

RULES AND REGULATIONS
CONCERNING THE SUBDIVISION OF LAND
WORTHINGTON, MASSACHUSETTS

Adopted December 4, 1987
Updated May 7 2007,
November 7, 2011

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

PURPOSE (Section 81-M of Chapter 41 G.L.)	3
SECTION I. AUTHORITY	3
SECTION II. GENERAL	3
A. Definitions.....	3
B. Plan Believed Not to Require Approval	4
1. General	4
2. Determination criteria	4
3. Filing Requirements	5
4. Adequate Access	5
5. Exceptions	5
6. Approval	6
7. Failure of the Board to Act	6
C. Subdivision	6
D. Access Adequacy.....	6
1. General	6
2. Standards of Adequacy	6
3. Obligations	6
4. Waivers	7
SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS	7
A. Preliminary Plan.....	7
B. Definitive Plan.....	8
1. Regulations and Zoning in Effect	8
2. Filing Procedure	8
3. Performance Guarantee.	9
4. Completion Time Schedule.	11
5. Review by Board of Health as to Suitability of the Land.	12
6. Public Hearing	12
7. Approval or Disapproval	12
8. Endorsement	12
9. Recording of Plan.	13
10. Pre-Construction Conference	13
11. Release of Performance Guarantee	13
SECTION IV. DESIGN STANDARDS	16
A. General Standards and Relationship to Town Plans.....	16
B. Streets.....	16
C. Easements.....	23

D. Sewage Disposal System.....	23
E. Swales, Drainage, and Curbs	23
F. Utilities	24
G. Street Lighting	25
H. Street Signs	25
I. Storm Drainage	25
J. Lots.....	26
K. Open Space and Recreation Area.....	26
L. Protection of Natural, Cultural and Historic Features	27
M. Excavation and Grading	27
N. Construction Cost Estimate.....	28
SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION	29
A. Street and Roadway	29
B. Utilities.....	29
C. Monuments	30
SECTION VI. ADMINISTRATION	30
A. Variation	30
B. Reference	30
APPENDIX A: FORMS	31
ENDORSEMENT OF APPROVAL NOT REQUIRED (ANR) PLAN—Form A	32
APPLICATION FOR APPROVAL OF PRELIMINARY PLAN--Form B	33
APPLICATION FOR APPROVAL OF DEFINITIVE PLAN—Form C	34
APPLICATION FOR APPROVAL OF DEFINITIVE PLAN—Form C	35
NOTICE OF SUBDIVISION APPROVAL OR DISAPPROVAL-Form F	36
REQUEST FOR RELEASE OF LETTER OF CREDIT, THREE-PARTY LENDER AGREEMENT, BOND, SURETY OR COVENANT—Form G	37
COVENANT—Form I	38
RELEASE OF CONDITIONS or CERTIFICATE OF PERFORMANCE—Form J	39
APPLICATION FOR SUBMISSION OF ADDITIONAL PLANS, MATERIALS, INFORMATION, ETC. AND FOR AN EXTENSION OF TIME PERIOD—Form K	40
DEVELOPMENT IMPACT STATEMENT —Form L	41

PURPOSE (Section 81-M of Chapter 41, Massachusetts General Laws)

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access of the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open area. The powers of a planning board and of a board of appeal under the Subdivision Control Law shall be exercised with due regard-for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for-reducing danger to life and limb in the operation of motor vehicles; for securing safety in case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police and other similar municipal equipment 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 city or town in which it is located and with the new ways in neighboring subdivisions."

SECTION I. AUTHORITY

Under the authority vested in the Planning Board of the Town of Worthington by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Worthington. Such rules and regulations shall be effective on and after the 7th day of December, 1987.

SECTION II. GENERAL

A. Definitions

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

Warranty Period: one year after completion of all construction, during which any problems may appear and be resolved before the performance guarantees expire.

Warranty Settlement Period: three (3) months following the end of the warranty period to allow for collection of financial performance guarantees before the financial performance guarantees expire.

Certificate of Performance: A notarized statement signed by the Planning Board certifying that conditions for the subdivision have been met. A building permit for any lot shown on a subdivision plan shall be issued only after a Certificate of Performance releases that lot.

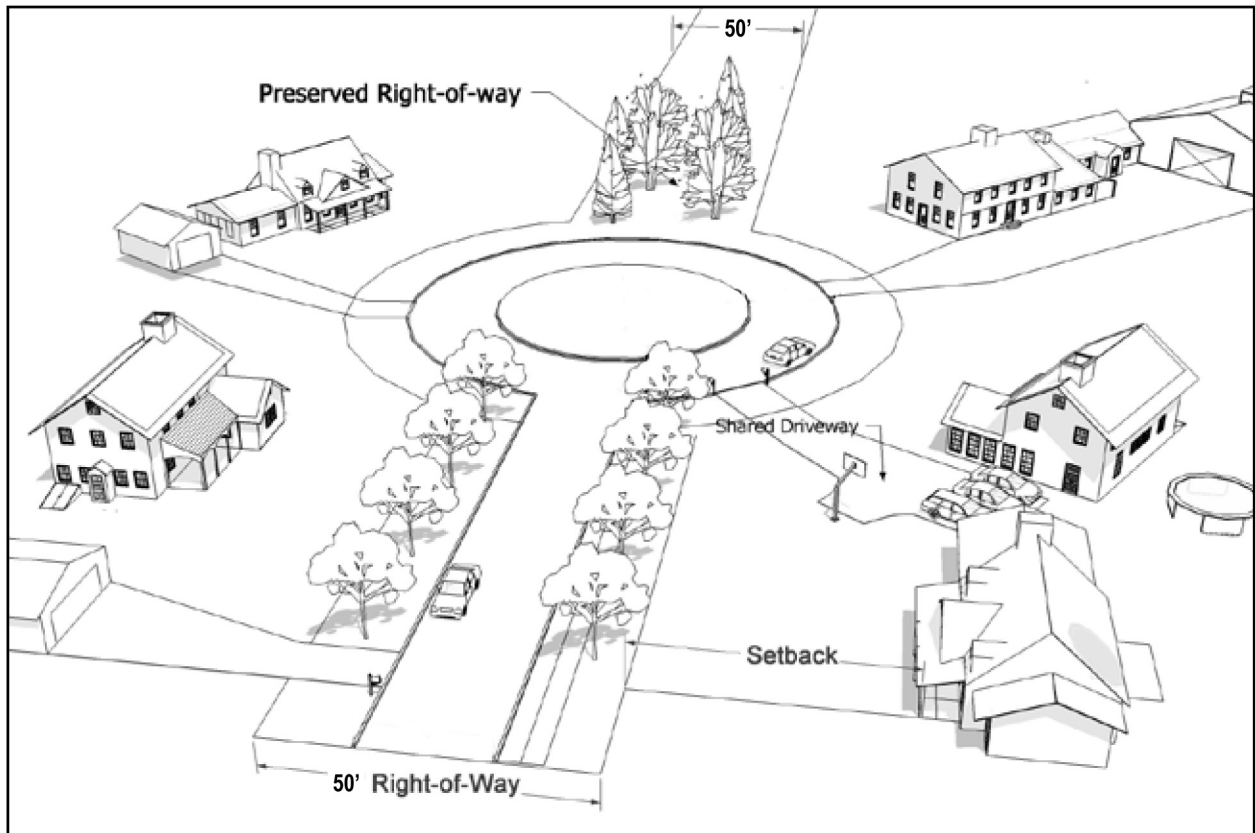
Class I Subdivision: A subdivision with ten (10) or more lots.

Class II Subdivision: A subdivision with four (4) to nine (9) lots.

Class III Subdivision: A subdivision with three (3) lots or fewer.

Reserved Open Space: Acreage within a subdivision, otherwise suitable for building lots, that is designated for conservation, agricultural and/or recreational purposes. Reserved Open Space does not include areas designated for sediment control, erosion control, or storm water control, nor does it include wetlands and their buffers; such areas are considered part of the subdivision structure.

Reserve Strip (also known as Preserved Right of Way): Strip of land reserved for future road expansion. A reserve strip is set aside so that if necessary, a road can later be extended to tie into new developments.



A preserved 50' right-of-way at the end of a cul-de-sac allows for future development of a connector street.

Adapted from Commentary on Updating Subdivisions in Massachusetts, Image from Dodson Associates

B. Plan Believed Not to Require Approval

1. General

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land, and who believes that the plan does not require approval under the Subdivision Control Law shall submit to the Planning Board the necessary evidence to show that the plan does not require approval.

2. Determination criteria

A plan which shows the dividing of one lot into two or more lots that rely entirely frontage on existing ways to satisfy zoning requirements, whether as drawn or in combination with a parcel or parcels directly adjacent that are being created does not require approval under the

Subdivision Control Law. It is the responsibility of the applicant to demonstrate that the proposed subdivision does not require approval.

3. Filing Requirements

The applicant shall submit to the Planning Board:

- a) An electronic copy and a reproducible plan drawn by a registered land surveyor or professional engineer and three copies of the plan; plans must contain a locus reference, all land in common ownership within 300 feet, wells, septic systems, and wetlands;
- b) A filing fee of \$35.00 per parcel, (Thirty-five dollars times the number of new parcels created). The filing fee shall be in the form of a certified check of money order made payable to the "Town of Worthington, Massachusetts."
- c) A completed Endorsement of Approval Not Required Plan (Form A) signed by the applicant.
- d) All supporting evidence necessary to show that the plan does not require approval.

