning Board. The Applicant shall proceed at the Applicant's own risk to perform work in accordance with a field change that has not received the Planning Board's prior approval. In the event that a field change is determined to be major, the Applicant shall cease the relevant work and obtain the required approval and if the necessary approval is not granted, shall remove the non-approved work at the Applicant's expense. In any instance in which a proposed field change would alter the drainage calculations previously relied upon, a subdivision modification shall be sought and obtained before the change may be implemented.

The Planning Board's Engineer shall inspect work and materials; give direction pertaining to the work and the safety and convenience of the public; make measurements; and perform such other duties as may be designated by the Planning Board. In case of any dispute arising between the Applicant and the Planning Board's Engineer, as to materials furnished or the manner of performing the work, the Planning Board's Engineer shall have the authority to reject the materials and to suspend that portion of the work until the question at issue can be referred to and decided by the Planning Board.

**11.2.11. Alteration of Requirements.** The Planning Board's Engineer is not authorized to revoke, alter, enlarge, relax, or release any requirement of the Planning Board as shown on the endorsed definitive plan or required under the Regulations.

**11.2.12. Conduct.** In no case shall the Planning Board's Engineer act as foreperson or perform other such duties for the Applicant.

**11.2.13 Final Inspection.** The final inspection shall take place after completion of roadways, permanent benchmarks, curbing, berming, walkways, grading, seeding and cleanup and following receipt by the Planning Board of the Applicant's registered engineer's certification that all grades have been constructed in accordance with the endorsed plan and receipt of all as built plans.

# APPENDICES

## APPENDIX I.

## FORMS.

- Form A. Application for Endorsement of a Plan Believed Not to Require Approval Under the Subdivision Control Law.
- Form A-1. Planning Board's Determination That Subdivision Approval is Not Required.
- Form A-2. Planning Board's Determination That Subdivision Approval is Required.
- Form B. Application for Approval of a Preliminary Plan.
- Form B-1. Planning Board's Certificate of Approval of a Preliminary Plan.
- Form B-2. Planning Board's Certificate of Disapproval of a Preliminary Plan.
- Form C. Application for Approval of a Definitive Subdivision Plan.
- Form C-1. Planning Board's Certificate of Approval of a Definitive Subdivision Plan.
- Form C-2. Planning Board's Certificate of Approval of a Definitive Subdivision Plan with conditions.
- Form C-3. Planning Board's Certificate of Disapproval of a Definitive Subdivision Plan.
- Form C-4. Request for Extension of Planning Board's deadline to take final action.
- Form D. Assessor's Certified List of Abutters Form.
- Form E. Surety Forms.
- Form E-1. Performance Secured by a Covenant Not to Build.
- Form E-2. Performance Secured by a Deposit of Money or Negotiable Securities.
- Form E-3. Performance Secured by a Surety Bond.
- Form E-4. Performance Secured by a Lender's Agreement
- Form E-5. Release of Subdivision Covenant

**APPLICATION FOR ENDORSEMENT OF A PLAN BELIEVED  
NOT TO REQUIRE APPROVAL UNDER THE SUBDIVISION CONTROL LAW**

To the Norwell Planning Board:

1. Name of Applicant(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

2. Name of Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

3. Name of Engineer  
and/or Surveyor: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

4. Location of Property  
(Street Address): \_\_\_\_\_

5. Zoning District: \_\_\_\_\_

Assessing Information: \_\_\_\_\_  
(Attach portion(s) of the Assessing Map showing the subject land and  
abutting parcels and ways.)

7. Size of Property  
(Both in Square Feet  
and Acreage): \_\_\_\_\_

8. Registry References:  
(Book/Page; Date)  
(Plan Number, etc.) \_\_\_\_\_

**The undersigned applicant(s) wish(es) to record the accompanying plan, submitted herewith, which is  
entitled: \_\_\_\_\_  
and was prepared by \_\_\_\_\_ and is dated  
\_\_\_\_\_ (the "Plan"); and, based upon the information submitted with this application  
and representations made below, hereby requests a determination by and the endorsement of the  
Norwell Planning Board that approval of the Plan under the Subdivision Control Law is not required  
under G.L. c.41, §81L and §81P.**

The undersigned assert(s) that approval of the Plan under the Subdivision Control Law is not required for the following specific reasons: (Circle reasons below as appropriate.)

1. The Plan does not require approval under the Subdivision Control Law because it does not show a division of a tract of land into two or more lots or a resubdivision.
2. The Plan does not require approval under the Subdivision Control Law because:
  - A. Every lot shown on the Plan has frontage of at least such distance as is presently required under Norwell Zoning By-law § \_\_\_\_\_, which requires a minimum of \_\_\_\_\_ feet of frontage for erection of a building in the zoning district in which the property is located.

And

- B. Each lot shown on the Plan has the minimum required frontage on one of the following types of ways (Circle as appropriate):

- i) A public way or a way (insert name of the way): \_\_\_\_\_, which the Norwell Town Clerk has certified is maintained and used as a public way. (Attach the Norwell Town Clerk's certificate that the way is public as an exhibit to this application.)

Or

- ii) A way (insert name of the way): \_\_\_\_\_, which is shown on a plan previously approved and endorsed in accordance with the Subdivision Control Law and either has been built or is properly secured under G.L. c.41, §81U, ¶7. The definitive subdivision is entitled: \_\_\_\_\_ and was approved by the Planning Board on \_\_\_\_\_ and endorsed on: \_\_\_\_\_.

Or

- iii) A private way (insert name of the way): \_\_\_\_\_, which was in existence prior to February 9, 1953, the date when the Subdivision Control Law took effect in the Town of Norwell; and that, in the opinion of the Norwell Planning Board, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. (Attach the evidence upon which the Applicant will rely to establish that the private way was in existence prior to February 9, 1953 as an exhibit to this application.)

3. The Plan does not require approval under the Subdivision Control Law because the division shown on the plan merely shows a proposed conveyance or other instrument which would merely add to, take away from or change the size and shape of the lots shown in such a manner as not to leave any lot so affected without the minimum required frontage.
4. The Plan does not require approval under the Subdivision Control Law because the land shown on the Plan has two or more buildings located on it that were standing on February 9, 1953 (i.e., when the Subdivision Control Law went into effect in the Town of Norwell) and the proposed division of land would create separate lots on each of which one of such buildings would remain standing. (Attach the evidence upon which the Applicant will rely to establish that each such building was standing prior to February 9, 1953 as an exhibit to this application.)

(NOTE: The division of land under the above subsection (4) may not conform to current zoning requirements and may require further zoning relief before a lawful conveyance under the Plan may occur.)

I/We (circle one) hereby certify that the facts asserted above are true and accurate to the best of my/our (circle one) knowledge after having made a good faith investigation of the facts. I/We (circle one) hereby further certify that all of the owners of record of the land shown on the Plan have assented to this Application and have signed the Application below.

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature of Applicant  
(Print Name: \_\_\_\_\_)

\_\_\_\_\_  
Signature of Applicant  
(Print Name: \_\_\_\_\_)

I/We (circle one) hereby certify that I/we are the record owners of the subject property shown on the Plan and that I/We (circle one) hereby assent to this application.

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature of Owner  
(Print Name: \_\_\_\_\_)

\_\_\_\_\_  
Signature of Owner  
(Print Name: \_\_\_\_\_)

ENGINEER'S/SURVEYOR'S CERTIFICATE

I hereby certify that I prepared the Plan, that I have reviewed the Norwell Planning Board's applicable Rules and Regulations, that the Plan was prepared based upon a ground survey performed on (insert date(s)): \_\_\_\_\_ by \_\_\_\_\_, and that, to the best of my knowledge and belief, the Plan conforms to all of the requirements of the Norwell Planning Board Subdivision Rules and Regulations, regarding ANR Plan submissions. (In the event that the Plan does not conform to all requirements, the engineer or surveyor shall submit a letter indicating each way in which the Plan does not conform and why.)

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature of Engineer or Surveyor  
(Print Name: \_\_\_\_\_)

**Note:** If more than one person prepared the plan, then each such person should signed a certificate with the language set forth above and indicate which part or parts of the plan was prepared by him or her, otherwise the sole signatory shall take responsibility for the entire contents of the plan.

## **FORM A - APPLICATION FILING INSTRUCTIONS:**

1. Submit one (1) original Form A application (fully executed) and six copies thereof with the Planning Board.
  2. In the event that the application is signed by a trustee of a trust, an officer of a corporation or limited liability corporation, or a partner of a partnership, then a proper affidavit or certificates signed under oath and notarized shall be provided to support each such signature.
  3. Submit 12 copies of the ANR Plan to the Planning Board.
  4. Submit a Mylar of the Plan to the Planning Board for endorsement.
  5. Submit all evidence that is necessary to establish that the Plan does not require approval under the Subdivision Control Law.
  6. Submit the required filing fee.
-

FORM A-1

PLANNING BOARD  
CITY/TOWN OF \_\_\_\_\_, MASSACHUSETTS

DETERMINATION THAT SUBDIVISION  
APPROVAL IS NOT REQUIRED

\_\_\_\_\_, 19 \_\_\_\_

City/Town Clerk

City/Town of \_\_\_\_\_

\_\_\_\_\_, Massachusetts

Re: Application for endorsement of plan believed not to require subdivision approval.

Applicant \_\_\_\_\_

Applicant's address \_\_\_\_\_

You are hereby notified that the plan entitled \_\_\_\_\_ submitted by the above applicant on \_\_\_\_\_, 19 \_\_\_\_, accompanied by a Form A application for a determination by the Planning Board, dated \_\_\_\_\_, 19 \_\_\_\_, has been endorsed by the Planning Board as follows: " \_\_\_\_\_ Planning Board Approval under Subdivision Control Law not Required."

\_\_\_\_\_ PLANNING BOARD

By \_\_\_\_\_, Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Members

Duplicate copy sent to applicant:

\_\_\_\_\_

FORM A-2

CITY/TOWN OF \_\_\_\_\_ PLANNING BOARD  
\_\_\_\_\_, MASSACHUSETTS

DETERMINATION THAT SUBDIVISION  
APPROVAL IS REQUIRED

\_\_\_\_\_, 19 \_\_\_\_\_

City/Town Clerk

City/Town of \_\_\_\_\_

\_\_\_\_\_, Massachusetts

Re: Application for endorsement of plan believed not to require subdivision approval.

Applicant \_\_\_\_\_

Applicant's address \_\_\_\_\_

You are hereby notified that the Planning Board has determined that the plan entitled \_\_\_\_\_ submitted by the above applicant on \_\_\_\_\_, 19 \_\_\_\_\_, accompanied by a Form A application for determination by the Planning Board dated \_\_\_\_\_, 19 \_\_\_\_\_, requires approval under the Subdivision Control Law and it has been determined that that plan shows a subdivision for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ PLANNING BOARD

By \_\_\_\_\_, Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Duplicate copy sent to applicant:

\_\_\_\_\_

Members

\_\_\_\_\_  
\_\_\_\_\_

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

To the Planning Board:

1. Name of Applicant(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_
2. Name of Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_
3. Name of Engineer and/  
or Surveyor: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_
4. Location of Property  
(Street Address): \_\_\_\_\_
5. Zoning District: \_\_\_\_\_
6. Assessing Information: \_\_\_\_\_  
(Attach portion(s) of Assessing Map showing the  
subject land and abutting parcels and ways.)
7. Size of Property  
(Both in Square Feet  
and Acreage): \_\_\_\_\_
8. Registry References:  
(Book/Page; Date)  
(Plant Number, etc.) \_\_\_\_\_

The undersigned Applicant(s) submit(s) the accompanying plan, which is entitled \_\_\_\_\_ and was prepared by \_\_\_\_\_ and is dated \_\_\_\_\_ and is for the property described above (the "Preliminary Plan"), for preliminary subdivision approval, based upon the information submitted with this Application and representations made herein.



I/We (circle one) hereby certify that the facts asserted above are true and accurate to the best of my/our (circle one) knowledge after having made a good faith investigation of the facts. I/We (circle one) hereby further certify that all of the owners of record of the land shown on the Plan have assented to this Application and have signed the Application below.

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature of Applicant  
(Print Name: \_\_\_\_\_)

\_\_\_\_\_  
Signature of Applicant  
(Print Name: \_\_\_\_\_)

I/We (circle one) hereby certify that I/we are the record owners of the subject property shown on the Preliminary Plan and that I/We (circle one) hereby assent to this Application.

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature of Owner  
(Print Name: \_\_\_\_\_)

\_\_\_\_\_  
Signature of Owner  
(Print Name: \_\_\_\_\_)

**FORM B - APPLICATION FILING INSTRUCTIONS:**

1. File one (1) original Form B application (fully executed), together with six (6) copies of the Application, with the Norwell Planning board and one with the Board of Health.
  2. In the event that the Application is signed by a trustee of a trust, an officer of a corporation or limited liability corporation, or a partner of a partnership, then a proper affidavit or certificates signed under oath and notarized shall be provided to support each such signature.
  3. Submit fifteen (15) copies of the Preliminary Plan to the Planning Board with the Application.
  4. Submit all evidence and documentation that is necessary to establish that the Preliminary Plan warrants preliminary approval under the Subdivision Control Law.
  5. Submit the required filing fee.
-

FORM B-1

CITY/TOWN OF \_\_\_\_\_ PLANNING BOARD  
\_\_\_\_\_, MASSACHUSETTS

CERTIFICATE OF APPROVAL OF A PRELIMINARY PLAN

\_\_\_\_\_, 19 \_\_\_\_\_

City/Town Clerk  
City/Town of \_\_\_\_\_  
\_\_\_\_\_, Massachusetts

It is hereby certified by the Planning Board of the City/Town of \_\_\_\_\_  
Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on  
\_\_\_\_\_, 19 \_\_\_\_\_, it was voted to approve/approve with modification a preliminary  
subdivision plan entitled: \_\_\_\_\_

by: \_\_\_\_\_ (designer) dated: \_\_\_\_\_

submitted by: \_\_\_\_\_ address: \_\_\_\_\_

owned by: \_\_\_\_\_ address: \_\_\_\_\_

originally filed with the Planning Board on \_\_\_\_\_ (date)

concerning the property located \_\_\_\_\_

and showing \_\_\_\_\_ proposed lots with the following modifications.