4. Adequate Access

Plans shall be endorsed as not requiring approval under the Subdivision Control Law if each lot to be created has adequate access as intended under the Subdivision Control Law, MGLA 41 Section 81K-81G. Mere status of a road as a public way shall not alone be deemed to satisfy the requirement of adequate access.

The street system within a subdivision shall connect with and have, in the opinion of the Planning Board, adequate vehicular, pedestrian, and bicycle access from a public way or private way that connects to the greater network of streets.

- a) The physical condition or width of a public way from which a subdivision has its access must be sufficient, in the sole opinion of the Planning Board to either provide for emergency services or carry the traffic which is expected to be generated by such subdivision. If such access is insufficient, the Planning Board shall require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width commensurate with that required within the subdivision and to make physical improvements to and within such public way to the same standards required within the subdivision or by these Subdivision Regulations. Any such dedication of land for the purpose of the way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be born by the applicant.
- b) The Planning Board shall disapprove of a subdivision plan where, in the opinion of the Planning Board, the existing surrounding municipal infrastructure (e.g. street width and construction and necessary utilities) is insufficient and/or incapable of handling the additional volumes (e.g. traffic, storm water) anticipated, by the Planning Board, to be generated by the project. Planning Board may accept or require off-site improvements to mitigate any of these impacts.

5. Exceptions

If the Planning Board determines that the plan presented does not require approval under Subdivision Control, but the resulting lot(s) do not meet Zoning Dimensional Requirements for building lots (for example the lot is configured such that setbacks for buildings cannot be complied with) the Planning Board shall add to the endorsement described in Section 6 of these rules, "Not a Legal Building Lot," and a statement identifying which lot or lots is not a legal building lot.

6. Approval

Before the Planning Board makes its determination, it shall review or have a consultant review the correctness of all street information and the compliance with the Worthington Zoning Bylaws. If, in the judgment of the Planning Board, consulting services are necessary, the applicant shall both provide consultants that are acceptable to the Planning Board and bear the burden of the cost of such services. If, in the judgment of the Planning Board, Town Counsel must be consulted, the applicant shall bear the burden of the cost for such counsel. If the Planning Board determines that the plan does not require approval, it shall within twenty-one days and without a public hearing endorse on the plans "Planning Board Approval Not Required." Said endorsement shall be signed by a majority of the Planning Board. If the Planning Board determines that the plan DOES require approval under the Subdivisions Control Law, it shall within twenty-one days of submission of said plan so inform the applicant and return the reproducible original of the plan. The Planning Board shall give written notice of its determination to the Town Clerk.

7. Failure of the Planning Board to Act

If the Planning Board fails to act upon a plan submitted under this section or fails to notify the town Clerk and the person submitting the plan of its action within twenty-one days after submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan.

C. Subdivision

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement of, or sale of lots in a subdivision, or the construction of ways, or, the installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

D. Access Adequacy

1. General

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, M.G.L.A., Ch. 41, section 81K-81GG. Mere status of a road as a public way shall not alone be deemed to satisfy the requirement of adequate access hereunder.

2. Standards of Adequacy

Streets within a subdivision shall be considered to provide adequate access if and only if, complying with the standards established in the Planning Board's Subdivision Rules and Regulations. Ways providing access to streets within a subdivision shall be considered to provide adequate access where, prior to construction on any lots, applicant for subdivision approval assures that such access will be in compliance with the Subdivision Regulations for right of way width, pavement width, maximum grade, and sight distance requirements applicable to ways within a subdivision.

3. Obligations

The Planning Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening access ways to a width as required in section II.D.2, above, and that applicant make physical improvements within such way or compensate the Town for the cost of such improvements in order to meet the standards specified above.

4. Waivers

The Planning Board may waive strict compliance with these access regulations only upon its determination, following consultation with the selectmen, Superintendent of Streets, Police Chief, and Fire Chief, that the way in fact will be otherwise sufficient to serve the needs for access to serve potential uses of land abutting on or served by the way in question.

SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. Preliminary Plan

1. General

A Preliminary Plan of a subdivision may be submitted by the applicant for discussion and approval, and be filed by delivery or mailing to the Planning Board c/o the Board of Selectmen, Town Hall, Worthington, MA 01098. The submission of such a Preliminary Plan will enable the applicant, the Planning Board, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case.

2. Contents

The Preliminary Plan shall be drawn at a suitable scale. Said Preliminary Plan should show sufficient information about the subdivision to form a clear basis for discussion of its problems or for the preparation of the Definitive Plan. Such information will include the proposed storm drain, sewer disposal and water supply systems, major site features such as existing stone walls, fences, buildings, large trees, rock ridges and outcroppings, swamps and water bodies, the topography of the land in a general manner, together with the information required by items 1 to 4, inclusive, of the Filing Procedure of Definitive Plan (Section III.B.2). During discussion of the Preliminary Plan the complete information required for the Definitive Plan and the financial arrangements (Section III.B.3 - Performance Guarantee) will be developed.

3. Approval

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

4. Filing and fees

Any person submitting a Preliminary Plan of a subdivision to the Planning Board for approval shall file with the Planning Board the following:

- a) a reproducible original, an electronic copy, and eleven (11) print copies of Preliminary Plan;
- b) a filing fee in the amount of Fifty (50) dollars per lot, e.g. \$50.00 times the number of lots shown on the Preliminary Plan;
- c) the filing fee shall be in the form of a certified check or money order made payable to "Town of Worthington, Massachusetts";
- d) Application for Approval of Preliminary Plan (Form B), appended hereto, signed by the applicant and providing all information requested;
- e) an original and eleven (11) copies of a draft Development Impact Statement and Environmental Analysis as required by part B of this section.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application.

B. Definitive Plan

1. Regulations and Zoning in Effect

A Definitive Plan shall be governed by the Subdivision Regulation in effect at the time of submission of a Preliminary Plan provided that a Definitive Plan evolved therefrom shall have been submitted to the Planning Board within seven (7) months from the date of submission of the Preliminary Plan.

A Definitive Plan shall be governed by the zoning in effect at the time of submission of such a plan or a Preliminary Plan from which a Definitive Plan has evolved in accordance with the provisions of Section 7A of Chapter 40A of the General Laws of the Commonwealth.

2. Filing Procedure

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

- a) One reproducible original, an electronic copy, and eleven (11) printed copies of the Definitive Plan. The original shall be reserved for signature to be returned to the applicant after approval or disapproval by the Planning Board. The Definitive Plan shall be prepared, stamped, and signed by a registered professional engineer or registered land surveyor, or both, as apt, and shall be at a scale clearly and legibly drawn.
- b) The plan shall be at a scale of one inch equals (forty) feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall not exceed 24"by 36". If multiple sheets are used, an index sheet showing the entire subdivision shall accompany them. The Definitive Plan shall contain the following information:
 - 1) Subdivision name, boundaries, North point, date and scale.
 - 2) Name and address of record owner, subdivider (if not the owner), engineer and/or surveyor.
 - 3) Names of all abutters within two hundred feet as they appear in the most recent tax records.
 - 4) Existing and proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board.)
 - 5) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line to establish these lines on the ground.
 - 6) Location of all permanent monuments properly identified as to whether existing or proposed.
 - 7) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
 - 8) Suitable space to record the action of the Planning Board and the signatures of members of the Planning Board (or officially authorized person).
 - 9) Proposed layout of storm drainage, water supply and sewerage disposal systems. This may be submitted on the same sheet as the Definitive Plan or on a separate sheet.

- c) Filing fee in the amount of \$150.00 per lot if a Preliminary Plan was filed or \$500.00 per lot if no Preliminary Plan was filed, e.g. One-hundred Fifty Dollars (or Five-hundred Dollars) times the number of lots shown on the Definitive Plan; the filing fee shall be in the form of a certified check or money order made payable to "Town of Worthington, Massachusetts";
- d) Application for Approval of Definitive Plan (Form C), appended hereto, signed by the applicant and providing all information requested;
- e) Original and eleven copies of Developmental Impact Statement (Form L). This documented written analysis of a proposed subdivision shall be prepared by the Developer in order to provide the Planning Board and Town officials with information necessary for plan review. It is the Developer's responsibility to prepare and document the DIS in sufficient detail to permit an adequate evaluation by the Planning Board; however, additional data may be requested in writing by the Planning Board. This is one reason why it is to the advantage of the Developer to prepare and submit to the Planning Board a preliminary plan including a draft of DIS. It is necessary to respond to all sections of the DIS form, except when a written exemption is granted by the Planning Board.
- f) Original and eleven copies of an Environmental Analysis for any Class II or Class III subdivision. The scope of such Environmental Analysis shall be as agreed to by the Planning Board, and may be required to include up to two (2) major alternatives to the plan proposed, with as much of the following information as the Planning Board may determine necessary for plan evaluation. The Environmental Analysis shall be prepared by an interdisciplinary team to include a Civil Engineer, an Architect or Landscape Architect, and a Surveyor, unless otherwise agreed to by the Planning Board prior to preparation. The Environmental Analysis shall indicate differences among alternatives regarding the following:
 - 1) Impact upon ground and surface water quality and recharge including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the development.
 - 2) Material effects upon important wildlife habitats, outstanding botanical features, and scenic or historic environs.
 - 3) Capability of soils, vegetative cover, and proposed erosion control measures to support the proposed development without danger of erosion, silting, or other instability.

The applicant shall also file one copy each of the Definitive Plan and application Form C with the Board of Health and obtain a receipt therefore.

In addition the applicant shall provide written notice to the Town Clerk by personal delivery in hand or by registered mail, with return receipt requested. Said notice shall state the date of submission to the Planning Board of items required in Section III.B.2, a through g and shall be accompanied by one copy of the Definitive Plan map and application Form C. If notice is given by delivery to the Clerk shall, if requested, give written receipt therefore to the person who delivered such notice.

3. Performance Guarantee.

Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in for all lots in the subdivision, such construction and installation to be secured in

accordance with Section 81U of the Subdivision Control Law by recorded covenant, and at the discretion of the Planning Board by financial performance guarantees. Either or both means of guaranteeing applicant performance may be required for Planning Board approval.

If financial performance guarantees are used, at least two lots in a subdivision that can be built on must be covered by a covenant to insure that all work, including legal work, is completed.

a) Approval with Covenant

The applicant may fulfill a covenant (Form I), executed and duly recorded concurrent with recording the subdivision approval by the owner of record, running with the land, that no lot in the subdivision shall be sold and no building erected thereon until such ways, services and, whenever applicable, temporary turnarounds are constructed and installed, and until record plans, street acceptance plans, and other required work are accepted by the Planning Board in accordance with these Rules and Regulations so as to adequately serve the lots.

Such covenant shall be inscribed on the Definitive Plan or on a separate document referred to on the plan and delivered to the Planning Board. The Planning Board shall turn over the covenant agreement to the town's legal counsel who shall review its contents at the applicant's expense, and forward his comments in writing to the Planning Board. Upon approval of the covenant by the Planning Board, the Board shall note its action on the Definitive Plan and the applicant shall record the Covenant, the endorsed Definitive Plan, and other appropriate documents, such as conditions placed on the property by the Board of Health review, Section III.B.5, at the Hampshire County Registry of Deeds.

b) Approval with Financial Performance Guarantees (Surety Bonds, Money, Three Party Lender Agreement, or Letters of Credit).

The applicant may either file a surety company performance bond or provide a deposit of money or negotiable securities, including letters of credit, in an amount determined by the Planning Board using construction estimates (see Section IV.N Construction Cost Estimate) in consultation with the appropriate Town departments, to be sufficient to cover the cost of all or any part of the improvements specified in these regulations at State (or, if applicable, Federal) prevailing wage rates, not covered by a covenant; and to cover the costs of inspections, record plans, street acceptance plans, and legal work; and a 20% contingency/inflation factor.

At least 15% of the estimated cost of those components of the entire project which shall be dedicated for public use, including workmanship and materials, shall be retained through the one-year Warranty Period.

Letters of Credit, three-party agreements for lender retention of funds, surety bonds and other financial performance guarantees must be drafted so that the only requirement that must be met for the Planning Board to draw on the letter is to notify the financial institution (grantor) using the wording of the next paragraph, or similar language provided by Town Counsel:

"We have incurred liability by reason of the failure of the applicant/developer/owner, within ninety days of the expiration of this letter, to complete the construction of their project (insert name of subdivision and plans) in accordance with the definitive subdivision plans and submittal, the subdivision approval, the Worthington Zoning Bylaw, and the Rules and Regulations Governing the Subdivision of Land in Worthington. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor."

Upon advice from Town Counsel the Planning Board reserves the right to include any bond or other contractual language necessary to protect town interests or the planning board may reject the use of any given financial performance guarantee.

The Planning Board shall approve such bond, deposit of money or negotiable securities, as to the form, the surety or the financial institution, and the manner of execution.

For any surety bond:

1. The surety must agree that any litigation stemming out of the bond will take place in the Massachusetts counties of Hampshire, Franklin, Hamden or Berkshire.
2. The bond must include the name and address of the person to be served for any legal action or a registered agent for service of process for duration of bond validity.
3. The bond must specifically include the terms specified above in this section.
4. The bond must be valid until the work is complete and both the Warranty Performance Period and Warranty Settlement Period have elapsed.

4. Completion Time Schedule.

The Performance Guarantee, whether by bond, deposit of money, letter of credit, or covenant, as previously described herein, shall be contingent upon the completion of such improvements as required in these Rules and Regulations and the required one year Warranty Performance Period, within a maximum period of three (3) years of the date of such bond, deposit of money, or covenant.

After the completion date of all improvements and the one-year Warranty Period, there shall be at least a three (3) month Warranty Settlement Period before the expiration date of any bond, deposit of money, or letter of credit. Said three (3) month period shall give the Town the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case (a) the developer is unable to do so; and/or (b) the Planning Board denies any requests for an extension of time.

“Warranty” shall include all workmanship and materials.

Upon written request from the applicant, the Planning Board may, at its discretion, grant an extension of time, and such agreement shall be executed and affixed to the financial performance guarantee or covenant.

In the case of a surety company bond or letter of credit, such an agreement for an extension shall not be effective until the surety or holder of the letter of credit delivers to the Planning Board a written statement that the surety or holder of the letter of credit agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company or holder of the letter of credit.

Failure to complete all improvements as required by these Rules and Regulations within the time allotted shall cause the Planning Board

(a) To draw upon the performance guarantee (surety bond, deposit of money, letter of credit) in order to complete said improvements; and/or

(b) To schedule a Public Hearing in order to rescind approval of the subdivision in accordance with appropriate sections of Chapter 41, Section 81, of M.G.L.

5. Review by Board of Health as to Suitability of the Land.

At the time of the filing of the Definitive Plan, an applicant should also file with the Board of Health at least one copy of the Definitive Plan. The Board of Health shall within forty-five (45) days after filing of the plans report to the Planning Board in writing its approval or disapproval of said plan. If the Board of Health disapproves the plan, it shall make specific findings as to which, if any of the lots shown on such plan cannot be used for building sites without injury to public health, and include such specific finding and the reasons therefore in such report, and where possible shall make recommendations for their adjustment. If the report of the Board of Health or board or any officer having like powers and duties shall so require, the approval by the Planning Board shall be on the condition that no building or structure shall be built upon or placed upon the areas designated on said Definitive Plan without the consent of the Board of Health. Any lot so located that it cannot be served by connection with a sewer system shall be provided with a septic tank and drain field satisfactory to the Board of Health.

6. Public Hearing

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town, once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing and by mailing a copy of such advertisement to the applicant, and to all owners of land abutting within two-hundred feet upon the land included in such plan as appearing on the most recent tax records.

7. Approval or Disapproval

The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory appeal period has elapsed following the filing of the certificate of the action of the Planning Board (Form F) with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the Definitive plan has been approved and endorsed, the applicant shall furnish the Planning Board with three (3) prints and an electronic copy thereof. Approval of the Definitive Plan does not constitute the laying out or acceptance by the town of streets within a subdivision.

8. Endorsement

An approved, or approved with modifications, plan shall not be endorsed until after the mandatory twenty (20) day appeal period has elapsed and not until the applicant has:

- a. Posted the necessary performance guarantee. If conditional approval of the subdivision was given, then any performance guarantee other than a covenant shall be based on a revised construction cost estimate (see IV.N Construction Cost Estimate) if the imposed conditions changed the original costs. In addition, the monetary value of the performance guarantee shall be adequate to cover all costs the Town would incur to complete the project at the expiration of said guarantee, including but not limited to construction costs at State (or, if required, Federal) prevailing wages, record plans, street acceptance plans, and legal costs.
- b. Made necessary corrections, where applicable, on the plan, easements, master deeds, restrictive covenants, etc., to show any modifications required as conditions of approval.

- c. Submitted to the Planning Board any additional information required as part of a conditional approval, and received written approval of said information from that Board.
- d. Paid all applicable fees and review costs.
- e. Presented to the Planning Board for their approval, two sets of plans showing the complete electrical, telephone and other communications supply systems (including pipes, pumps, valves, gates, hand-holes, transformer pad mounts and other relevant equipment and appurtenances). Said plans will be accompanied by endorsements from the respective utilities that the plans have received their approval.
- f. Presented to the Planning Board for their approval, if applicable, two sets of a complete street lighting system for the proposed subdivision.
- g. Delivered to the Planning Board two (2) sets of reproducible drawings of the Definitive Plan with the necessary corrections. After endorsement by the Planning Board, the applicant shall deliver to that Board, twelve (12) sets of copies (unless the Planning Board specifies fewer copies) of the endorsed Definitive Plan.
- h. Delivered an Irrevocable Offer of Dedication of all facilities to be dedicated to the public. Said offer must be accompanied by a lawyer's title opinion that the offer is free of any liens and encumbrances and all mortgages must be subordinated to the Offer. The Offer shall be irrevocable, except the offer can be withdrawn if the project proponent does not proceed with the project and requests that the subdivision approval be rescinded or otherwise amended such that the dedication is no longer necessary.
- i. Failure of the applicant to meet the above requirements shall be full and sufficient reason to withhold endorsement.
- j. If the applicant fails to submit the required Performance Guarantees, easements and other documentation, and the endorsement of the Plan by the Planning Board is delayed more than six (6) months after the expiration of the twenty (20) day appeal period, the Planning Board, on its own motion, shall exercise its power to modify, amend, or rescind its approval of the subdivision plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.

9. Recording of Plan.

The Developer, with a representative of the Planning Board present, shall, within ten (10) days after the Definitive Plan has been endorsed, record said plan, Form I, and, whenever applicable, the Planning Board's Order of Conditions, public easements (plans and documents), restrictive covenants, master deeds, etc., at the Hampshire County Registry of Deeds, and in the case of registered land, with the recorder of the Land Court. The cost of said recording shall be borne by the developer.