A true copy, attest:

\_\_\_\_\_  
Clerk, \_\_\_\_\_, Planning Board

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Planning Board

Duplicate copy  
sent to applicant:  
\_\_\_\_\_

PLANNING BOARD  
CITY/TOWN OF \_\_\_\_\_, MASSACHUSETTS

CERTIFICATE OF DISAPPROVAL OF A PRELIMINARY PLAN

\_\_\_\_\_, 19 \_\_\_\_\_

City/Town Clerk

City/Town of \_\_\_\_\_

\_\_\_\_\_, Massachusetts

It is hereby certified by the Planning Board of the City/Town of \_\_\_\_\_  
Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on  
\_\_\_\_\_, 19 \_\_\_\_\_, it was voted to disapprove a preliminary subdivision plan  
entitled: \_\_\_\_\_

by: \_\_\_\_\_ dated: \_\_\_\_\_

submitted by: \_\_\_\_\_ address: \_\_\_\_\_

owned by: \_\_\_\_\_ address: \_\_\_\_\_

originally filed with the Planning Board on \_\_\_\_\_

concerning property located \_\_\_\_\_

and showing \_\_\_\_\_ proposed lots with the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Planning Board

A true copy, attest:

\_\_\_\_\_  
Clerk, \_\_\_\_\_, Planning Board

Duplicate copy  
sent to applicant:

\_\_\_\_\_

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

To the Norwell Planning Board:

1. Name of Applicant(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
  
2. Name of Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
  
3. Name of Engineer and/or  
Surveyor: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
  
4. Location of Property  
(Street Address): \_\_\_\_\_
  
5. Zoning District: \_\_\_\_\_
  
6. Assessing Information: \_\_\_\_\_
  
7. Size of Property  
(Both in Square Feet  
and Acreage): \_\_\_\_\_
  
8. Registry References:  
(Book/Page; Date)  
(Plan Book, etc.) \_\_\_\_\_

The undersigned Applicant(s) hereby submit(s) the accompanying plan of land, entitled

\_\_\_\_\_ that was prepared by \_\_\_\_\_  
and that is dated \_\_\_\_\_ (the "Plan"), for definitive subdivision approval under  
the Subdivision Control and the Rules and Regulations, in the belief that the Plan  
conforms to the Planning Board's Rules and Regulations as set forth below.

1. The land shown on the Plan is subject to the following easements and restrictions: \_\_\_\_\_  
\_\_\_\_\_
  2. There are appurtenances to the land shown on the Plan and easements and restrictions as follows: \_\_\_\_\_  
\_\_\_\_\_
  3. The Plan has/has not (circle one) evolved from a preliminary plan submitted to the Norwell Planning Board on \_\_\_\_\_ (insert date) and approved/approved with modifications/disapproved (circle one) by the Norwell Planning Board on \_\_\_\_\_ (insert date if applicable).
  4. A. Number of Residential Lots: \_\_\_\_\_  
B. Number of Non-Residential Lots: \_\_\_\_\_
  5. Approximate Length of Each Road: \_\_\_\_\_
  6. The Applicant agrees, if the Plan is approved and endorsed, to perform and complete all work on the ground within the proposed subdivision as required by the Rules and Regulations of the Planning Board in force and effect on the date of this application (or, if applicable, on the date of the Preliminary Plan).
  7. The Applicant agrees, if the Plan is approved and endorsed, to complete all required work within three years from the date of endorsement of the Definitive Plan by the Board, unless an application to extend such time period is filed with the Planning Board before the three-year time period expires and is thereafter approved by the Planning Board, otherwise subdivision approval shall be sought again.
  8. The Application is accompanied by an original drawing of the Plan in accordance with the requirements of the Rules and Regulations of the Planning Board, and a certificate by the registered professional(s) who prepared the Plan that the Plan complies with said requirements.
-

I/We (circle one) hereby certify that the facts asserted above are true and accurate to the best of my/our (circle one) knowledge after having made a good faith investigation of the facts. I/We (circle one) hereby further certify that all of the owners of record of the land shown on the Plan have assented to this Application and have signed the Application below.

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature of Applicant  
(Print Name: \_\_\_\_\_)

\_\_\_\_\_  
Signature of Applicant  
(Print Name: \_\_\_\_\_)

I/We (circle one) hereby certify that I/we are the record owners of the subject property shown on the Plan and that I/We (circle one) hereby assent to this application.

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature of Owner  
(Print Name: \_\_\_\_\_)

\_\_\_\_\_  
Signature of Owner  
(Print Name: \_\_\_\_\_)

---

**ENGINEER'S CERTIFICATE**

I hereby certify that I prepared the Plan, that I have reviewed the Norwell Planning Board's applicable Rules and Regulations, that the Plan was prepared based upon a ground survey performed on (insert date(s)): \_\_\_\_\_ by \_\_\_\_\_, and that, to the best of my knowledge and belief, the Plan conforms to all of the requirements of the Norwell Planning Board Subdivision Rules and Regulations, regarding definitive subdivision plan submissions. (In the event that the Definitive Plan does not conform to all requirements, the engineer shall submit a letter indicating each way in which the Plan does not conform and why.)

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature of Registered Engineer  
(Print Name: \_\_\_\_\_)

**SURVEYOR'S CERTIFICATE**

I hereby certify that I performed an on the ground survey on \_\_\_\_\_ (insert date(s) of the survey) upon which the Plan was based, that I have reviewed the Norwell Planning Board's applicable Rules and Regulations and that the Survey conformed to all applicable requirements of federal, state and local law and all applicable professional rules and regulations and the requirements of the Norwell Planning Board Subdivision Rules and Regulations, regarding definitive plan submissions.

(In the event that the Plan does not conform to all requirements, the engineer or surveyor shall submit a letter indicating each way in which the Plan does not conform and why.)

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature of Registered Surveyor  
(Print Name: \_\_\_\_\_)

**FORM C - APPLICATION FILING INSTRUCTIONS:**

1. Submit one (1) original Form C application (fully executed) and six copies thereof with the Planning Board.
  2. In the event that the application is signed by a trustee of a trust, an officer of a corporation or limited liability corporation, or a partner of a partnership, then a proper affidavit or certificates signed under oath and notarized shall be provided to support each such signature.
  3. Submit eighteen (18) copies of the Definitive Plan to the Planning Board.
  4. Submit a copy of the names and addresses of all owners of land abutting upon the land included in the Plan as appearing on the most recent tax list and as certified by the Tax Assessor.
  5. Submit all evidence and documentation that is necessary to establish that the Definitive Plan is entitled to approval under the Subdivision Control Law and the Rules and Regulations.
  6. Submit a Mylar of the Plan to the Planning Board for endorsement only after the definitive plan has been approved.
  7. Submit the required filing fee
  8. Submit the required technical review fee, which shall be maintained in a separate review fee account, and shall have a minimum amount of \$5,000.00 at all times.
-





FORM C-3

PLANNING BOARD  
CITY/TOWN OF \_\_\_\_\_, MASSACHUSETTS

CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN

\_\_\_\_\_, 19 \_\_\_\_

It is hereby certified by the Planning Board of the City/Town of \_\_\_\_\_, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on \_\_\_\_\_, 19 \_\_\_\_ , it was voted to disapprove a definitive subdivision plan

entitled: \_\_\_\_\_

by: \_\_\_\_\_ (designer) dated: \_\_\_\_\_

submitted by: \_\_\_\_\_ address: \_\_\_\_\_

owned by: \_\_\_\_\_

address: \_\_\_\_\_

originally filed with the planning board on \_\_\_\_\_ (date) concerning the the property located \_\_\_\_\_

and showing \_\_\_\_\_ (No.) proposed lots because the plan fails to conform to the Planning Planning Board's Rules and Regulations or the recommendations of the Board of Health in the following respects:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE TO CLERK: The Planning Board should be notified immediately of any appeal to the Superior or Land Court on this subdivision approval made within the statutory twenty (20) day appeal period.

A true copy, attest:

\_\_\_\_\_  
Clerk, \_\_\_\_\_ Planning Board

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Planning Board

Duplicate copy sent to applicant:

\_\_\_\_\_  
\_\_\_\_\_

PLANNING BOARD OF NORWELL  
REQUEST FOR EXTENSION OF TIME

Date

TO: Norwell Planning Board

A request for an extension of the time in which the Planning Board must take final action on the definitive subdivision application for Subdivision is hereby submitted.

Please extend the time for your final action from \_\_\_\_\_ to and including \_\_\_\_\_.

I hereby certify, under oath, that I am the applicant or the authorized representative of the applicant and have the authority to make this request.

\_\_\_\_\_  
Applicant or authorized representative

---

TOWN OF NORWELL PLANNING BOARD  
ASSESSORS CERTIFIED LIST OF ABUTTERS

To the Norwell Tax Assessor:

The undersigned is an applicant for approval of a definitive subdivision plan, entitled \_\_\_\_\_ prepared by \_\_\_\_\_ (engineers or surveyor), dated \_\_\_\_\_, and hereby submits the attached sketch plan (Exhibit A), which shows the location of the land proposed to be subdivided, and the attached list of the names and addresses of all of the owners of land abutting upon the land included in the definitive plan, including owners separated from the subject land included in the subdivision by a way, based upon the most recent tax list (Exhibit B).

The undersigned hereby requests a certification from the Tax Assessor that the list of owners set forth in Exhibit B is accurate and shows all of the owners of land abutting upon the land included in the definitive plan, including owners separated from the subject land including in the subdivision by a way, based upon the most recent tax list.

WITNESS OUR HAND(S) AND SEAL(S) this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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

\_\_\_\_\_  
Signature of owner(s)

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Owner

Norwell, MA., \_\_\_\_\_, 20 \_\_\_\_\_.

To the Planning Board:

This is to certify that, based upon the most recent tax list, the names and addresses set forth in Exhibit B which I have/have not initialed (circle one) represents/does not represent (circle one) the names and addresses of all of the owners of land abutting upon the land included in the proposed subdivision plan.

\_\_\_\_\_  
Norwell Tax Assessor

(This form is not complete without the required attached sketch plan (Exhibit A), the list of owners (Exhibit B) and the signature of the Tax Assessor or Board of Assessors.)

TOWN OF NORWELL PLANNING BOARD

PERFORMANCE GUARANTEED BY A SURETY COVENANT

KNOW ALL PERSONS by these presents that the undersigned applicant(s) (the "Applicant") obtained approval from the Norwell Planning Board on \_\_\_\_\_ for a definitive subdivision plan (the "Plan"), which is entitled \_\_\_\_\_

\_\_\_\_\_ was prepared by \_\_\_\_\_, and is dated \_\_\_\_\_, as revised through \_\_\_\_\_, for land that is located \_\_\_\_\_ and known as Norwell Assessor's Parcel \_\_\_\_\_, and which depicts a total of \_\_\_\_\_ residential/non-residential lots (circle one).

The undersigned Applicant has requested the Planning Board to endorse the approved Plan and accept a covenant form of surety to secure construction of the ways and the installation of the municipal services shown on the Plan under G.L. c.41, §81U, ¶7(3).

IN CONSIDERATION of said Norwell Planning Board's approval and endorsement of the Plan, the undersigned Applicant hereby certifies to and covenants and agrees with the inhabitants of the Town of Norwell, acting by and through the Planning Board, as follows:

1. That the undersigned Applicant is the sole owner in fee simple absolute of all the land included in the subdivision shown on the Plan. (Note: If there is more than one owner, all owners must sign.)
2. That there are no mortgages of record or otherwise on any of the land included in the subdivision shown on the Plan, except for those mortgage interests expressly and fully described below and for all of which the present holders of all said mortgages have assented to this Agreement by either duly signing this instrument or by providing a separate duly executed instrument, the original of is appended hereto as an exhibit.
3. That the undersigned shall not sell or convey any lot in the subdivision shown on the Plan or erect or place any permanent building on any such lot until the construction of the ways and the installation of the municipal services that are necessary to adequately serve such lot have been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in all of the following documents:
  - A. The Form C Application for Definitive Subdivision Approval of the Plan, which is dated \_\_\_\_\_.

- B. The Subdivision Control Law (i.e., G.L.c.41, §§81K-81GG).
- C. The Norwell Planning Board's Subdivision Rules and Regulations, dated \_\_\_\_\_.
- D. The Certificate of Approval and Decision, including all conditions of approval contained therein, as issued by the Norwell Planning Board for the Plan and filed by the Planning Board with the Norwell Town Clerk on \_\_\_\_\_.
- E. The Definitive Plan, which is dated \_\_\_\_\_, as revised through \_\_\_\_\_, and as approved and qualified by the Planning Board's Certificate of Approval and Decision with Conditions.
- F. The following easements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- G. The following covenants: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- H. The following Homeowners Association Trust and its conditions and requirements (set forth the Book and Page and date of the Trust's recording at the Registry of Deeds): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- I. The Conservation Plan, dated \_\_\_\_\_, as revised through \_\_\_\_\_ and prepared by \_\_\_\_\_, and approved by the vote of the Norwell Planning Board taken on \_\_\_\_\_, 200\_\_\_\_.
- J. Other Documents: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. That this covenant shall be binding upon the undersigned and the assenting mortgagees and their respective executors, administrators, devisees, heirs, successors and assigns and shall constitute a covenant running with the land included in the subdivision shown on the Plan and shall operate as restrictions upon the land.