10. Pre-Construction Conference

Prior to construction, the developer and the contractor must meet with the Planning Board to review the subdivision permit and conditions. The applicant must provide evidence that all required documents have been recorded. Subsequent to said recording and prior to any Building Permit being issued, the Project Applicant shall file within seven (7) calendar days one (1) print of the Definitive Plan with the Building Inspector and one (1) print with the Highway Superintendent. Further, in accordance with the statute, where approval with covenant is noted thereon, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the Planning Board of a copy of the Certificate of Performance (Form J) releasing the lot in question.

11. Release of Performance Guarantee

a) Procedures for Partial Release.

The subdivider may, upon partial completion and installation of required improvements in a subdivision, as specified in Sections IV and V of these Rules and

Regulations, the security for the performance of which was given by bond, deposit of money, letter of credit, or covenant, make formal application, in writing, to the Planning Board for partial release of the Performance Guarantee, in accordance with the procedures set forth herein:

1. Financial Performance Guarantee

The amount of a such bond, or deposit of money, or letter of credit or three-party agreement for lender fund retention held may, from time to time, be reduced by the Planning Board. The applicant shall present to the Planning Board a list of all construction items performed and/or completed. This list is to be based on IV.N Construction Cost Estimate, the subdivision approval, and the subdivision regulations in their entirety.

The amount to be reduced by the Planning Board, after consultation with the Building Inspector, the Highway Superintendent and the Selectboard, shall be based upon Federal or State prevailing wage construction costs at the time the application for reduction is made. The Planning Board shall withhold adequate funds to complete the project, as described in III.B.3 Performance Guarantees but shall withhold no less than twenty (20%) percent of the original approved cost estimate or fifty thousand dollars (\$50,000), whichever is greater. At the completion of the project, as certified by the Planning Board, followed by a one-year Warranty Performance Period, the amount withheld shall be released under Section III.B.11.b Procedures for Full Release.

2. Covenant

The subdivider may request a Release of Conditions (Form J) for lots where the required improvements have been completed for that section of roadway beginning at any intersection with a Town road and abutting lots up through the last lot to be released. Lots may only be released if they abut the completed portion of the road. No partial release from the covenants will be approved if the total length of roadway, including a temporary turnaround, abutting said designated lots, exceeds the Town's maximum allowable length for dead-end streets (see IV.A, Streets) unless the Planning Board has already approved within the boundaries of the development a dead-end street exceeding said limits.

In the absence of financial performance guarantees, covenants will be held to insure completion of the project, including record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on two lots that can be built on will be held until all work in the subdivision, including the signing of all necessary legal documents, has been completed.

b) Procedures for Full Release.

Upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in these Rules and Regulations, and the completion of a one-year labor and materials warranty period, the subdivider may make formal application, in writing, to the Planning Board for full release of any outstanding performance guarantee. Before the Planning Board releases the full interest of the Town in said performance guarantee, the Planning Board shall:

1. Obtain in writing from the project's registered professional engineer, a certificate or statement that all work required by these Rules and Regulations has been constructed in conformance with the approved construction plans.
2. The applicant shall present the Planning Board with letters from all applicable utilities, including the electric, telephone and any communications companies stating that their respective underground systems have been installed to their satisfaction.
3. Obtain from the applicant a set of record construction plans. Said plans shall be derived from the Definitive Plan, but show all features "as built". The Planning

Board may hire a consultant at the applicant's expense to review these plans prior to their approval.

4. The applicant may be required to execute an instrument, in a form approved by the Planning Board, transferring to the Town or to an approved public utility company, without cost, valid unencumbered title to all water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision or approved portion thereof, and conveying to the Town or to an approved public utility company without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such water mains and other utilities, with any manholes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or approved portion thereof, and if any such water mains or other utilities have been constructed and installed in land not within such streets, then in, through, and under a strip of land extending fifteen (15) feet in width on each side of the centerline of all such water mains or other utilities. The Planning Board may require more than fifteen (15) feet in width on each side of the centerline where it deems necessary.
5. If the Planning Board determines that all improvements as shown on the endorsed Definitive Plan and all required plans and legal documents have been completed satisfactorily, it shall release all the interest of the Town in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which shall be recorded.
6. If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said construction or installation fails to comply with these Rules and Regulations, the Planning Board shall send by registered mail to the applicant and to the Town Clerk the details wherein said construction or installation fails to comply with its rules.
7. The applicant shall have thirty (30) days after receipt of such notice to correct all problems mentioned in item 6 above. Failure of the applicant to finish all the necessary work within said thirty (30) days shall cause the Planning Board to draw upon the bond or deposit of money as mentioned in item 8 below.
8. Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town of Worthington, as provided in Chapter 41, Section 81 of the M.G.L. upon failure of the performance for which any bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

c) Release of Lots from Covenant in Exchange for Bond or Deposit of Money.

The subdivider may request a Release of Lots from Covenant in exchange for a financial guarantee provided that:

1. The lots run consecutively and are released on both sides of the road simultaneously, beginning with the lots nearest any intersection of the subdivision road and a Town road.
2. The amount of the financial guarantee and the financial guarantee process shall be determined by the Planning Board as described in Section III.B.3.b of these Regulations.

SECTION IV. DESIGN STANDARDS

A. General Standards and Relationship to Town Plans

All subdivisions shall be designed, and improvements made by the developer, consistent with the requirements of Section IV, Design Standards, and Section V, Required Improvements, and shall be designed to do the following: No plan of a subdivision shall be approved unless all of the building lots shown on the plan comply with the Zoning Bylaw and the design and construction standards located herein.

Except as noted herein, the following manuals shall be used as design standards. Where a difference between the referenced manuals and these Regulations exists, these Regulations shall be followed unless a waiver is granted by the Planning Board:

1. Streets, sidewalks, water systems, sanitary sewers, storm drain systems, public and private utilities and other infrastructure shall be constructed in accordance with these subdivision regulations and the current edition of the Massachusetts Highway Department "Standard Specifications for Highways and Bridges," (referred hereto as the "Standard Specifications").
2. Roads shall be designed in accordance with the appropriate American Association of State Highway and Transportation Officials (AASHTO) design manual for 20 mile per hour design speeds.

The design and layout of a proposed subdivision should be guided by the goals and objectives of any adopted Community Development Plan or Master Plan, or statements of goals and objectives for the Town of Worthington.

B. Streets

All streets shall be completely constructed by the subdivider in accordance with the minimum requirements for street construction as required herein.

The Planning Board may require higher design and construction standards than those set forth herein, provided that such requirements are necessary and are intended to benefit a substantial area outside the subdivision.

1. Street Classification

Streets in subdivisions shall be classified as major and minor:

- a) Major Street: A street which, in the opinion of the Planning Board, is likely to carry substantial volumes of through traffic or a street serving a Class I Subdivision.
- b) Minor Street: A street which connects with Major Streets or streets serving Class II and Class III Subdivisions (less than ten (10) lots).

2. Location and Alignment

- a) All streets and ways shall be designed so that in the opinion of the Planning Board they will provide safe vehicular travel. Streets shall also be designed to maximize the attractiveness and design of the street layout to maximize livability and amenity of the subdivision. As far as practicable, streets should also follow natural contours.

- b) The design and layout of the proposed subdivision shall conform, so far as is practicable, to the Town Master Plan, Open Space and Recreation Plan, or other Town plans, as adopted by the Planning Board or the Town.
- c. Provision shall be made, to the satisfaction of the Planning Board, for the proper projection of streets, or for access to adjoining property which is not yet subdivided or developed. Generally, it is preferred that new roads loop back to the existing road instead of being dead-end streets.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted.

3. Right of Way (ROW) and Road Design Standards

Street standards shall be provided in accordance with the table below. All roads are to be constructed to meet MassDOT Design standards for 25 MPH roads. These standards provide a balance between what is necessary for safety (e.g., fire needs) and what is important to maintain Worthington’s character.

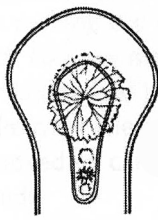
	Minor Street	Major Street
Street Width	18 feet	20 feet
Shoulder Width	4 feet	4 feet
Minimum ROW	50 feet	50 feet
Horizontal Alignment: Minimum center line radius	Refer to MassDOT Design Standards for 25 MPH design speed	Refer to MassDOT Design Standards for 25 MPH design speed
Vertical Alignment: Minimum stopping sight distance at 3.5 feet above pavement	Refer to MASSDOT Design Standards for 25 MPH design speed	Refer to MASSDOT Design Standards for 25 MPH design speed
Maximum Grade	Refer to MASSDOT Design Standards, based on terrain and 25 MPH design speed	Refer to MASSDOT Design Standards, based on terrain and 25 MPH design speed
Minimum Grade	0.75%	0.75%
Intersection angle	90°	90°
Minimum sight distance (stop-controlled or obstructed-view intersection)	Refer to MASSDOT Design Standards, based on obstruction location and 25 MPH design speed	Refer to MASSDOT Design Standards, based on obstruction location and 25 MPH design speed
Minimum radius at edge of roadway	Refer to MASSDOT Design Standards for 25 MPH design speed	Refer to MASSDOT Design Standards for 25 MPH design speed

4. Dead End Streets (Cul-De-Sacs)

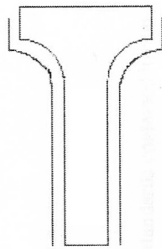
Dead-end streets (cul-de-sacs) shall be permitted as Minor Streets only. Project shall make every effort to avoid the creation of dead-end streets and must connect their subdivision to existing dead-end streets whenever reasonably possible. Dead end streets are more expensive to maintain, limit emergency access, and reduce the sense of connection and equality that comes from interconnecting streets.