5. That a mortgagee, who acquires title to the mortgaged premises by foreclosure or otherwise, and any succeeding owner of such premises or part thereof may sell or convey any lot in the subdivision shown on the Plan, subject, however, to the restrictions set forth herein, including that no such lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
  6. That all of the lots or particular lots with the subdivision shown on the Plan shall be released from the condition of this covenant, which prohibits conveyance or building upon said lot or lots, upon the recording of a certificate of satisfactory completion of performance that has been duly executed by a majority of the Planning Board and that enumerates the specific lot or lots that are to be released.
  7. That this covenant shall be duly executed before endorsement of approval of the Plan by the Planning Board (or release of the endorsed Plan by the Planning Board) and shall take effect upon endorsement.
  8. That the undersigned Applicant agrees to duly record this fully and duly executed covenant with the Plymouth County Registry of Deeds or Land Court, as appropriate, at the undersigned's expense, forthwith, and to provide proper evidence of said recording to the Planning Board before the Plan is endorsed or before the endorsed Plan is released to the undersigned by the Planning Board.
  9. That, upon final completion, satisfactory to the Norwell Planning Board, of the construction of the ways and installation of the municipal services shown on the Plan as specified herein, on or before \_\_\_\_\_, the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by majority vote of the Planning Board with the written concurrence of the applicant, shall result in automatic rescission of the approval of the Plan. Upon performance of this covenant, with respect to any particular lot, the Planning Board may release such particular lot from this covenant by an appropriate instrument duly acknowledged and recorded.
-

10. That nothing herein shall prohibit the Applicant or the Applicant's successor in interest from varying the method of securing the construction of ways and the installation of municipal services as required hereunder from time to time as described in G.L. c.41, §81U, ¶7.

SIGNED UNDER OATH AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

Applicant #1: \_\_\_\_\_  
Signature  
(Print Name: \_\_\_\_\_)  
Address: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS  
, SS \_\_\_\_\_, 2004

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who is personally known to me/who identified him/herself to me to my satisfaction, and signed this document voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

Applicant #2: \_\_\_\_\_  
Signature  
(Print Name: \_\_\_\_\_)  
Address: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS  
, SS \_\_\_\_\_, 2004

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who is personally known to me/who identified him/herself to me to my satisfaction, and signed this document voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

**NOTE:** In the event that any signatory is a Trustee or an officer of a corporation or manager of a Limited Liability Corporation or a partner in a partnership, each such signatory shall provide the appropriate certificates or affidavits evidencing that the undersigned has the present authority to execute this document.

Norwell Planning Board:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Pursuant to an affirmative vote taken  
on: \_\_\_\_\_)

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS

\_\_\_\_\_, 2004

On this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, before me, the undersigned notary public, personally appeared the above-named Norwell Planning Board members, who are personally known to me/who identified themselves to me to my satisfaction, and signed this document voluntarily as their free act and deed and for its stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

Description of Mortgage(s):  
(List all Mortgagees and Registry of Deed references and dates.)

- 1.
- 2.
- 3.

Mortgagee Assents:

- 1. Name of First Mortgagee: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, on behalf of \_\_\_\_\_, being duly authorized to do so, in accordance with the documentation provided herewith and appended hereto as an exhibit, hereby assent to the above Covenant and subordinate the mortgage interests of \_\_\_\_\_ thereto.

SIGNED UNDER THE PENALTIES OF PERJURY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

, SS. \_\_\_\_\_, 200\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who is personally known to me/who identified him/herself to me to my satisfaction, and signed this document voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

2. Second Mortgagee: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, on behalf of \_\_\_\_\_, being duly authorized to do so, in accordance with the documentation provided herewith and appended hereto as an exhibit, hereby assent to the above Covenant and subordinate the mortgage interests of \_\_\_\_\_ thereto.

SIGNED UNDER OATH AND THE PENALTIES OF PERJURY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

, SS. \_\_\_\_\_, 20\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who is personally known to me/who identified him/herself to me to my satisfaction, and signed this document voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires: \_\_\_\_\_

Note: Original certificates, affidavits and attorney-in-fact documents that properly evidence the authority of the above-referenced signatories to execute this document shall be duly executed and appended to this document before it shall be deemed to be complete.

TOWN OF NORWELL PLANNING BOARD

PERFORMANCE SECURED BY DEPOSIT OF MONEY

AGREEMENT made this date \_\_\_\_\_, between the Town of Norwell, acting by and through the Norwell Planning Board, and \_\_\_\_\_, who has a usual place of business at \_\_\_\_\_ (the "Applicant"), to secure construction of ways and installation of municipal services and other improvements for the subdivision of land located \_\_\_\_\_ (Assessor's Parcel \_\_\_\_\_) and owned by \_\_\_\_\_ and shown on a plan entitled "\_\_\_\_\_", that was prepared by \_\_\_\_\_, dated \_\_\_\_\_, that depicts \_\_\_\_\_ residential building lots and was granted definitive subdivision approval by the Planning Board pursuant to a Certificate of Approval filed with the Norwell Town Clerk on \_\_\_\_\_.

KNOW ALL PERSONS by these presents that the Applicant hereby binds and obligates itself/himself/herself/themselves and the Applicant's executors, administrators, devisees, heirs, successors and assigns to the Town of Norwell, acting by and through the Norwell Planning Board, in the sum of \$ \_\_\_\_\_ dollars, and has secured this obligation by depositing with the Town of Norwell Treasurer a deposit of money in the aforementioned sum to be deposited in a subdivision escrow account in the name of the Town of Norwell. Said deposit shall be used to insure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following documents:

- 1) The Application for approval of the definitive plan, dated \_\_\_\_\_;
- 2) The Subdivision Control Law, G.L. c.41;
- 3) The Planning Boards applicable Subdivision Rules and Regulations;
- 4) The conditions set forth in the Certificate of Approval issued by the Planning and filed with the Norwell Town Clerk on \_\_\_\_\_ and recorded with the Plymouth County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_;
- 5) The definitive plan as qualified by the Certificate of Approval and as hereinafter endorsed and recorded; and
- 6) The following additional documents that set forth construction or installation requirements:
  - A. \_\_\_\_\_
  - B. \_\_\_\_\_
  - C. \_\_\_\_\_
  - D. \_\_\_\_\_
  - E. \_\_\_\_\_

This Agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all of the obligations secured hereunder or has elected to provide another method of securing performance as provided for under G.L. c.41, §81U, §7, et. seq. Furthermore, in the event that increased security is required to be posted, the Applicant agrees that the Applicant shall post said security in a timely manner.

Upon satisfactory and timely completion of all of the obligations secured hereunder, the deposit of money made hereunder, including all interest accrued thereon, shall be returned to the Applicant by the Town and this Agreement shall become void. The time for completion of said obligations shall be not later than March 1, 2006 or such later date as may be specified by formal vote of the Planning Board with the concurrence of the Applicant. The Planning Board shall have the right, but not the obligation, to seek to use the deposit of moneys made hereunder and said deposit shall remain in place unless and until all of the obligations secured hereunder are satisfactorily completed or the Planning Board seizes said funds and uses them to complete said obligations. Any unused portion of the deposited funds and interest accrued there under will be returned to the Applicant upon completion of the secured obligations by the Town.

The Applicant hereby grants a license to the Town of Norwell and the Norwell Planning Board and its agents to perform the obligations secured hereunder and agrees to grant any easement that the Town may deem necessary to perform said work.

In consideration of the terms and conditions of the above Agreement, the Town, acting by and through its Planning Board, hereby agrees to accept the aforesaid deposit of money in the amount specified in this Agreement as security for the performance of the obligations referenced above.

Any amendments to this Agreement or to the form of the surety provided shall be agreed upon in writing and executed by all parties to this Agreement.

IN WITNESS WHEREOF, we set our hands and seals in agreement hereto this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and in consideration of an affirmative vote of the Planning Board duly taken on \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NORWELL PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS.

\_\_\_\_\_, 20\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, a/the members of the Planning Board of the Town of Norwell, Massachusetts, personally known to me/who identified him/herself/themselves satisfactorily to me, and acknowledged the foregoing instrument to be his/her/their free act and deed and for the stated purpose.

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**If the Applicant is a Trust:**

IN WITNESS WHEREOF, I also set my hand and seal in agreement hereto this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ on behalf of the \_\_\_\_\_ Trust, being duly authorized to do as set forth in the documentation provided herein, and for consideration of good and valuable consideration, the receipt of which is hereby acknowledged.

\_\_\_\_\_  
Trustee (Print Name: \_\_\_\_\_)

**COMMONWEALTH OF MASSACHUSETTS**

Plymouth, SS.

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, as Trustee of said Trust, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**TRUSTEE'S CERTIFICATE**

Norwell, Massachusetts

\_\_\_\_\_, 20\_\_

I, \_\_\_\_\_, hereby state under oath that I am a Trustee of the Trust (the "Trust"), that the Trust is in full force and effect, that I am the sole Trustee of the Trust or am duly authorized under the terms of the Trust to make this statement and that the above-referenced Trustee is authorized under the Trust to enter into this Agreement.

\_\_\_\_\_  
Trustee

**COMMONWEALTH OF MASSACHUSETTS**

Plymouth, SS.

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, as Trustee of said Trust, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**If the Applicant is a corporation:**

IN WITNESS WHEREOF, I also, on behalf of \_\_\_\_\_ (the "Corporation"), being duly authorized to do so in accordance with the documentation provided herewith, and for good and valuable consideration, the receipt of which is hereby acknowledged, hereby set my hand and seal in agreement hereto this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name of Corporation

By: President/Treasurer (circle one)

**COMMONWEALTH OF MASSACHUSETTS**

Plymouth, SS.

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**CORPORATE CLERK CERTIFICATE**

,SS

\_\_\_\_\_, 20\_\_

I, \_\_\_\_\_, the duly appointed clerk of \_\_\_\_\_, (the "Corporation") hereby state, being under oath, hereby certify that I am the duly appoint clerk of the corporation and that the above named \_\_\_\_\_ is the president/treasurer of the Corporation or was authorized, by a proper vote of the Corporation taken on \_\_\_\_\_, 20\_\_, at a meeting of the Corporation that was duly convened, to enter into this Agreement on behalf of the Corporation.

\_\_\_\_\_  
Clerk (Print Name: \_\_\_\_\_)

**COMMONWEALTH OF MASSACHUSETTS**

Plymouth, SS.

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, as Clerk of the said Corporation, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

TREASURER'S ACKNOWLEDGEMENT OF DEPOSIT

Norwell, Massachusetts

This is to certify that I, \_\_\_\_\_, Town Treasurer for the Town of Norwell, Massachusetts, received a deposit of money from the Applicant in the amount of \$ \_\_\_\_\_ Dollars and deposited said monies in an interest bearing/noninterest bearing account with the following financial institution: \_\_\_\_\_ in account number \_\_\_\_\_ on the following date: \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Town Treasurer

TOWN OF NORWELL PLANNING BOARD

PERFORMANCE SECURED BY SURETY BOND

AGREEMENT made this date by and between the following parties: (1) the Town of Norwell, Massachusetts, acting by and through its Planning Board; (2) \_\_\_\_\_ (the "Applicant"), who has a regular place of business at \_\_\_\_\_; and \_\_\_\_\_, a corporation duly organized and existing under the laws of the state of \_\_\_\_\_ and licensed to do business in Massachusetts, and which has a usual place of business at \_\_\_\_\_ (the "Surety"), for the purpose of securing the construction of the ways and the installation of the municipal services for the subdivision of land, consisting of \_\_\_\_\_ residential/non-residential lots (circle one), as shown on a definitive plan (the "Plan") that is entitled "\_\_\_\_\_" and was prepared by \_\_\_\_\_ and dated \_\_\_\_\_, as revised through \_\_\_\_\_, and as required under the Planning Board's applicable Subdivision Rules and Regulations and its certificate of vote of definitive approval, filed with the Norwell Town Clerk on \_\_\_\_\_ and endorsed by the Planning Board on \_\_\_\_\_ and recorded at the Plymouth Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_ (collectively, the "Improvements").

KNOW ALL PERSON by these presents that the Applicant and the Surety hereby bind and obligate themselves and their respective heirs, executors, administrators, successors, and assigns, both jointly and severally, to the Town of Norwell, a Massachusetts municipal corporation, acting by and through the Norwell Planning Board, in the sum of \$ \_\_\_\_\_ Dollars, and have secured this obligation by depositing with the Norwell Town Treasurer a surety bond, dated \_\_\_\_\_ and without an expiration date, in order to secure the above sum of money, said surety bond to be used to insure the performance by the Applicant of the satisfactory and timely completion of the Improvements and all covenants, conditions, agreements, terms and provisions contained in the following:

- 1) The Form C Application for Approval of the Plan, executed by the Applicant or the Applicant's predecessor in interest on \_\_\_\_\_;
- 2) The Subdivision Control Law, G.L. c.41;
- 3) The Planning Board's applicable Subdivision Rules and Regulations;
- 4) The conditions set forth in the Certificate of Approval issued by the Planning Board and filed with the Norwell Town Clerk on \_\_\_\_\_ and recorded with the Plymouth County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_;
- 5) The Plan as qualified by the Certificate of Approval and as thereafter endorsed and recorded; and
- 6) The following additional documents that set forth construction or installation requirements:

- A. The Conservation and Construction Plan, dated \_\_\_\_\_;
- B. The Grading Plan, dated \_\_\_\_\_;
- C. The Operations and Maintenance Plan, dated \_\_\_\_\_;
- D. The Homeowners Association Trust, dated \_\_\_\_\_;
- E. The Sight Distance Plan, dated \_\_\_\_\_;
- F. The following additional documents: \_\_\_\_\_;

The parties hereby agree that this Surety instrument shall insure completion of the Improvements and other above-mentioned conditions to support : (circle one)

- (1) All of the lots shown on the Plan; or
- (2) The following enumerated lots on the Plan: \_\_\_\_\_.

This agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all obligations stated hereunder or has elected to provide another method of securing said obligations as provided for under G.L. c.41, §81U, ¶7.

Upon completion of all of the obligations specified herein, on or before the following date: \_\_\_\_\_, or as may be extended by the formal vote of the Norwell Planning Board with the written concurrence of the Applicant and the Surety, then the interest of the Town, by and through the Planning Board, shall be released and the surety bond shall be returned to the Surety and this agreement shall become void.

In the event that the Applicant should fail to complete said obligations in a satisfactory and timely manner as specified in this Agreement, then said surety bond may be enforced, in whole or in part by the Planning Board for the benefit of the Town of Norwell to the extent of the reasonable cost to the Town to complete said obligations as specified in this Agreement. The Planning Board shall have the right, but not the obligation, to demand and seize the bond proceeds. Any delay in the Planning Board in exercising such right shall not operate as a waiver of such rights. Any unused portion of the surety bond shall be released and returned to the Surety upon satisfactory completion of said obligations.

Any amendments to the Agreement and to the aforesaid surety bond that secures this Agreement shall be agreed upon in writing by all parties to this Agreement.

IN WITNESS WHEREOF I have hereunto set my hand and seal, for good and valuable consideration, the receipt of which is hereby acknowledged, and hereby certify under oath that I have the authority to do so on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPLICANT

\_\_\_\_\_  
Signature (Print Name: \_\_\_\_\_)

COMMONWEALTH OF MASSACHUSETTS

, SS \_\_\_\_\_, 2004

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who identified him/herself to me to my satisfaction, and signed this document voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public (Print Name: \_\_\_\_\_)  
My commission expires: \_\_\_\_\_

IN WITNESS WHEREOF I have hereunto set my hand and seal, for good and valuable consideration, the receipt of which is hereby acknowledged, and hereby certify under oath that I have the authority to do so on behalf of the Surety, \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SURETY  
By:

\_\_\_\_\_  
Signature (Print Name and Title: \_\_\_\_\_)  
Attorney-in-Fact

COMMONWEALTH OF MASSACHUSETTS

, SS \_\_\_\_\_, 2004

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who identified him/herself to me to my satisfaction, and signed this document voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public (Print Name: \_\_\_\_\_)  
My commission expires: \_\_\_\_\_

**In the event that any signatory to this Agreement is a Trustee or officer of a corporation or manager of a Limited Liability Corporation or partner in a partnership, each such signatory shall provide the appropriate certificate or affidavit evidencing that signatory has the present and requisite authority to execute this document.**

IN WITNESS WHEREOF we hereunto set our hands and seals, for good and valuable consideration, the receipt of which is hereby acknowledged \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Norwell Planning Board:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Vote of acceptance taken on:  
\_\_\_\_\_)

COMMONWEALTH OF MASSACHUSETTS

, SS

\_\_\_\_\_, 2004

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_ Norwell Planning Board Member(s) who are personally known to me/who identified him/herself/themselves to me to my satisfaction, and signed this document voluntarily as his/her/their free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public (Print Name: \_\_\_\_\_ )  
My commission expires:

TOWN OF NORWELL PLANNING BOARD

PERFORMANCE SECURED BY LENDER'S AGREEMENT

Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the following parties: (1) \_\_\_\_\_ (the "Applicant"), who has a usual place of business at \_\_\_\_\_; (2) \_\_\_\_\_ (the "Lender"), who has a usual place of business at \_\_\_\_\_; and (3) the Town of Norwell, acting by and through the Norwell Planning Board (the "Planning Board"), as set forth below.

KNOW ALL PERSONS by these presents that the Applicant and the Lender hereby bind themselves and their respective executors, administrators, devisees, heirs and successors and assigns, jointly and severally, to the Town of Norwell, acting by and through its Planning Board, in the sum of \$\_\_\_\_\_, in order to secure construction of the ways and installation of the municipal services as shown on a definitive subdivision plan entitled \_\_\_\_\_

\_\_\_\_\_, as prepared by \_\_\_\_\_ and dated \_\_\_\_\_, 20\_\_\_\_, as revised through \_\_\_\_\_ (the "Plan"), and as approved and modified by the Planning Board pursuant to a Certificate of Vote that was duly filed with the Norwell Town Clerk on \_\_\_\_\_, 20\_\_\_\_ and recorded in the Plymouth Registry of Deeds at Book \_\_\_\_\_, Pages \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and based upon and in consideration of the facts and circumstances described below.

1. The Planning Board approved the Plan and the Applicant either (circle one):
  - A. Has executed an instrument entitled "Performance Guaranteed By a Surety Covenant," dated \_\_\_\_\_, 20\_\_\_\_, recorded in said Deeds Book \_\_\_\_\_, Page \_\_\_\_\_ and the Applicant desires a release or partial release of the Covenant in consideration of the Lender's Agreement; or
  - B. Desires the Planning Board now to endorse the Plan in consideration of this Lender's Agreement; and

2. The Applicant has granted to the Lender a mortgage dated \_\_\_\_\_, 20\_\_\_\_, recorded in said Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_ securing lots numbered \_\_\_\_\_ as shown on the Plan as security for the payment of a certain note in the principal sum of \$\_\_\_\_\_, and

3. The Lender has withheld \$ \_\_\_\_\_ of said principal sum, which sum has been determined by the Planning Board to be sufficient to secure construction of the ways and installation of the municipal services, as shown on the Plan and modified by the Planning Board's Certificate of Vote and conditions thereto, and the Lender has agreed with the Applicant and the Lender hereby agrees with the Planning Board and the Applicant that said sum of \$ \_\_\_\_\_ shall not be disbursed by the Lender to the Applicant unless and until construction of the ways and the installation the municipal services as shown on the Plan and required under the Planning Board's Rules and Regulations and Certificate of Approval, with conditions, is completed to the satisfaction of the Planning Board; and
  
4. The parties hereby agree that the required construction of ways and installation of municipal services secured hereunder shall be subject to all of the covenants, agreements, conditions, terms and provisions contained in the following documents:
  - A. The Application for Approval of Definitive Plan, executed by the Applicant or the Applicant's predecessor, on \_\_\_\_\_;
  - B. The Subdivision Control Law;
  - C. The applicable Subdivision Rules and Regulations;
  - D. The Planning Board's Certificate of Vote and Conditions, filed with the Town Clerk on \_\_\_\_\_;
  - E. The Plan, as modified by the Certificate of Vote and Conditions and Rules and Regulations;
  - F. The following additional documents that set forth construction and installation requirements:
    - i) The Conservation and Construction Plan, as prepared by \_\_\_\_\_ and dated \_\_\_\_\_ and as revised through \_\_\_\_\_;
    - ii) The Grading Plan, entitled \_\_\_\_\_, as prepared by \_\_\_\_\_, and dated \_\_\_\_\_ and as revised through \_\_\_\_\_;
    - iii) The Sight Distance Plan, as prepared by \_\_\_\_\_ and dated \_\_\_\_\_ and as revised through \_\_\_\_\_; and
    - iv)
    - v)
    - vi)
    - vii)
    - viii)
    - ix)
    - x)

5. The Applicant and the Lender hereby further agree that the aforementioned withheld sum of \$ \_\_\_\_\_ shall be made available to the Planning Board upon failure of performance by the Applicant of the construction of the ways and the installation of the municipal services in a manner that is required hereunder in a manner that conforms to all applicable professional standards and is satisfactory to the Planning Board and timely hereunder; and
6. The parties agree that the time for performance (i.e., completion of the construction of the ways and the installation the municipal services shown on the Plan and required under the Rules and Regulations and Certificate of Approval is completed to the satisfaction of the Planning Board) shall be not later than \_\_\_\_\_, 20 \_\_\_\_, unless said time for performance is extended by vote of the Planning Board with the written agreement of the Applicant and the Lender.
7. The parties agree that, if the Planning Board believes that the Applicant is in default of this agreement, the Planning Board shall provide timely written notice of any such determination to the Applicant and the Lender, at the addresses set forth hereunder, and shall allow the Lender a thirty (30) day opportunity to cure the non-performance before the Lender shall be obligated to pay the withheld funds in the amount of \$ \_\_\_\_\_ to the Planning Board; and
8. The parties agree that the Planning Board has the right, but not the obligation, to demand, seize and use the withheld funds in the amount of \$ \_\_\_\_\_ to cure the Applicant's nonperformance hereunder and further agree that any delay by the Planning Board in exercising its rights hereunder shall not operate as a waiver of its rights; and
9. This agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all obligations.
10. Upon satisfactory and timely completion of the obligations as specified herein and as approved by majority vote of the Planning Board, the Board shall permit disbursement by the Lender to the Applicant of the funds set forth in the following schedule:

SUM TO BE RETAINED BY LENDER	STAGE OF CONSTRUCTION OR INSTALLATION TO BE COMPLETED	REQUIRED DATE FOR COMPLETION
------------------------------------	---	------------------------------------

\$\$\$  
\$\$\$  
\$\$\$  
\$\$\$  
\$\$\$

- 11. In the event that the performance herein is not completed within the required time as set forth herein or as properly extended or is not completed to the Planning Board's satisfaction, the funds retained by the Lender may be demanded by the Planning Board upon written notice of a determination of default and the Lender, forthwith, shall make said funds available to the Town, by and through the Planning Board, for performance of the work, and the Applicant shall be deemed to have authorized the release of said funds for said purpose.
- 12. The Applicant and the Applicant's executors, administrators, devisees, heirs and successors and assigns hereby grant to the Town of Norwell and its agents, servants, employees and other designees a license to enter upon the subject land described herein in the event of a default of performance of the secured work and for the purpose of making inspections and performing said work using the default funds.
- 13. In the event of a default and in the event that the Town of Norwell seizes the secured funds and performs the secured work, the Town agrees that, once all of the required work has been satisfactorily performed and fully completed, the Town shall return any excess funds to the Lender and give notice to the Applicant that it has done so.
- 14. The Obligations of the parties hereunder are to be construed under Massachusetts law and no rights granted thereunder are waived.

IN WITNESS WHEREOF, we set our hands and seals in agreement hereto this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and for good and valuable consideration, the receipt of which is hereby acknowledged.

Norwell Planning Board:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Acceptance Vote: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS

\_\_\_\_\_, 2004

On this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, before me, the undersigned notary public, personally appeared the above-named Planning Board members, who are personally known to me/who identified themselves to me to my satisfaction, and signed this document as their free act and deed and for its stated purpose.

\_\_\_\_\_  
 Notary Public  
 Print Name:  
 My commission expires:

NOTE: In the event that any signatory hereinafter is a Trustee or an officer of a corporation or manager of a Limited Liability Corporation or a partner in a partnership, each such signatory shall provide the appropriate certificates or affidavits evidencing that the undersigned has the present authority to execute this document.

2. Lender

IN WITNESS WHEREOF, I set my hand and seal in agreement hereto this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and for good and valuable consideration, the receipt of which is hereby acknowledged.

I, \_\_\_\_\_, on behalf of the Lender \_\_\_\_\_, being duly authorized to do so, in accordance with the documentation provided herewith and appended hereto as an exhibit, hereby assent to and execute this Agreement.

SIGNED UNDER THE PENALTIES OF PERJURY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS  
, SS. \_\_\_\_\_, 200\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who identified him/herself to me to my satisfaction, and signed this document voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

3) Applicant

IN WITNESS WHEREOF, I/We set our hands and seals in agreement hereto this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and for good and valuable consideration, the receipt of which is hereby acknowledged.

\_\_\_\_\_  
Signature  
(Print Name: \_\_\_\_\_ )

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS

\_\_\_\_\_, 2004

On this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who identified him/herself to me to my satisfaction, and signed this document voluntarily as his/her free act and deed and for its stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

Applicant #2

\_\_\_\_\_  
Signature  
(Print Name: \_\_\_\_\_ )

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS

\_\_\_\_\_, 2004

On this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who identified him/herself to me to my satisfaction, and signed this document voluntarily as his/her free act and deed and for its stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

TOWN OF NORWELL PLANNING BOARD

RELEASE OF SUBDIVISION COVENANT

The undersigned, being a majority of the members of the Norwell Planning Board, have determined, as to the construction of ways and installation of municipal services, as required under the definitive subdivision plan entitled \_\_\_\_\_

\_\_\_\_\_, as prepared by \_\_\_\_\_, dated \_\_\_\_\_, as revised through \_\_\_\_\_ (the "Plan"), and as the Plan was modified by the Planning Board by its Certificate of Vote, with conditions, that was filed with the Town Clerk on \_\_\_\_\_ and recorded at the Plymouth Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_, and as required under the Form C Application executed by the Applicant, the Planning Board's applicable Subdivision Rules and Regulations and the Grading Plan, dated \_\_\_\_\_, the Conservation and Construction Plan, dated \_\_\_\_\_, the Sight Distance Plan, dated \_\_\_\_\_, and the additional documents listed below:

- A.
- B.
- C.
- D.

The improvements required for the construction of the ways and installation of municipal services as set forth in the above plans and documents shall be collectively referred to as the "Improvements."