- a. Dead-end streets are only appropriate when the surrounding property will never need a street connection, because of extremely sensitive and permanently protected natural resources, and the project provides a viable alternative pedestrian and bicycle connection to the surrounding property, and the street connection will not aid the transportation network that serves the subdivision, and the dead-end street will not serve more than seven (7) housing units.

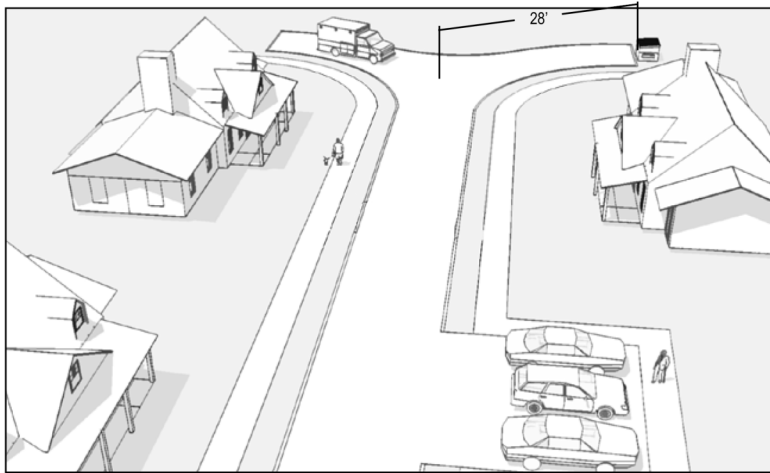
- b. The length of a dead-end street allowed by right is four hundred feet (400'), as measured along the centerline of construction of the street from the nearest connected existing public street which is not itself a dead-end street. With a waiver by the Planning Board, a dead-end street is allowed up to 1,000 feet maximum if a corresponding amount of Reserved Open Space in the subdivision is dedicated. The formula is that for every two acres of Reserved Open Space dedicated, 100 feet of additional street length is allowed, up to 1,000 feet maximum. When there are six (6) residential units or less on a cul-de-sac the Planning Board may modify the pavement width requirements, provided that the subdivider provides adequate off-street parking facilities.
- c. All dead-end streets shall use either a permanent teardrop-shaped or a T-shaped hammerhead cul-de-sac.
- d. Teardrop-shaped cul-de-sacs shall have an island radius of forty (10-40) feet and a property line (turn around) radius of eighty (30-80) feet. The center of the cul-de-sac shall be on the centerline of construction. A permanent cul-de-sac turnaround island shall be constructed in the center of the cul-de-sac. This island shall be designed as a landscaped depression to accept and infiltrate stormwater runoff from the surrounding pavement. Landscaping shall include grasses and/or appropriately planted with acceptable trees or shrubs. Alternatively, the center island may be left with its original tree growth in the center, and all runoff can be directed towards landscaped stormwater infiltration areas in the Right of Way or elsewhere within the development.
- e. A hammerhead cul-de-sac shall be designed as a "T" to allow fire trucks and snow plows to turn around with only one backing-up movement. The portion of the hammerhead perpendicular to the road shall be at the same width as the street it abuts and shall extend at least 28 feet in each direction of the "T" beyond the sidelines of the main road pavement edge. (see diagrams) Lots may only gain frontage from one edge of the hammerhead.



Teardrop



Hammerhead



The portion of the hammerhead perpendicular to the road shall extend at least 28' in each direction beyond the sidelines of the main road pavement edge.

Adapted from Commentary on Updating Subdivisions in Massachusetts, Image from Dodson Associates

- f. For all cul-de-sacs, the roadway shall have the same width as the roadway leading into the cul-de-sac, said pavement width beginning at the exterior radius of the turnaround. The road going around a cul-de-sac turn around shall be a one way road twenty (20) feet wide.

5. Layout

a) Arrangement

The arrangement of streets in the subdivision shall provide for the continuation of major and secondary streets of adjoining subdivisions and for proper protection of major and secondary streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographical or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

b) Topography

Streets shall be logically related to the topography so as to produce useable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets. Adequate provisions shall be made to control drainage of each lot by an adequate storm water system, subject to the approval of the Planning Board.

c) Horizontal and vertical curves

No horizontal curve shall have a centerline radius of less than one hundred fifty (150) feet. For changes in grade exceeding one (1) percent, a vertical curve shall be provided insuring a minimum sight distance of one hundred fifty (150) feet.

d) Grades

Street grades shall be at least .75 percent to provide satisfactory drainage. The maximum allowable grade shall be ten (10) percent. In no case shall a grade of greater than five (5) percent be allowed at or within fifty (50) feet of an intersection. However, the Planning Board may authorize on a cul-de-sac street as a variance, a maximum grade not to exceed twelve (12) percent for a total distance not to exceed nine hundred (900) feet provided that a grade of not greater than five (5) percent is established at or within one hundred fifty (150) feet of an intersection. For grades in excess of eight (8) percent, the Planning Board may require safety features as deemed necessary, such as guardrails and extended shoulders.

e) Intersections

Street intersections shall be as nearly at right angles (90 degrees) as possible, and a waiver by the Planning Board shall be required if a deviation from 90 degrees is proposed. No intersection shall be at an angle of less than sixty (60) degrees. In addition, streets and ways shall be laid out so as to intersect in accordance with Street Offsets and the following:

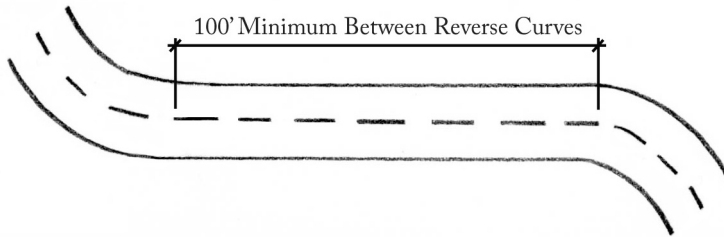
- (1) Street and way lines at all intersections, between proposed streets or between, whenever applicable, a proposed and/or existing street, shall be rounded with a curve at each corner which has a property line radius of not less than fifteen and not more than twenty-five feet (25').
- (2) The center line of all intersecting streets or ways shall be a straight line from the point of intersection of said center line for a distance of no less than twenty (20) feet.
- (3) On any street where the grade exceeds two (2) percent on the approach of the intersection, a leveling area, with a maximum slope of two (2) percent shall be provided for a distance of not less than thirty (30) feet measured from the nearest gutter line of the intersecting street.

f. Street Jogs / Offsets

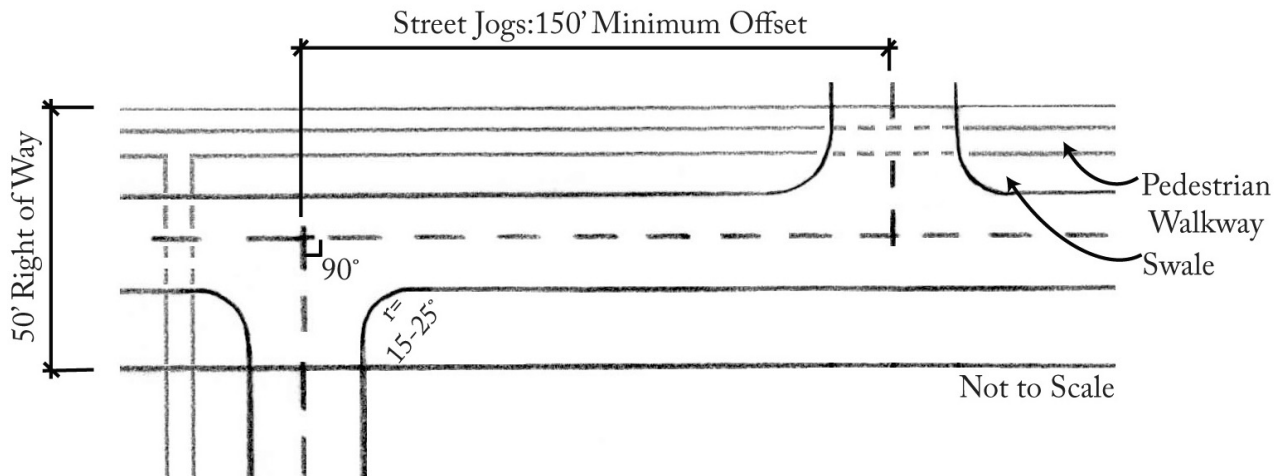
Streets entering opposite sides of another street shall be laid out either directly opposite each other or with a minimum offset of one hundred and fifty (150) feet between their centerlines. Streets entering the same side of another street shall also be laid out with a minimum offset of one hundred and fifty (150) feet between their centerlines. This minimum offset shall also be observed whenever one or more streets entering are existing, whether located within or outside the boundary of the proposed development.

g) Tangents

A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on all proposed streets.



h) Private streets



When streets will be kept in private ownership, the Planning Board strongly encourages the formation of a nonprofit 501 (c)3 Homeowners Association that includes the following provisions:

- In the documents that are part of the purchase agreement, the language should state that the homeowner is required to join the association
- Residents are required to pay a yearly fee (to be determined based on projected maintenance costs)
- Failure to pay the yearly fee would result in an automatic lien on the property, and owners cannot sell the house until the fee is paid

i) Street names

Streets shall be identified by name on the preliminary plan. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall names for proposed streets duplicate existing street names irrespective of the suffix, be it street, avenue, boulevard, place or court.

6. Access Road

The Planning Board may require the subdivider to improve any access road to the subdivision to the appropriate street standards provided in these regulations if such access would otherwise be inadequate, provided that the Municipality owns or provides the right-of-way.