The Planning Board, after obtaining technical review of the status of the completion of the Improvements has determined the following:

1. All Improvements have been fully and satisfactorily completed in accordance with all of the necessary requirements, warranting release of all of the lots from the Subdivision Covenant; or
2. The Improvements have been fully and satisfactorily completed in accordance with all of the necessary requirements to serve the following enumerated lots, which may now, therefore, be released from the Subdivision Covenant: \_\_\_\_\_; or
3. Sufficient alternate surety has been provided to the Planning Board, under G.L.c.41, §81U, ¶7, to ensure completion of the Improvements for the following enumerated lots, which may, therefore, be released from the Subdivision Covenant: \_\_\_\_\_; or

As a result, the Planning Board hereby releases the following enumerated lots from the restriction of the Subdivision Covenant that prohibits conveyance or building upon the lots until the Improvements are completed, which Covenant was made by the parties on and recorded in Plymouth County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_.

This release shall not include the release or removal or elimination of easements, restrictions or conditions recorded with or set forth in said Covenant other than the restriction prohibiting construction and conveyance of said enumerated lot(s) until the required Improvements are completed.

WITNESS OUR HANDS AND SEALS this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, pursuant to an affirmative vote taken on said date.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NORWELL PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS

\_\_\_\_\_, 2004

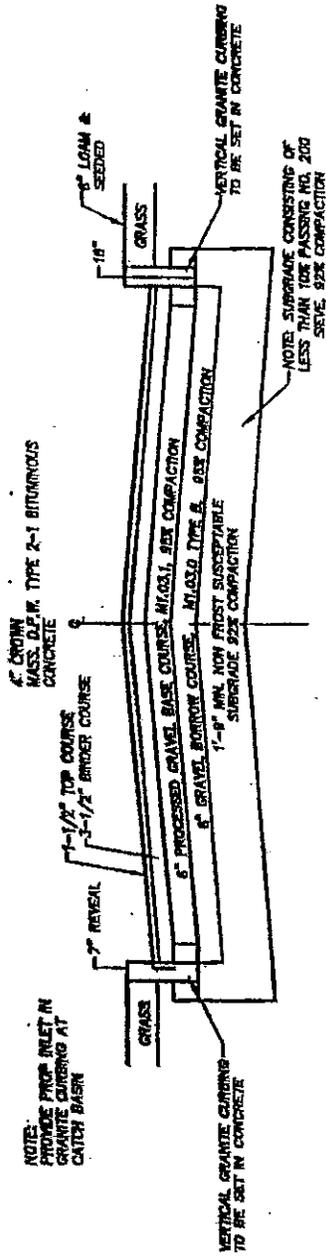
On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_ Norwell Planning Board Member(s) who I personally know to me/who identified him/herself/themselves to me to my satisfaction, and signed this document voluntarily as his/her/their free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public (Print Name: \_\_\_\_\_ )  
My commission expires:

## APPENDIX II.

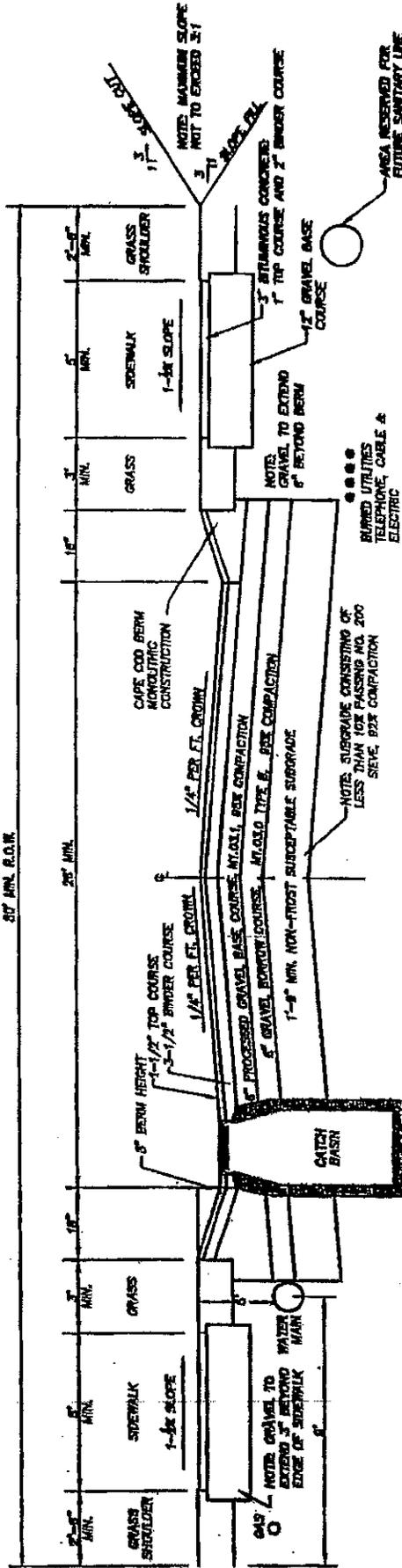
## TYPICAL CROSS-SECTIONS.

- Cross-Section A. Typical Road Construction Cross-Section (and Alternate Cross-section)
- Cross-Section B. Typical Vertical Granite Curb Cross-Section.
- Cross-Section C. Typical Fire Lane Cross-Section.
- Cross-Section D. Typical Haybale/Silt Fence Cross-Section.



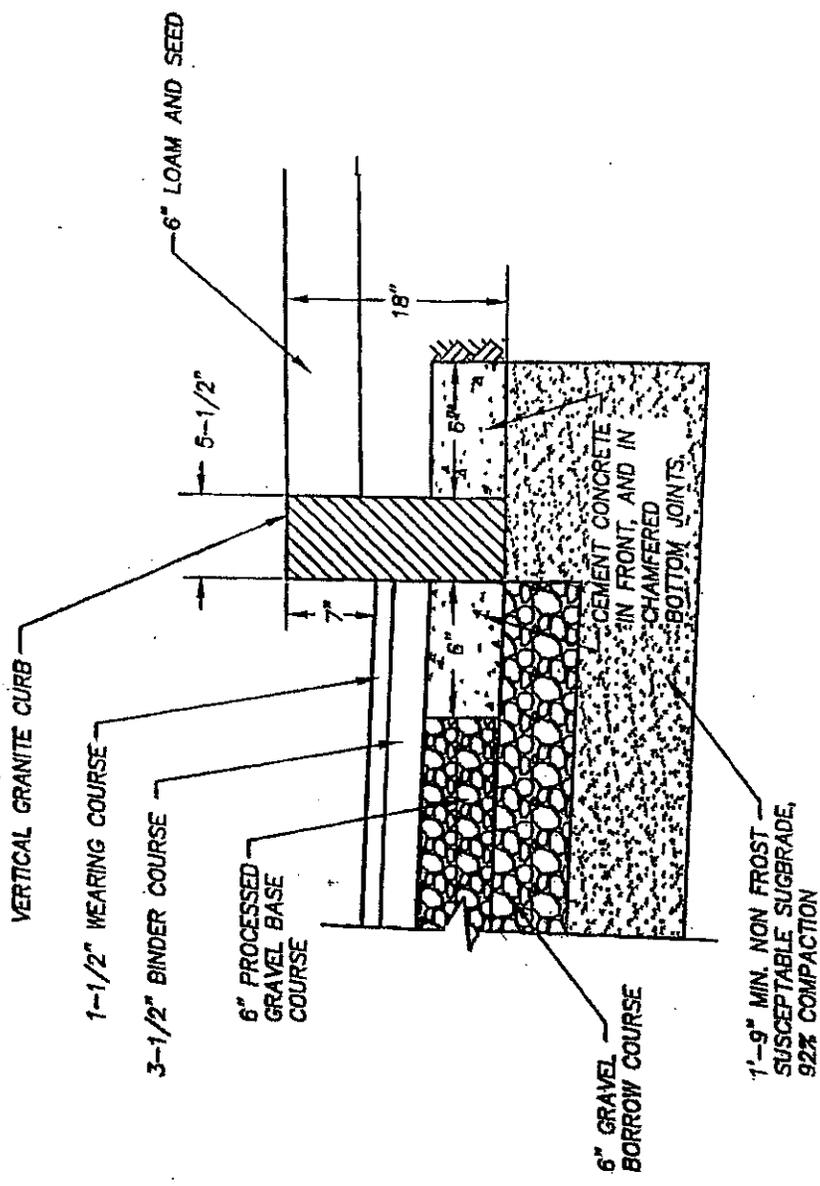
**ALTERNATE CROSS SECTION**

21' MIN. R.O.W.



**TOWN OF NORWELL  
TYPICAL ROAD CONSTRUCTION  
CROSS SECTION**

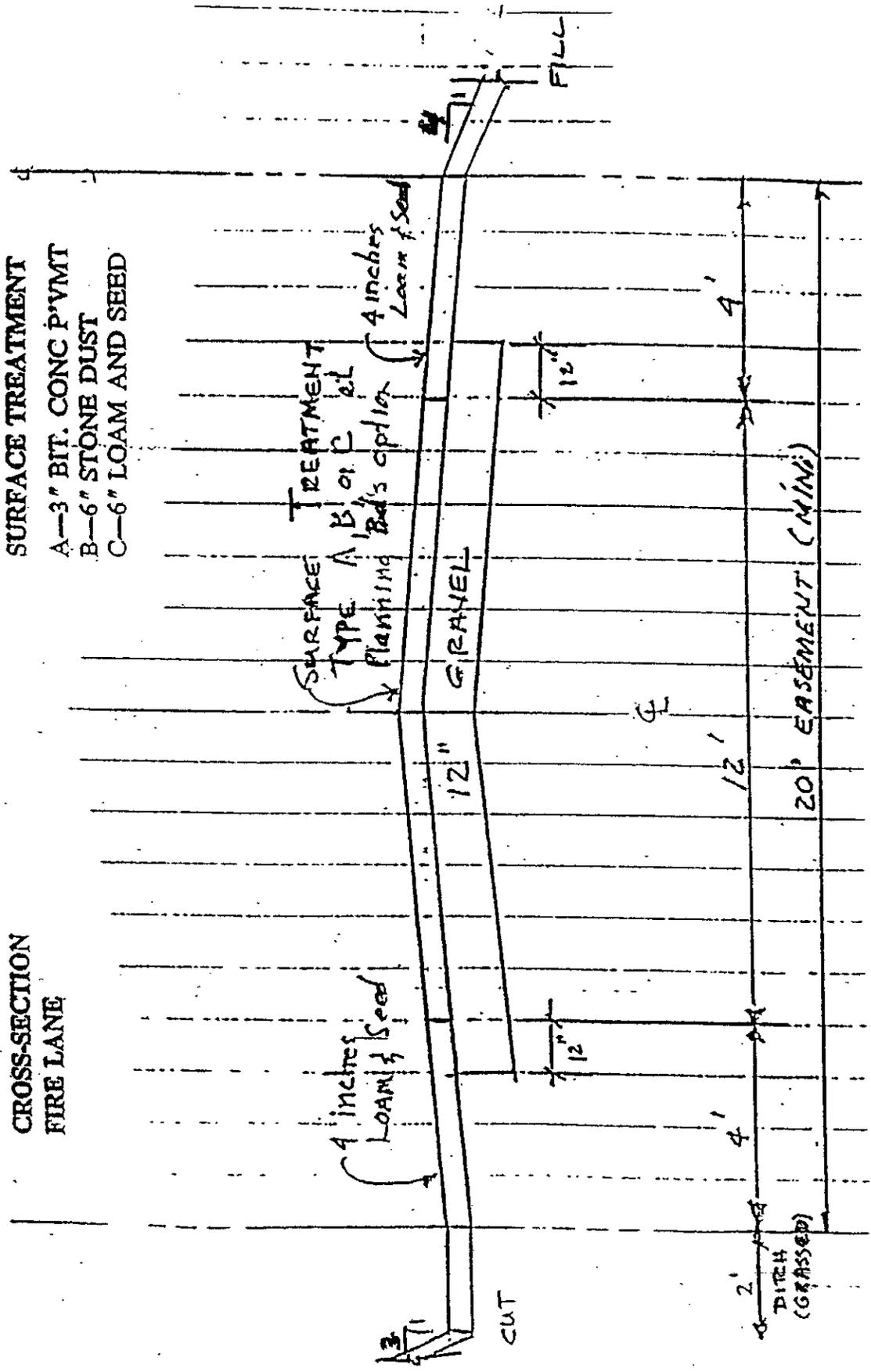
02/002/003



VERTICAL GRANITE CURB

**CROSS-SECTION FIRE LANE**

**SURFACE TREATMENT**  
 A—3" BIT. CONC P'VMT  
 B—6" STONE DUST  
 C—6" LOAM AND SEED



**CROSS-SECTION FIRE LANE**

**SURFACE TREATMENT**  
 TYPE A, B, or C at  
 Planning Dept's option

4 inches  
 LOAM & SEED

12" GRAVEL

CUT

12"

12"

12'

4'

2:1  
 DITCH  
 (GRASSED)

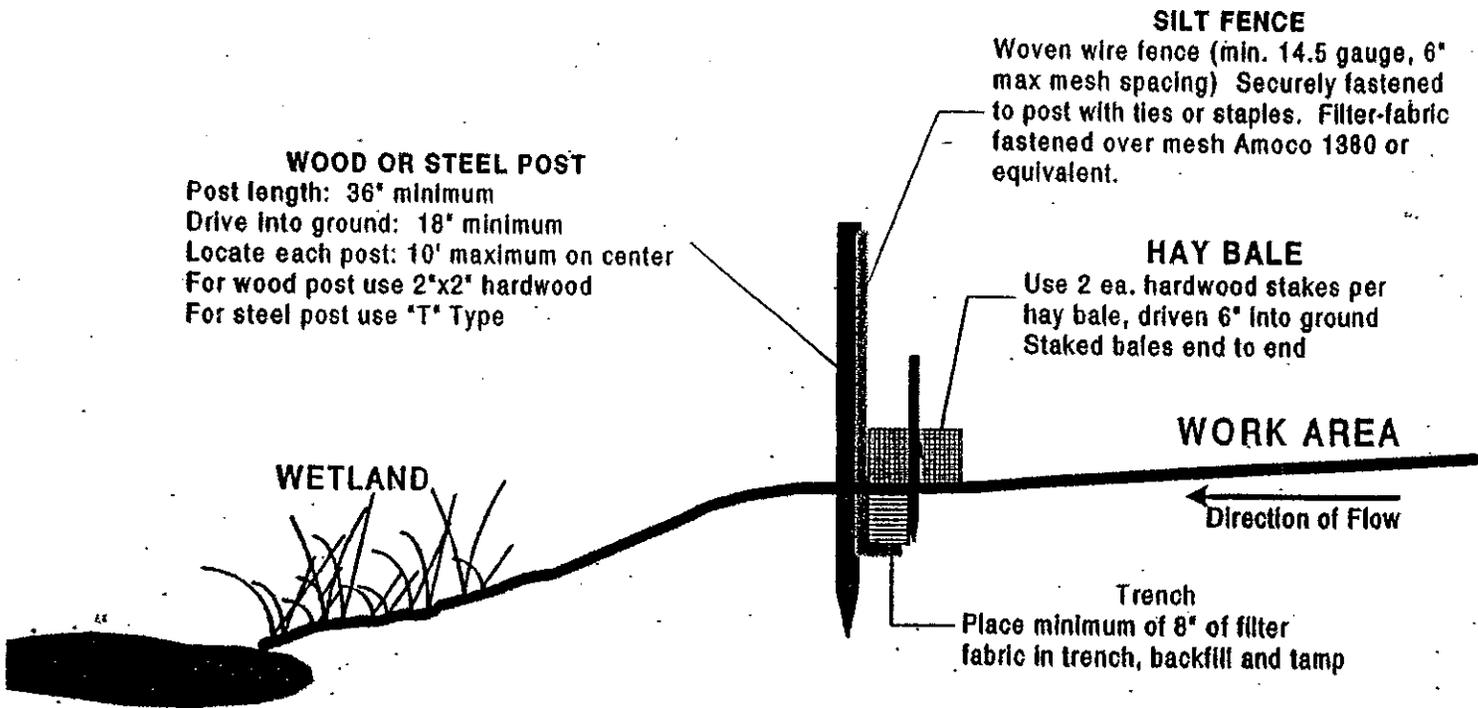
20° EASEMENT (MINI)

FILL

Norwell Conservation Commission

Proper Installation

Haybales/Silt Fencing



**WOOD OR STEEL POST**  
 Post length: 36" minimum  
 Drive into ground: 18" minimum  
 Locate each post: 10' maximum on center  
 For wood post use 2"x2" hardwood  
 For steel post use "T" Type

**SILT FENCE**  
 Woven wire fence (min. 14.5 gauge, 6" max mesh spacing) Securely fastened to post with ties or staples. Filter-fabric fastened over mesh Amoco 1380 or equivalent.

**HAY BALE**  
 Use 2 ea. hardwood stakes per hay bale, driven 6" into ground  
 Staked bales end to end

**WORK AREA**  
 ← Direction of Flow

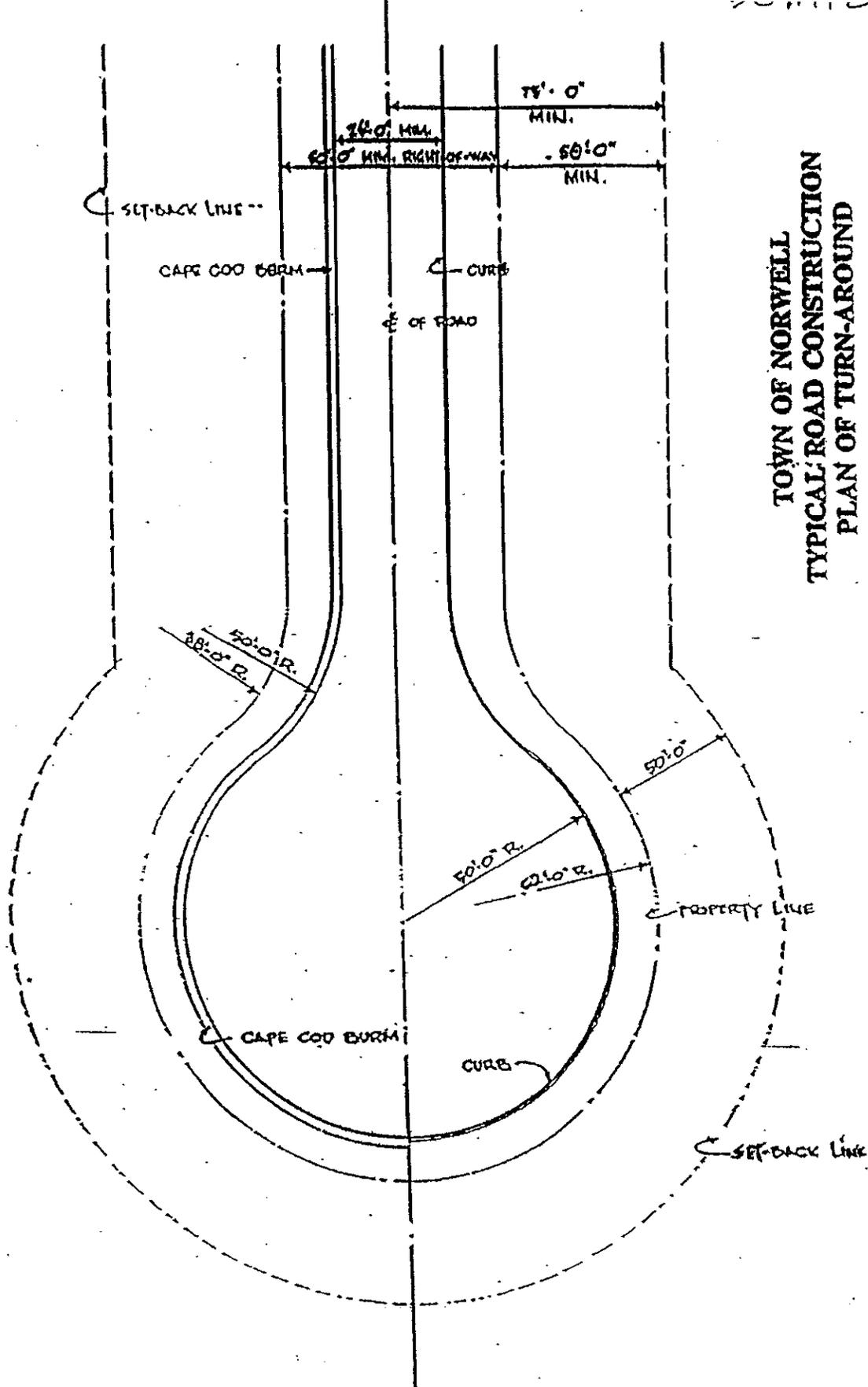
**Trench**  
 Place minimum of 8" of filter fabric in trench, backfill and tamp

## **APPENDIX III.**

### **CONSTRUCTION DETAIL REQUIREMENTS**

Detail A.	Road Construction Plan for Cul-de-sac Turn-Around
Detail B.	Plant Materials Suitable for Screening.

THERE SHALL BE AN ISLAND IN THE CUL-DE-SAC THAT SHALL HAVE A MINIMUM AND MAXIMUM DIAMETER OF 50 FEET.



TOWN OF NORWELL  
TYPICAL ROAD CONSTRUCTION  
PLAN OF TURN-AROUND

## EVERGREEN TREES

*Abies concolor* – White Fir  
*Cedrus libani* – Cedar of Lebanon  
*Chamaecyparis lawsonia* – Lawson Falsecypress  
*Chamaecyparis obtusa* – Hinoki Falsecypress  
*Chamaecyparis pisifera* – Sawara or Japanese Falsecypress  
*Cryptomeria japonica* – Japanese Cryptomeria  
*Ilex opaca* – American Holly  
*Juniperus chinensis* – Chinese Juniper (sp)  
*Juniperus virginiana* - Eastern Red Cedar  
*Picea abies* – Norway Spruce  
*Picea omorika* – Serbian Spruce  
*Picea pungens* – Colorado Spruce  
*Pinus flexilis* – Limber Pine  
*Pinus ponderosa* – Ponderosa Pine  
*Pinus resinosa* – Red Pine  
*Pinus strobus* – Eastern White Pine  
*Pinus thunbergii* – Japanese Black Pine  
*Pseudotsuga menziesii* – Douglas Fir

## EVERGREEN SHRUBS

*Azalea* (sp)  
*Buxus microphylla* var. *Koreana* – Korean Littleleaf Boxwood  
*Buxus sempervirens* – Common Box or Boxwood  
*Ilex crenata* – Japanese Holly  
*Ilex glabra* – Inkberry Holly  
*Juniperus chinensis* – Chinese Juniper  
*Juniperus conferta* – Shore Juniper  
*Juniperus horizontalis* – Creeping Juniper  
*Kalmia latifolia* – Mountain Laurel  
*Leucothoe fontanesiana* – Drooping Leucothoe  
*Pieris floribunda* – Mountain Pieris  
*Pieris japonica* – Japanese Pieris  
*Rhododendron catawbiense* – Catawaba Rhododendron  
*Rhododendron maximum* – Rosebay Rhododendron  
*Rhododendron* – PJM – PJM Rhododendron  
*Taxus* – Yew  
*Thuja occidentalis* – White Cedar

## DECIDUOUS SHRUBS

*Clethra alnifolia* – Summersweet  
*Cornus alba* – Tatarian Dogwood

Cornus amomum – Silky Dogwood  
Cornus mas – Cornelian Cherry Dogwood  
Cornus racemosa – Gray Dogwood  
Cornus stolonifera (serica) – Redosier Dogwood (serica)  
Cotoneaster (sp) – Cotoneaster  
Euonymus alatus – Winged Euonymus  
Euonymus europaeus – European Euonymus  
Forsythia x intermedia – Border Forsythia  
Hamamelis virginiana – Common Witch Hazel  
Ilex decidua – Possum Haw  
Ilex verticillata – Winterberry  
Ligustrum obtusifolium – Border Privet  
Ligustrum vulgare – European Privet  
Lindera benzoin – Spicebush  
Myrica pensylvanica – Northern Bayberry  
Philadelphus coronarius – Sweet Mock Orange  
Vaccinium corymbosum – Highbush Blueberry  
Viburnum x burkwoodii – Burkwood Viburnum  
Viburnum carlesii – Korean Spike Viburnum  
Viburnum dentatum – Arrowwood Viburnum  
Viburnum dilatatum – Linden Viburnum  
Viburnum lentago – Nanny Berry Viburnum  
Viburnum opulus – European Cranberry Bush Viburnum  
Viburnum plicatum tomentosum – Doublefile Viburnum  
Viburnum prunifolium – Blackhaw Viburnum  
Viburnum sieboldi – Siebold Viburnum  
Viburnum trilobum – American Cranberry Bush Viburnum  
Weigela florida – Old Fashioned Weigela

## DECIDUOUS TREES

Acer campestre – Hedge Maple  
Acer ginnala – Amur Maple  
Acer rubrum – Red Maple  
Amelanchier arborea – Downy Serviceberry  
Amelanchier canadensis – Shadblow Serviceberry  
Carpinus betulus – European Hornbeam  
Carpinus caroliniana – American Hornbeam  
Cercidiphyllum japonicum – Katsura Tree  
Cercis canadensis – Eastern Redbud  
Cornus florida – Flowering Dogwood  
Cornus kousa – Kousa Dogwood  
Fagus grandifolia – American Beech  
Fagus sylvatica – European Beech  
Fraxinus pennsylvanica – Green Ash  
Gledotsia triacanthos var. inermis – Thornless Honey Locust

Larix deciduas – European Larch  
Larix laricina – Eastern or American Larch  
Magnolia stellata – Star Magnolia  
Malus (sp) – Crabapple  
Metasequoia glyptostroboides – Dawn Redwood  
Ostrya virginiana – American Hophornbeam  
Pyrus calleryana “Bradford” – Bradford Callery Pear  
Quercus imbricaria – Shingle Oak  
Quercus palustris – Pin Oak  
Quercus rubra – Red Oak  
Sophora japonica – Japanese Pagoda Tree  
Stewartia Koreanana – Korean Stewartia  
Tilia cordata – Little Leaf Linden  
Tilia tomentosa – Silver Linden  
Zelkova serrata – Japanese Zelkova

## **APPENDIX IV.**

### **TYPICAL NON-SURETY INSTRUMENTS**

Instrument A.	Conservation Easement
Instrument B.	Walkway Easement
Instrument C.	Restriction on further division or subdivision.

TOWN OF NORWELL PLANNING BOARD  
CONSERVATION EASEMENT

I/We, \_\_\_\_\_ of \_\_\_\_\_  
County of Plymouth, Massachusetts, certify that I/we am/are the owner(s) of the  
land hereinafter described and do, for good and valuable consideration, the  
receipt of which is hereby acknowledged, hereby grant to the Town of Norwell, a  
municipal Corporation located in Plymouth County, Massachusetts, a  
conservation restriction as follows: \_\_\_\_\_  
\_\_\_\_\_

All as shown on a plan of land dated \_\_\_\_\_, as revised through \_\_\_\_\_  
and prepared  
by \_\_\_\_\_ Engineers.