7. Pedestrian Ways

All roads must include a parallel pedestrian walkway within the road right-of-way, or if outside of the right-of-way, within an easement for the public use. Pedestrian walkways shall be located on at least one side of the street, and shall be constructed of a durable non-paved surface (see below). Walkways may be required on both sides of a street if deemed necessary by the Planning Board. Paved sidewalks may also be required at the discretion of the Planning Board.

The pedestrian network shall be continuous, with no breaks at streams or elsewhere, to allow pedestrians to safely walk off the roadbed. Pedestrian ways shall include a durable, secure bed, which may be crushed stone, gravel, grassed pavers, etc. provided there is adequate drainage to ensure the pedestrian way is passable when snow does not block access. Walkways shall be at least four (4) feet in width and shall otherwise be designed and constructed in accordance with the MassDOT Standard Specification and Architectural Access Board and Americans with Disabilities Act standards.

Where necessary, in the judgment of the Planning Board, right-of-way for pedestrian travel and access may be required between subdivisions or its parts or between a subdivision and public property. These pedestrian ways shall be built and lighted as described herein.

8. Surface Material

a) Sub-base:

The sub-base shall be screened bank-run gravel, a mixture of 3''- 4'', 24'' deep, except that the top 6'' shall be processed 1.5''- gravel. A tolerance of one-half (1/2) inch above or below finished sub-grade will be permitted, provided this difference is not maintained over fifty (50) feet and the required cross section is maintained. The gravel borrow shall be laid to a depth of 18''.

b) For paved surfaces:

The base or binder course (the first coat of asphalt) shall be asphalt concrete, in accordance with Standard Specifications, Class I Bituminous Concrete Pavement type I-1 (Binder Course Mix). It shall be laid to a depth of 2.5''.

The surface course (the second and final coat of asphalt) shall be asphalt concrete, in accordance with Standard Specifications, Class I Bituminous Concrete Pavement Type I-1 (Top Course Mix). It shall be laid to a depth of 2''.

- c) For unpaved surfaces:
A surface layer consisting of three successive layers of ¾"-size crushed traprock stone, ½"-size crushed traprock stone, and ¼"-size crushed traprock stone, with a crown sufficient for drainage.
- d) Further requirements may be added to meet the site's requirements.
- e) Inspections shall be made by the project engineer and the municipality upon completion of each layer of sub-base and the binder and surface courses.

C. Easements

- a) Easements for utilities shall be at the side or rear of lots wherever possible. They shall be contiguous from lot to lot. Easements shall be at least twenty (20) feet in width.
- b) Where a subdivision is bisected by or adjacent to a watercourse, either natural or man-made, the Planning Board may require that there be a stormwater or drainage easement of at least twenty (20) feet in width to conform to the path of the watercourse and to provide for any construction related to that watercourse.
- c) The applicant will cause to be recorded in the Hampshire Registry of Deeds, by appropriate instrument (deed) any necessary easements in the name of the Town of Worthington or appropriate entity, for utilities, water courses or drainage channels, temporary turnarounds or other purpose, and to provide for the construction and installation of such utilities before the final bond is released. A copy of the appropriately executed instrument shall be submitted to the Planning Board after approval of the Definitive Plan, but before final endorsement.

D. Sewage Disposal System

No lot shall be built upon without the provision of sewage disposal means specifically approved by the Board of Health.

E. Swales, Drainage, and Curbs

Curb and gutter systems are generally not appropriate for new subdivisions in Worthington, except in very limited circumstances. Except where a waiver is granted by the Planning Board, all streets shall be designed with flat curbs using Low Impact Development (LID) drainage systems that closely mimic natural systems, meeting the following standards:

1. All of the stormwater from a 1" NRCS design storm drains into the ground and does not leave the site. A 1" NRCS design storm is a storm with 1" of rain within a 24 hour period. More than 80% of Western Massachusetts storms are at or below this level.
2. Water leaving the road enters grassed swales graded flat enough to avoid erosion and hold and treat water. Swales shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
3. Measures to reduce runoff, improve groundwater recharge, and improve stormwater quality, such as rain barrels (barrels at the base of roof gutter leaders that store stormwater and provide water for future lawn and garden use), or rain gardens (rain

is captured and retained in depressions carefully planted with native vegetation and allowed to drain into the ground.)

4. Curbs are only appropriate in narrow defined areas without opportunity for grassed swales or in village center-type projects. In those areas curbs shall be Type 2 bituminous concrete or cement concrete curbs or granite curbs Type SB (sloped) placed on the bituminous binder, if the road is paved, or granite curbs if the road is gravel. Curbs shall utilize a 6" reveal (or 6" of curbing exposed above the street pavement). The installation of bituminous berm, granite curb, granite edging and granite curb corners shall conform to the relevant provisions of the Standard Specifications. All catch basin frames shall be consistent with those used elsewhere in town.
5. **Removal of Spring and Surface Water**
The subdivider shall be required by the Planning Board to use Low Impact Development and other water management strategies to manage spring and surface water that may exist either previous to or as a result of the subdivision.
6. The Planning Board shall approve the design and size of drainage facilities based on anticipated run-off under conditions of total potential development. The subdivider's engineer shall provide information as the Planning Board deems necessary to the determination of the adequacy of the facilities.
7. **Responsibility for Drainage Downstream**
The subdivider's engineer shall provide such information as the Planning Board deems necessary to determine the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where the Planning Board anticipates that the additional run-off incident to the development of the subdivision will overload the existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Planning Board shall not approve the subdivision until the subdivider and the Board of Selectmen agree to share the cost of the necessary improvement required. The Municipality's share shall be based upon the portion of the run-off which the developed area downstream from the subdivider's subdivision contributes to the necessary improvement, except that there shall be credited to the Municipality's share that portion of the need which can be met by existing facilities.
8. **Inhabitable Land**
All land to be used for building purposes on the Plan submitted for approval shall be of such character that it can be used for building purposes without danger to health.
9. **Culverts**
There shall be at least eighteen (18) inches of cover over culverts crossing roadways and for culverts over fifteen (15) inches in diameter the Municipal Engineer may specify additional depth of cover. The minimum size culvert installed shall be twelve (12) inches. All culverts shall have headers which shall not extend above the final grade. Header design shall be approved by the Planning Board .

F. Utilities

1. Water

No lot shall be built upon without the provision of potable water facilities specifically approved by the Board of Health.

In any subdivision having off-lot water the requirements of this paragraph shall be complied with. The existing public utility system shall be extended so as to provide the necessary quantity of water, at acceptable pressure, for fire protection. In the event of connection to the community system, the subdivider may be required to pay that system a sum of money equal to the number of units proposed times the per unit hook-up fee set by the Water District. The subdivider may be required by the Planning Board to provide or have installed at his expense larger transmission lines and storage and pumping facilities outside the subdivision if the supply and pressure would otherwise be inadequate.

2. Sewerage

The subdivider shall provide adequate provisions for sewerage. A private on-lot sewerage treatment facility shall meet the requirements of the State regulations with a minimum size equivalent to serving a four (4) bedroom house equipped with clothes washer and dishwasher.

3. Electric, telephone, cable TV

Electric, telephone and cable TV distribution systems shall be underground, including services to residences and to streetlights unless waived by the Planning Board. The subdivider shall coordinate subdivision design with the utility companies to ensure adequate and suitable area for underground installations. All such distribution systems shall be in separate trenches from water lines and such trenches shall be at least five (5) feet apart except for crossing. Crossings of distribution systems over water lines shall be at a ninety (90) degree angle or as near ninety degrees as feasibly possible.

4. Fire protection facilities may be required of a subdivider to the extent such facilities may be deemed advisable by the Planning Board on the basis of the facts and circumstances at the time the application is made.

Any subdivision where the homes are sprinklered, said sprinkler system will be assumed to meet this standard if it meets the requirements of the Massachusetts State Building Code. In the alternative, a project may demonstrate that there will be adequate fire ponds or access to natural water bodies in a manner acceptable to the fire chief and meeting national standards.

G. Street Lighting

Streetlights, if any, shall be installed according to lighting and spacing standards established by the Board of Selectmen. Street lighting shall be designed to minimize light pollution.

H. Street Signs

All street signs and posts shall be provided and installed by the Municipality at the expense of the subdivider.

I. Storm Drainage

1. Removal of Spring and Surface Water

The subdivider shall be required by the Planning Board to carry away by pipe or open ditch any spring and surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

2. **Drainage Structure to Accommodate Potential Development Upstream**
Culverts and drainage facilities shall, in each case, be large enough to accommodate potential run-off from the entire subdivision. The Planning Board shall approve the design and size of the facilities based on anticipated run-off under conditions of total potential development. The subdivider's engineer shall provide information as the Planning Board deems necessary to the determination of the adequacy of the facilities.
3. **Responsibility for Drainage Downstream**
The subdivider's engineer shall provide such information as the Planning Board deems necessary to determine the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where the Planning Board anticipates that the additional run-off incident to the development of the subdivision will overload the existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Planning Board shall not approve the subdivision until the subdivider and the Board of Selectmen agree to share the cost of the necessary improvement required. The Municipality's share shall be based upon the portion of the run-off which the developed area downstream from the subdivider's subdivision contributes to the necessary improvement, except that there shall be credited to the Municipality's share that portion of the need which can be met by existing facilities.
4. **Inhabitable Land**
All land to be used for building purposes on the Plan submitted for approval shall be of such character that it can be used for building purposes without danger to health.
5. **Other Provisions**
In the design of the drainage system, natural waterways shall be utilized to the full extent feasible. There shall be at least eighteen (18) inches of cover over culverts crossing roadways and for culverts over fifteen (15) inches in diameter the Municipal Engineer may specify additional depth of cover. The minimum size culvert installed shall be twelve (12) inches. Where catch basins are installed the street shall have curbing unless the Planning Board shall approve an alternate method. Open roadside drainage ditches in excess of five (5) percent grade shall be paved with stone or asphalt as required by the Planning Board. All culverts shall have headers which shall not extend above the final grade. Header design shall be approved by the Planning Board. Whenever possible natural drainage courses should be extended across a road and not diverted to roadside drainage ditches.

J. Lots

The lot arrangement shall be such that in constructing or building in compliance with the Zoning By-Law, there will be no foreseeable difficulties for reasons of topography or other natural conditions. All lots shall have frontage on public streets.

K. Open Space and Recreation Area

Before approval of a plan, the Planning Board may also require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning Board may, by appropriate endorsement of the plan, require that no building be erected upon such park or parks for a period of not more than three (3) years without its approval. If the land is not deeded or purchased within these three (3) years, it may be included in a new subdivision proposal.

Reserved Open Space is permanently protected from development.

1. Reserved Open Space shall be used for passive or active low-impact recreation, agriculture, forestry, rare and endangered species habitat, natural or scenic vistas, unique natural or cultural features, or greenways.
2. Reserved Open Space shall consist of contiguous areas containing a high ratio of interior area to edge area, of adequate size and configuration to accommodate the intended use. Narrow or irregular pieces of land which are remnants from the layout of lots, streets, or drainage structures shall not be included as part of total Reserved Open Space.
3. Reserved Open Space may be deeded to the subdivision homeowners association, the town or other approved agency; this organization shall maintain and enhance the Reserved Open Space for the uses stated in the approved subdivision plan.
4. Reserved Open Space shall link to open space on abutting properties to create greenway corridors whenever feasible.

L. Protection of Natural, Cultural and Historic Features

1. Existing Features

Existing features which would add value to the subdivision, such as trees, watercourses and falls, brooks, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design. Further, measures shall be taken to preserve all archaeological sites or to mitigate any disturbance by fully cataloguing and preserving findings in accordance with Massachusetts Historical Commission recommendations.

2. Natural Cover

Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water run-off, and conserve the natural cover and soil. After application for approval has been submitted to the Planning Board, no topsoil, sand or gravel shall be removed from the subdivision for any other purposes than to meet construction needs for that particular subdivision or to meet any requirements of these regulations.

3. Erosion and Sediment Control

The smallest practical area of land should be exposed at any one time during development. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Planning Board to protect areas during development. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained during development to remove sediment from run-off water and from land undergoing development.

4. Where possible natural drainage-ways should be utilized and left open to remove excess surface water. The permanent final vegetation and structures should be installed as soon as practical in the subdivision.

M. Excavation and Grading

1. General

All excavating and filling required for construction of improvements shall be as specified herein. The entire area of work shall be brought to the required lines and grades by excavation filling. Excavation material, if suitable, may be used in making embankments and in filling low areas. A minimum of four (4) inches of topsoil shall be provided to cover over all finished slopes. This material shall be spread uniformly over all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section.

2. Suitable Materials Required

No stumps, wood, roots, sod, or other fibrous materials shall be placed in any embankment. In those locations where the alignment crosses swamp or marsh land, or other similar soil that is incapable of withstanding expected loads, such inadequate soil shall be entirely removed and replaced with adequate material. The materials so removed shall not be placed in embankment, but may be used in flattening embankment slopes or for filling spots outside the road section. The Planning Board may require the developer to submit evidence of boring and/or other soil investigations to determine the depth composition and stability of the subgrade within the road section.

3. Embankments

Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth extending across the entire fill area. They shall be spread by a bulldozer or other acceptable method, and shall be thoroughly compacted. Successive layers shall not be placed until the layer under construction has been thoroughly compacted. Where embankments are made of rock, the sock shall be so deposited that all voids are filled with earth and in such a way that the compaction specified above may be secured.

4. Subgrade

Upon completion of filling and excavation, the subgrade shall be formed to the required grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with acceptable material and the process of leveling and rolling continued until no further depression results.

5. Side Slopes

Side slopes in embankment and on roadside drainage ditches shall descend one (1) foot vertically for at least two (2) feet horizontally (2 on 1). Surplus material resulting from excavation of the road prism shall be used to flatten slopes of embankment so that they ascend one (1) foot vertically for at least two (2) feet horizontally (2 on 1). Side slopes in excavation rock shall ascend six (6) feet vertically for at least each one (1) foot horizontally (1 on 6). Where rock cuts have a face higher than ten (10) feet vertically, (3) foot berm shall be provided at each ten (10) foot level above the grade at the edge of the pavement. Side slopes shall not be graded so as to extend beyond the limits of the road right-of-way onto land not part of the subdivision unless a suitable slope easement has been properly established and granted by the affected property owner.

N. Construction Cost Estimate

The applicant shall submit a detailed estimate for all materials to be used for construction within the proposed roadway layout and/or public utility easements, certified by the project's Registered Professional Engineer. Said estimate shall be based on the current edition of the "Standard Specifications for Highways and Bridges" of the Commonwealth of Massachusetts, and shall include:

1. Quantity, item number, unit price and total amount for each construction item

2. Total amount for cost of completion of project.
3. Costs adjusted to account for municipal prevailing wage rates
4. Costs adjusted to add a 20% inflation/safety factor
5. Engineering inspection, materials testing, legal and other soft costs.

SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

All streets, underground utilities, shoulders, curbing, sidewalks, planting strips, side slopes, street name signs, monuments and markers, drainage systems, water systems, sewerage systems, and easements shall be obtained and installed by the subdivider. Record Plans and Street Acceptance Plans are a part of required improvements to document their location and type. The obtaining and installing of these improvements shall be in accordance with these Regulations.

A. Street and Roadway

1. The entire area of each street or way shall be cleared of all stumps, brush roots, boulders, like material and all trees not intended for preservation.
2. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
3. All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan with at least the top twelve (12) inches consisting of well-compacted binding gravel.
4. If the road is to be paved, the completed gravel surface shall be treated for the full width of the roadway with one application of asphalt or tar as specified by the Superintendent of Roads at the rate of one (1) gallon per square yard of area of roadway. After being subjected to traffic for a period of at least thirty days, a second application at the rate of one-quarter (1/4) gallon per square yard shall be used as a seal coat. The initial and seal applications shall be covered with sand evenly distributed.

B. Utilities

1. Sewer pipes and related equipment, such as manholes and connecting Y's, shall be constructed in conformity with specifications of the Board of Health.
2. Adequate disposal of surface water shall be provided. Swales shall be built in conformity with design specifications provided herein.
3. Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve all lots on each street in the subdivision in conformity with the specifications of the Water District Association.
4. All electric, telephone, gas, and other utility wires shall be placed below ground, unless the Planning Board determines that such placement is not feasible or is not in the best interest of the Town of Worthington.

C. Monuments

Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Planning Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the Superintendent of Roads and shall be set according to such specifications. No permanent monument shall be installed until all construction that could destroy or disturb the monuments is completed.

Monuments shall be constructed of concrete or stone at least four (4) by four (4) inches on the top and at least thirty-six (36) inches long. Iron pins or equivalent markers shall be set at all lot corners. The final plan shall be keyed to several block corner monuments within the subdivision.

SECTION VI. ADMINISTRATION

A. Variation

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

B. Reference

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

APPENDIX A: FORMS
FORMS

Attached are usable samples of the forms used for the administration of these regulations. The administrative content of these forms may be revised from time to time by administrative action of the Planning Board. Copies of these forms are available in the Office of the Town Clerk. Changes to the forms are filed with the Town Clerk.

ENDORSEMENT OF APPROVAL NOT REQUIRED (ANR) PLAN—Form A

File with the Planning Board, Town of Worthington, Massachusetts

1. Deed recorded in Hampshire County Registry of Deeds or Land Court: Book_____Page_____.
2. Street Address: _____
3. Assessor's Map:_____ Lot(s):_____ Additional property description:_____
4. Number of newly created lots: _____
5. Check list of filing requirements (check the supplied items. Applications MUST have these items.)
 - Original, reproducible (Mylar) Plan with endorsed Seal of a Massachusetts Registered Professional Land Surveyor.
 - Three (3) prints of the Plan and an electronic copy.
 - Original and three (3) copies of the fully completed and endorsed ANR Application form.
 - Check in the appropriate amount (\$35 for each newly created lot, payable to "Town of Worthington").

We believe and understand that:

1. The attached plan is not a division as defined in the Subdivision Control Law and we submit it for endorsement that Planning Board approval under this Law is not required; and
2. We have provided all the information required in the checklist above; and
3. The plans submitted are now in the public domain and may be copied freely in any form.

Applicant (print or type): _____

Signature: _____

Address: _____

_____ Phone: _____

Owner (print or type): _____

Signature: _____

Address: _____

_____ Phone: _____

Surveyor (print or type): _____ Signature: _____

Address: _____ Phone: _____

Allow 21 days for processing. It is the applicant's responsibility to pick up the original drawing and record it at the Registry of Deeds or Land Court within the time limits established by the Registry. All copies and forms remain with the Town. Applicants may file one copy of this ANR form with the Town Clerk to protect their appeal rights.