This restriction shall preserve and retain land or water areas predominately in  
their natural, scenic or open condition or in agriculture, farming or forest use. The  
grantors, their heirs and assigns shall not order or permit on said described land  
any of the following structures, activities or uses:

- A. Construction, erection or placing of buildings, structures, roads, walls, septic systems, wells, except for public drinking water purposes, drainage systems, signs, billboards or other advertising, utilities or other structures on or above the ground, except such limited boundary fencing as may be agreed to by the parties in advance;
- B. Dumping or placing or accumulating of trash, waste or unsightly or offensive materials;
- C. Removal or destruction of trees, shrubs or other vegetation, except that trees that represent a safety hazard may be pruned and, if necessary, removed;
- D. Excavation, regrading, dredging or removal of loam, peat, gravel, soil, rock or other mineral substances on such a manner as to affect the surface;
- E. Surface uses or activities of any kind, except for agricultural, farm, forestry or passive outdoor recreational uses which allow the land or water area to remain predominantly in its natural condition without the removal of trees without the prior consent of the parties and without the use of pesticides, insecticides, fertilizers or other chemicals;
- F. Any activity which would cause erosion or loss of water area.

INSTRUMENT A  
Page 2/4

The purpose of this restriction is for the protection of the natural and watershed resources of said Town under G.L., Ch. 40 § 8-C and it shall be administered by the Norwell Conservation Commission.

We grant to the Town as a permanent easement to enter the premises, by its Conservation Commission and its other duly elected or appointed officers, employees and agents, or both, for the purpose of inspecting the premises, maintaining the flow of any brook located on said premises and enforcing the within restriction. The right hereby granted shall be in addition to any other remedies available to the Town for the enforcement of the foregoing covenant and restriction.

The within restriction shall run with the land and bind our successors or assigns in title to the premises and insure to the benefit of the general public and the inhabitants of said Town in perpetuity. We shall not be personally liable for any breach occurring unless we own the portion of the premises where the breach occurs. This instrument shall also constitute an agreement and covenant with the Town of Norwell, which shall run with the land.

(Optional: We grant to the said Town and its inhabitants an easement to pass and repass upon said land on foot for purposes of hunting, fishing, hiking or nature study, not including picnicking or camping or building fires, so long as the Town by its Conservation Commission enforces reasonable regulations as to such uses so as to prevent injury to persons or damage to said property.)

(Optional: All rights not expressly given herein are reserved to us including (select as needed) the right to conduct any type of agricultural or forestry activity thereon and this covenant is to be construed so as to not interfere therewith in any respect.)

(Optional – Should any portion of the premises be taken by or on behalf of the Town or any public authority, the rights hereby created shall terminate and we or our successors in title shall be entitled to damages measured by the full value of the property and also by the reduction in value of the remainder of our land, including but not limited to the premises.)

No documentary stamps are needed for this instrument.

INSTRUMENT A  
Page 3/4

IN WITNESS HEREOF we have hereto set our hands and seals, this \_\_\_\_  
day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Signature (Print Name: \_\_\_\_\_ )

COMMONWEALTH OF MASSACHUSETTS  
, SS. \_\_\_\_\_, 200\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary  
public, personally appeared the above-named \_\_\_\_\_, who  
identified him/herself to me to my satisfaction, and signed this document  
voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

\_\_\_\_\_  
Signature (Print Name: \_\_\_\_\_ )

COMMONWEALTH OF MASSACHUSETTS  
, SS. \_\_\_\_\_, 200\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary  
public, personally appeared the above-named \_\_\_\_\_, who  
identified him/herself to me to my satisfaction, and signed this document  
voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

**NOTE:** In the event that any signatory herein is a Trustee or an officer of a  
corporation or manager of a Limited Liability Corporation or a partner in a  
partnership, each such signatory shall provide the appropriate certificates or  
affidavits evidencing that the undersigned has the present authority to execute  
this document.

APPROVAL BY SELECTMEN AND CONSERVATION COMMISSION

We, the undersigned Norwell Board of Selectmen and Norwell Conservation Commission, hereby certify that we approve the receipt of the foregoing deed under G.L. Ch. 40, § 8C as it has been and may be amended as requested by vote of the Norwell Conservation Commission for the protection of the natural and watershed resources of the Town.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Selectmen of Norwell

\_\_\_\_\_  
Conservation Commission of Norwell

(Note: Use "for consideration paid," and documentary stamps and omit approval if the restriction is purchased.)

APPROVAL BY COMMISSIONER

\_\_\_\_\_, 20\_\_\_\_

The Commissioner of the Department of Natural Resources, Commonwealth of Massachusetts, hereby certifies that he approves receipt of the within conservation restriction under G.L., Ch. 184, § 32.

\_\_\_\_\_  
Commissioner  
Department of Natural Resources

TOWN OF NORWELL PLANNING BOARD  
WALKWAY EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that \_\_\_\_\_ of Norwell, Massachusetts, for good and valuable consideration, the receipt of which is hereby acknowledged, GRANT to the TOWN OF NORWELL, a municipal corporation, located in said Plymouth County, Massachusetts, with QUITCLAIM COVENANTS, the right and easement to construct, reconstruct maintain and use a walkway and sidewalk for all purposes for which walkways and sidewalks are customarily used in the Town of Norwell, over, across and through the property owned by the Grantor(s), located on the \_\_\_\_\_ side of \_\_\_\_\_ in said Norwell, with said easement being bounded and described as follows:

Any walkway constructed under this easement by the Town of Norwell shall be kept in repair at the expense of the Town of Norwell so that it is reasonably safe and convenient for travelers at all seasons, provided that this easement is duly accepted by the Town of Norwell as required by law.

WITNESS \_\_\_\_\_ hand \_\_\_\_\_ and seal on this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Owner (Print : \_\_\_\_\_ )

COMMONWEALTH OF MASSACHUSETTS  
, SS. \_\_\_\_\_, 200\_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, who identified him/herself to me to my satisfaction, and signed this document voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

TOWN OF NORWELL PLANNING BOARD

COVENANT TO PROHIBIT FURTHER SUBDIVISION

I/We, \_\_\_\_\_ of \_\_\_\_\_  
County of \_\_\_\_\_, Massachusetts, do on behalf of myself/ourselves and  
my/our heirs and successors and assigns, certify that I/we am/are the owner(s) of  
the land hereinafter described and do, for good and valuable consideration, the  
receipt of which is hereby acknowledged, hereby covenant and agree and grant  
to the Town of Norwell, a municipal Corporation located in Plymouth County,  
Massachusetts, by and through the Norwell Conservation Commission, a  
permanent development restriction as follows:

1. The land shown on the definitive plan, entitled " \_\_\_\_\_  
" and prepared by \_\_\_\_\_  
\_\_\_\_\_ and dated  
\_\_\_\_\_ and as revised through \_\_\_\_\_ and as  
approved by the Norwell Planning Board pursuant to a Certificate of Vote  
and Conditions, which was filed with the Norwell Town Clerk on \_\_\_\_\_  
(the "Plan"), depicts a total of \_\_\_\_\_ residential lots.
2. I/we hereby covenant and agree that the land shown on the Plan shall not  
be further divided or subdivided so as to create more than a total of  
\_\_\_\_\_ residential lots, either now or in the future. This restriction shall  
prohibit further divisions of land that create parcels that would be added to  
land outside of the subdivision. This restriction shall not prohibit divisions  
of land within the subdivision so as to merely reconfigure the lot lines of  
the lots approved under the Plan without creating any additional lots.
3. I/we further covenant and agree that the subdivision roadway(s) shown on  
the Plan shall not be used, now or in the future, to serve more than  
\_\_\_\_\_ residential lots.
4. I/we further covenant and agree that the subdivision roadway(s) shown on  
the Plan shall not be used to allow a further connection to additional  
roadway without seeking further subdivision modification

INSTRUMENT C  
Page 2/3

IN WITNESS HEREOF we have hereto set our hands and seals, this \_\_\_\_\_  
day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Signature (Print Name: \_\_\_\_\_)

COMMONWEALTH OF MASSACHUSETTS  
, SS. \_\_\_\_\_, 200\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary  
public, personally appeared the above-named \_\_\_\_\_, who  
identified him/herself to me to my satisfaction, and signed this document  
voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

\_\_\_\_\_  
Signature (Print Name: \_\_\_\_\_)

COMMONWEALTH OF MASSACHUSETTS  
, SS. \_\_\_\_\_, 200\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned notary  
public, personally appeared the above-named \_\_\_\_\_, who  
identified him/herself to me to my satisfaction, and signed this document  
voluntarily as his/her free act and deed and for the stated purpose.

\_\_\_\_\_  
Notary Public  
Print Name:  
My commission expires:

**NOTE:** In the event that any signatory herein is a Trustee or an officer of a  
corporation or manager of a Limited Liability Corporation or a partner in a  
partnership, each such signatory shall provide the appropriate certificates or  
affidavits evidencing that the undersigned has the present authority to execute  
this document.



**APPENDIX V.**

**SCHEDULE OF FEES**

## SCHEDULE OF FEES ADOPTED BY THE NORWELL PLANNING BOARD

*Shown as revised and voted on June 25, 2008*

1. Approval Not Required Plans (Form As):  
\$100 filing fee per application, plus \$100 for each lot\* with altered lot lines
2. Preliminary Plans (Form Bs):  
\$500 filing fee per application, plus \$100 per proposed lot/unit \*
3. Open Space Residential Design Plans via Special Permit (Form Os):  
\$2,000 filing fee per application with no per lot charge
4. Definitive Subdivision Plans (Form Cs):  
\$5,000 filing fee per application, plus \$1,000 per proposed lot/unit \*

For large developments, as defined by plans with 20 or more lots/units\* shown thereon, the filing fee is \$15,000 per application, plus \$1,000 per proposed lot/unit. \*

5. Surety Review Requests:
  - A. Review of initial surety documents: \$500
  - B. Review of substitution surety documents: \$250
  - C. Release of each lot/unit\* from surety provisions: \$100

6. Review Fees Under G.L. c.44, §53G:

The Planning Board hereby provides, under G.L. c.44, §53G and pursuant to G.L. c.41, §81Q, that applicants shall pay reasonable fees for the employment of outside consultants to provide the Planning Board with technical and legal assistance and that applicants shall pay such fees in advance into a special review fee account or series of accounts to be established by the Norwell Town Treasurer. \$5,000 shall be paid by each definitive subdivision applicant in a special review fee account and shall be available for the Planning Board to pay for technical review while reviewing the subdivision for approval and, if the subdivision is approved, until all of the lots/units\* have been finally released from subdivision surety. Said account shall be maintained by the applicant at a level of \$5,000 and shall be replenished as soon as the balance drops below \$3,000.

For large developments, as defined by plans with 20 or more lots/units\* shown thereon, the review fee deposit increases by \$15,000 to a total of \$20,000. Said account shall be maintained by the applicant at a level of \$20,000 and shall be replenished as soon as the balance drops below \$3,000.

\*Per lot/unit fee applies to all drainage lots, conservation lots and not-buildable parcels proposed.

**APPENDIX VI.**

**STREET ACCEPTANCE PROCEDURES**

## STREET ACCEPTANCE PROCEDURES

Acceptance of a private way as a town way or a statutory private way is governed by:

G.L. c.41, §§81G;  
G.L. c.41, §81Y;  
G.L. c.82, §§21-24; and  
Norwell General By-law Article X, §§1-5.

A private way may be laid out by the Board of Selectmen (as the Road Commissioners) and then presented to and accepted by Town Meeting. G.L. c.82, §§21 and 23.

If a private citizen or group of citizens wish to have a private way accepted by the Town, then the citizen or group shall follow the steps set forth in Exhibit 1, attached hereto.

In summary, a private citizen, under G.L. c.39, §10, shall: (1) ask the Board of Selectmen to place an article for acceptance of the way on a town meeting warrant; and (2) file a formal layout petition with the Selectmen requesting that the private way be laid out under G.L. c.82, §§21-24 and G.L. c.41, §81G and Norwell General By-law Article X. The petition shall: (a) include a metes and bounds description of the subject way; (b) satisfy the requirements of General By-law Article X; (c) be accompanied by a proposed grant of easement or other conveyance to the Town and its inhabitants of the necessary interest in the way; and the "persons upon which application such way is laid out," shall be required to provide the Town with security satisfactory to the Board of Selectmen that the petitioners will indemnify the town for all damages and charges which the Town may be obligated to pay by reason of the layout and acceptance. G.L. c.82, §24.

If the Board of Selectmen proposes that a private way should be laid out and accepted as a town way (i.e., for the use of the town), then the Selectmen should follow the steps set forth in Exhibit 2, attached hereto.

**Please note that the acceptance process is procedurally complex and each required step must be carefully followed.**

**Private petitioners may wish to consult an attorney.**

Exhibit 1: Procedures for a private petitioner to follow.

Exhibit 2: Procedures for the Board of Selectmen to follow if it is the petitioner.

Exhibit 3: Layout Petition Form.

Exhibit 4: Brief explanation of the relevant statutes and by-laws is set forth in Exhibit 4.