Date Submitted: _____

Date Decision Filed: _____

Town Clerk (signature): _____

Town Clerk

(signature): _____

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN--Form B

File with the Planning Board, Town of Worthington, Massachusetts

File the original, one electronic copy and eleven print copies of the completed forms and plans, and one additional copy showing wetlands which may be an 11" x17" reduced scale plan, with the Town Clerk and the Planning Board, in accordance with the requirements of Section III.A Preliminary Plan. All plans must be folded and a copy of this application attached to each plan.

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of Property located in the Town of Worthington for approval as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Worthington. We further grant the Planning Board and its agents the right to enter our property for the purpose of evaluating this application.

1. Applicant _____ Signature _____

Address _____ Phone _____

2. Owner _____ Signature _____

Address _____ Phone _____

3. Engineer _____ Signature _____

Address _____ Phone _____

4. Surveyor _____ Signature _____

5. Deed of property recorded in Hampshire County Registry or Land Court (circle one),

Book _____ Page _____

6. Location and Description of Property:

of Lots: _____

7. Assessor's Map ID: _____ Lot(s): _____

Date submitted to Planning Board: _____ Date Decision Filed: _____

Town Clerk: _____
(Print name)

Town Clerk: _____
(Signature)

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN—Form C

Page 1 of 2

File with the Planning Board, Town of Worthington, Massachusetts

File the original, one electronic copy and eleven print copies of the completed forms and plans, and one additional copy showing wetlands which may be an 11" x17" reduced scale plan, with the City Clerk and the Planning Board, in accordance with the requirements of Section III.B Definitive Plan. All plans must be folded and a copy of the application attached to each plan.

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of Property located in the Town of Worthington for approval as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Worthington. We further grant the Planning Board and its agents the right to enter our property for the purpose of evaluating this application.

1. Applicant _____ Signature _____

Address _____ Phone _____

2. Owner _____ Signature _____

Address _____ Phone _____

3. Engineer _____ Signature _____

Address _____ Phone _____

4. Surveyor _____ Signature _____

5. Deed of property recorded in Hampshire County Registry or Land Court (circle one),

Book _____ Page _____

6. Location and Description of Property:

of Lots: _____

7. Assessor's Map ID: _____ Lot(s): _____

The following are all the mortgages and other liens or encumbrances on the whole or any part of the above described property:

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN—Form C

Page 2 of 2

File with the Planning Board, Town of Worthington, Massachusetts

The undersigned hereby covenants and agrees with the Town of Worthington upon approval of the Definitive Plan:

1. To construct the ways and install the municipal services as finally approved by the Planning Board.
2. To design and construct the ways and design and install the municipal services in accordance with the Rules and Regulations Governing the Subdivision of Land, Town of Worthington, Massachusetts, with the rules and instruction of the Board of Health, appropriate departments, and with the Definitive Plan and its accompanying material as finally approved by the Planning Board.
3. At the laying out and acceptance of said ways all municipal services within the ways will become the property of the Town of Worthington at no cost to said Town, unless otherwise agreed upon.

This agreement shall be binding upon the heirs, executors, administrators, successors, and assigns of the undersigned.

Owner of Record

Print or type name	Signature
Address	Phone

Before me appeared _____, Owner of Record, and made oath that the above statements subscribed to be him/her are true.

Notary Public: _____

Commission Expires: _____

Date of Submission: _____

Town Clerk: _____
(signature)

Create checklist of all design and submittal requirements and include with filing.

NOTICE OF SUBDIVISION APPROVAL OR DISAPPROVAL-Form F

File with the Planning Board, Town of Worthington, Massachusetts

To: Town Clerk

The Planning Board on _____ by _____ vote
date

DISAPPROVED / APPROVED (cross out one) the following subdivision plan:

Name or description

New street names

Submitted by _____

Address _____

On _____ pending termination of the statutory twenty day appeal period.
Date

Signed _____
Chair, Worthington Planning Board

This vote of the Planning Board is duly recorded in the minutes of their meeting.

- | | | |
|------|-------------------------|-------------------------|
| c.c. | Applicant | Selectboard |
| | Zoning Board of Appeals | Police Department |
| | Building Inspector | Board of Assessors |
| | Highway Department | Town Clerk |
| | Fire Department | Planning File |
| | Board of Health | Conservation Commission |

After twenty (20) days without notice of appeal, revised plans showing all Planning Board conditions shall be submitted to the Planning Board for final endorsement. The applicant shall then copies of the signed plans to: Planning Board, Highway Superintendent (paper and Mylar copy), Police Department, Assessors, Fire Department, and Building Inspector.

**REQUEST FOR RELEASE OF LETTER OF CREDIT, THREE-PARTY LENDER AGREEMENT,
BOND, SURETY OR COVENANT—Form G**

File with the Planning Board, Town of Worthington, Massachusetts

To: _____ Board/Department

From: Worthington Planning Board

Subject: _____
(description and name, if any)

Address: _____

The improvements specified in the Planning Board Rules and Regulations are believed to have been completed on the below described subdivision. Please indicate your approval or disapproval of release of bonds, surety or conditions insofar as the requirements of your authority as Chair of _____ Board/Department are concerned. If release of conditions is indicated, specify for which lot(s) you approve release.

Signed: _____
Chair, Worthington Planning Board

***** (do not detach) *****

To: Planning Board

Date: _____

Subject: _____
(description and name, if any)

Insofar as the requirements of this department are concerned, the release of bonds, surety or conditions for the above described subdivision is:

APPROVED DISAPPROVED (cross out one)

If disapproved, state reason: _____

Department _____

Signed _____

COVENANT—Form I

File with the Planning Board, Town of Worthington, Massachusetts

The undersigned _____ of _____
Print or type name(s)

No. and Street City State

hereinafter called the "Covenanter", having submitted to the Worthington Planning Board the Definitive Plan of a subdivision,

Name of subdivision: _____ dated: _____
does hereby covenant to and agree with said Planning Board and the successors in office of said Board, pursuant to Mass. General Laws, Chapter 41, § 81U, as amended, that:

1. The Covenanter is the owner of record of the premise shown on said plan;
2. This covenant shall run with the land on lot number _____ and be binding upon the executors, administrators, heirs, assigns of the covenanter, and their successors in title to the premises shown on said plan.
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Planning Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned _____ (wife, husband) of the hereby agrees that such interest as (I, we) may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead, and other interest therein:

Signature
Witness (Print Name) Signature Witness (Print Name) Signature

Notary Acknowledgement

Commonwealth of Massachusetts County of _____.

On this _____ day of _____, _____ year.

Before me, the undersigned Notary Public, personally appeared _____
Print Name of signer

who proved to me through satisfactory evidence of identification, which was/were

Description of evidence of identification

to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Signature of Notary Public

Printed name of Notary Public

My Commission Expires: _____
Date

Place notary seal and/or stamp above

RELEASE OF CONDITIONS or CERTIFICATE OF PERFORMANCE—Form J

Certification is herewith given that _____ has complied with the conditions imposed by the Planning Board of the Town of Worthington under Rules and Regulations

Governing the Subdivision of Land on Lot No. _____, or Lots No. _____ as shown on plan entitled _____

_____ and recorded in Hampshire County Registry of Deeds Plan

Book _____, Page _____ .

By: _____
Chair, Worthington Planning Board

COMMONWEALTH OF MASSACHUSETTS

Notary Acknowledgement

Commonwealth of Massachusetts County of Hampshire.

On this _____ of _____, _____
day month year

Before me, the undersigned Notary Public, personally appeared _____, Chair,
Print Name of signer

Worthington Planning Board, who proved to me through satisfactory evidence of identification, which was/were

Description of evidence of identification

to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Signature of Notary Public

Printed name of Notary Public

My Commission Expires: _____
Date

Place notary seal and/or stamp above

**APPLICATION FOR SUBMISSION OF ADDITIONAL PLANS, MATERIALS, INFORMATION,
ETC. AND FOR AN EXTENSION OF TIME PERIOD—Form K**

File with the Planning Board, Town of Worthington, Massachusetts

File the original, one electronic copy and eleven print copies of the completed forms and plans, and one additional copy showing wetlands which may be an 11" x17" reduced scale plan, , with the City Clerk and the Planning Board, in accordance with the requirements of Section III.B Definitive Plan2.

All plans must be folded and a copy of this application attached to each plan.

To the Planning Board:

The undersigned herewith submits/resubmits the accompanying additional plan, materials, information, etc., relative to the previously filed Definitive Subdivision Plan entitled _____ and originally filed on _____, for approval under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Worthington.

Submitted/ Resubmitted Plans, Materials, Information:

(Title) (Sheet(s)) (Dated)

(Title) (Sheet(s)) (Dated)

(Title) (Sheet(s)) (Dated)

With this Submission/ Resubmission of the above listed additional plans, materials, information, I am also hereby requesting a sixty (60) day extension, from the date of this filing, to the Planning Board's Decision Deadline Date for the Approval or Disapproval of this Definitive Subdivision Plan.

Applicant _____
(Print or type name) (Signature)

COMMONWEALTH OF MASSACHUSETTS

Before me appeared _____, the Applicant, and acknowledged the foregoing to be his/her free act and deed before me.

Notary Public
Commission Expires: _____

Date of Submission: _____

Town Clerk: _____
(Signature)

DEVELOPMENT IMPACT STATEMENT —Form L
File with the Planning Board, Town of Worthington, Massachusetts

NAME OF PROJECT:		ACREAGE :	
TYPE OF PROJECT:		OWNER(S) :	
LOCATION:		PLANNER:	:
PARCEL NUMBER(S):		ENGINEER:	
		ARCHITECT:	

1. Project Description

a) Number of Units

Total		Low Income		Single Family	
Two Family		Apartment		Other	

b) Type of Ownership

Condominium		Rental		Private	
-------------	