**EXHIBIT 1. Layout and Acceptance of a Private Way initiated by Private Citizen(s)**

The private citizen(s) shall:

- 1) **Request the Board of Selectmen to include acceptance of the way on a town meeting warrant, under G.L. c.39, §10. (Note signature requirement.)**
- 2) **Prepare a layout petition, with a metes and bounds description of the way and submit it to the Selectmen at least three months prior to town meeting. (See Exhibit 3). G.L. c.82, §23 and Article X, §5.**
- 3) **Request the Selectmen to satisfy the requirements of the applicable by-law and statutory provisions:**
  - (i) **Norwell General By-law Article X. The Selectmen shall:**
    - (a) Refer the layout petition to the Planning Board for preparation the report required under Article X, §2;
    - (b) Refer the layout petition to the Drainage Committee for a report under Article X, §4;
    - (c) Collect affidavits from six different Town agencies as to whether the way is satisfactory in width and acceptable in construction; and
    - (d) Determine and assess damage claims.
  - (ii) **G.L. c.41, §81G. The Selectmen shall refer the layout petition to the Planning Board and allow up to 45 days for the Planning Board to submit its report to the Selectmen.**
  - (iii) **G.L.82, §22. The Selectmen shall provide written notice of the layout proceedings at least 7 days in advance to all owners of the land which would be taken for the subject way. The written notice shall be delivered to each owner's usual abode or hand delivered. The written notice should be posted in the town at least 7 days in advance in a public place. It may be advertised as well.**
  - (iv) **G.L. c.82, §21 and §23. The Selectmen shall vote to layout a private way by majority vote before it may be accepted.**
  - (v) **G.L. c.82, §24. The Selectmen shall acquire the necessary interest in the way (e.g., an easement) by gift, purchase or eminent domain. If acquisition is to be by eminent domain, the Selectmen must follow the eminent domain process. The interest must be acquired within 120 days of the Town Meeting vote to accept the way.**
- 4) **The private citizen(s) shall indemnify the Town and provide security as required under G.L. c.82, §24 for any damages that may occur.**

## **EXHIBIT 2. Layout and Acceptance of a Private Way by Board of Selectmen**

The Board of Selectmen shall:

- 1) **Prepare a Town Meeting article** to accept the way as a town way. G.L. c. 39; G.L. c.82, §23.
- 2) **Prepare a layout petition**, with a metes and bounds description of the way. (See form petition attached as Exhibit 3). G.L. c.82, §23.
- 3) **Satisfy the requirements of the applicable by-law and statutory provisions:**
  - (i) **Norwell General By-law Article X.** The Selectmen shall:
    - (a) Refer the layout petition to the Planning Board for the report required under Article X, §2;
    - (b) Refer the layout petition to the Drainage Committee for a report under Article X, §4;
    - (c) Collect affidavits from six different Town agencies as to whether the way is satisfactory in width and acceptable in construction; and
    - (d) Determine and assess damage claims.
  - (ii) **G.L. c.41, §81G.** The Selectmen shall refer the layout petition to the Planning Board and allow up to 45 days for the Planning Board to issue and submit a layout report to the Selectmen.
  - (iii) **G.L.82, §22.** The Selectmen shall provide written notice of its layout hearing for the proposed town way at least 7 days in advance to all owners of the land which would be taken for the subject way. The written notice shall be delivered to each owner's usual abode or hand delivered. The written notice should be posted in the town at least 7 days in advance in a public place.
  - (iv) **G.L. c.82, §21 and §23.** The Selectmen shall vote to layout a private way by majority vote before it may be accepted.
  - (v) **G.L. c.82, §24.** The Selectmen shall make arrangements to acquire the necessary interest in the way (e.g., an easement) whether by gift, purchase or eminent domain. If the acquisition is to be by eminent domain, then the Board of Selectmen should follow the eminent domain process. The interest must be acquired within 120 days following the Town Meeting vote of to accept the way.

**EXHIBIT 3. Lay Out Petition Form**

Petition to Board of Selectmen to Layout a Private Way:

We, the undersigned petitioners, hereby petition the Norwell Board of Selectmen (the Norwell Road Commissioners) to lay out the private way, known as [insert name of way here]: \_\_\_\_\_ and described as [insert metes and bounds description of the full right-of-way of said way below or attach separate sheet if necessary]:

as a way that shall be open to the public for use as a public way under G.L. c.82, §21. In support of this petition, and as required under G.L. c.82, §24, we herewith submit a grant of easement to the Town of Norwell for acceptance at Town Meeting to allow the Town and its inhabitants to use said way for all the purposes that a way is used as a public way, including the right of the general public to pass and repass, the right of Town agents and employees to enter to make repairs, perform maintenance and plow and deice the roadway. In further support of this petition, and as required under G.L. c.82, §24, we submit the enclosed indemnification agreement pursuant to which the undersigned agree to indemnify and hold harmless the Town and its inhabitants from any and all damages that the Town may incur as a result of the lay out and acceptance of said way.

Respectfully submitted:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Enclosures: Easement Grant  
Release of Claims under G.L. c.79  
Indemnification Agreement under G.L. c.81, §24

## Layout Petition Form Instructions:

- I. Private individuals shall fill out and file the layout petition with the Selectmen (as Road Commissioners). The petitioner also must request a town meeting article.
  - A. The Petition shall be signed by all of the owners of the land that makes up the full right-of-way for the proposed way.
  - B. The Petition shall include the name of the way and an accurate metes and bounds description of the way.
  - C. The Petition shall be accompanied by a grant of an easement in the roadway from the owners of the right-of-way for the roadway to the Town and its inhabitants for use of the roadway for all purposes for which a public way may be used.
  - D. The Petition shall be accompanied by a release of damages under G.L. c.79 signed by all of the owners of the land that makes up the full right-of-way for the proposed way.
  - E. The Petition shall be accompanied by an agreement by the petitioners to jointly and severally indemnify the Town for any damages incurred by the Town as a result of acceptance of the roadway under G.L. c.82, §24 and to post whatever security the Board of Selectmen deem proper.
  - F. The Petitioner shall take the necessary steps to request and obtain the affidavits required under Norwell General By-law Article X, §5 and provide them to the Board of Selectmen.
  
- II. The Petition shall be filed with the Board of Selectmen at least three months prior to the Town Meeting at which acceptance shall be sought.  
(Norwell General By-law Article X, §5.)
  
- III. The Board of Selectmen shall:
  - A. Refer the Petition to the Planning Board for consideration and action, under G.L. c.41, §81G and Norwell General By-law Article X, and for issuance of a report as required under Article X, §2.
  - B. Refer the Petition to the Drainage Committee for consideration and action, under Article X, §4.
  - C. Once the Planning Board's written certifications are received, the Board of Selectmen shall notice a layout hearing, under G.L. c.82, §22, at least 7 days in advance of the hearing, as follows:
    - i) Notice of the Layout Hearing shall be provided to the Town Clerk and be posted at the Town Hall by the Town Clerk;
    - ii) Notice of the Layout Hearing shall be provided to the owners of the land that would be taken by the Town to accept the way, either by delivering a copy of the notice to each owner's usual place of abode or by hand delivery; and

- iii) A public hearing may be advertised in a newspaper of general circulation at least 7 days prior to the hearing. (This is not expressly required under the statute, but is recommended.)

- IV. The Board of Selectmen then shall hold the Layout Hearing and determine
  - A. What, if any, damages would be caused by the layout.
  - B. Assess the damages that would be caused (assessing them at zero, if there are none). (Norwell General By-law Article X, §3.)
  - C. If there are damages, then an order of taking must be processed under G.L. c.82, §24 and G.L. c.79.
- V. The Selectmen shall determine, during the Layout Hearing, whether the reports from the Planning Board and Drainage Committee required under Article X, §2 and 4 and affidavits from the Planning Board, Drainage Committee, the Board of Health, the Water Commissioners and the Highway Surveyor under Article X, §5 have been provided.
- VI. The Selectmen shall determine whether a proper indemnification agreement has been provided by the petitioners as required under G.L. c.82, §24; and, if so, shall determine the amount and type of security that shall be required before a layout vote shall be taken.
- VII. The Selectmen, if the proper certifications have been received from the Planning Board under General By-law Article X, §2, the Drainage Committee under Article X, §4, the proper affidavits under Article X, §5 and the indemnification agreement and security required under G.L. c.41, §24, may review all of the available evidence and determine whether the way is satisfactory in width and constructed so as to be acceptable for laying out. If the way is determined by the Board of Selectmen to be satisfactory in width and constructed so as to be acceptable, the Board, by majority vote, may vote to approve the layout of the way to Town Meeting and recommend the acceptance of any available easement interest or take the necessary steps to issue the necessary orders of taking.
- VIII. If a favorable layout vote is ultimately taken under G.L. c.81, §21, et seq., and Norwell General By-law Article X, then the petition and the favorable layout vote shall be forwarded to Town Meeting for action under an article on the Town Meeting warrant. Referral of the layout vote to the Town Clerk (together with the metes and bounds description) shall occur at least 7 days prior to the Town Meeting. G.L. c.82, §23.
- IX. The Town Meeting article should request Town Meeting either: (1) accept a grant of easement to support the acceptance; or (2) should authorize the necessary order(s) of taking to support acceptance and appropriate any damages that have been assessed. (Recording of the easement or Order of Taking must occur within 120 days after the termination of the town meeting at which acceptance is voted.)

## **EXHIBIT 4. Explanation of Applicable Requirements**

### **Norwell General By-law Article X:**

- §1. New ways shall conform to the Planning Board's Rules and Regulations.
- §2. No private way shall be accepted unless and until the Planning Board shall have certified in writing to the Selectmen that the way: (i) is well-built and so constructed that it is at least equal to the average construction of existing highways of the Town; (ii) has proper grades in relation to abutting land and connecting streets; and (iii) conforms to the Planning Board's Rules and Regulations.
- §3. No private way shall be laid out by the Selectmen until all claims for damage have been estimated.
- §4. No private way shall be accepted unless drainage as may be required shall be installed as directed by the Drainage Committee.
- §5. Each petition for layout of a way for acceptance by Town Meeting shall be presented to the Board of Selectmen at least three months before such meeting.
- §5. The layout petitioner shall obtain affidavits from the Board of Selectmen, the Planning Board, the Drainage Committee, the Board of Health, the Water Commissioners and the Highway Surveyor. Each affidavit shall state whether the subject way "is or is not satisfactory in width and so constructed as to be acceptable." The affidavits must be attached to the petition.

### **G.L.c.41, §81G:**

After a town has adopted an official map (which Norwell has done):

(N)o public way shall be laid out...unless such laying out...has been referred to the planning board...and such board has reported thereon, or has allowed forty-five days to elapse after such referral without submitting its report.

### **G.L. c.41, §81Y:**

A way may be accepted by town meeting by majority vote if the way is shown on an approved subdivision plan; otherwise, it requires a two-thirds vote.

**G.L. c.82, §21 and §23:**

A private way cannot be established as a town way or a statutory private way until it has been laid out by the Board of Selectmen (by majority vote) and accepted by Town Meeting. N.B.: Approval by Town Meeting is by majority vote if the way is shown on an approved subdivision or two-thirds vote, if it is not. G.L. c.41, §81Y, ¶1.

**G.L.c.82, §22:**

Notice of the Selectmen's layout proceedings shall be afforded to each owner of any land underlying the way that is to be taken. Notice shall be in writing and delivered to each owner's usual abode or hand delivered to the owner. Notice shall be left or given at least 7 days prior to the layout proceeding. In addition, notice should be posted in a public place. Finally, while not expressly required by the statute, advertisement in a newspaper of general circulation is recommended.

**G.L. c.82, §23:**

Even if the Selectmen vote to lay out the subject way, establishment of the way through acceptance by Town Meeting as a Town Way or a Statutory Public Way shall not occur unless the favorable lay out vote, together with the metes and bounds description of the way, is filed in the town clerk's office at least 7 days before the Town Meeting at which the way is accepted.

**G.L. c.82, §24:**

The necessary interest in the way shall be acquired by the Town within 120 days following termination of the vote of acceptance by Town Meeting or the status of the way will not be perfected.

In the case of a layout petition by the Board of Selectmen, the Town must:

- (1) Obtain the necessary interest in the subject way (i.e., by a voluntary grant or purchase of an easement from the owners of the land under the way); or
- (2) Accept liability for any damages that may occur as a result of the layout and acceptance of the roadway as a public way under G.L. c.79. To avoid claims for damages under G.L. c.79, the Town may accept releases of such claims for damages from potential claimants. Once a way is accepted as a town way, it may be added to the linear footage of the town ways that are included in the Town's G.L. c.90 calculations.

In the case of a layout petition by a private citizen(s), the private citizen(s) must provide the necessary easement interest in the way to the Town and releases of

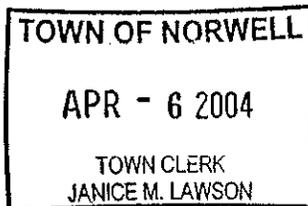
claims for damages under G.L. c.79 and indemnify the Town and provide security as required under G.L. c.82, §24.

I, Robert W. Galvin, Town Counsel for the Town of Norwell, Massachusetts, certify that I have reviewed the within subdivision regulations, as advertised by the Norwell Planning Board on March 5, 2004 and March 12, 2004 for a public hearing held on March 22, 2004 and continued on April 5, 2004, and hereby approve said regulations as to form and content.

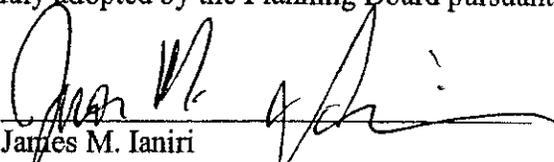
Date: 3/31/04



Robert W. Galvin  
Town Counsel



I, James M. Ianiri, the Clerk of the Norwell Planning Board, hereby certify that this document is a true copy of the subdivision regulations advertised by the Planning Board on March 5, 2004 and March 12, 2004 for a public hearing that began on March 22, 2004 and continued on April 5, 2004, and duly adopted by the Planning Board pursuant to a majority vote on April 5, 2004.

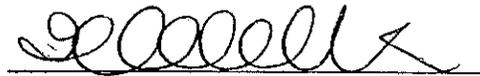
  
James M. Ianiri  
Norwell Planning Board Clerk

COMMONWEALTH OF MASSACHUSETTS

County of Plymouth

Date: April 6, 2004

On this 6<sup>th</sup> day of April, 2004, before me, the undersigned notary public, personally appeared the above-named Norwell Planning Board member who is personally known to me and signed this document voluntarily as his free act and deed and for its stated purpose.



Notary Public

Print Name:

My commission expires:

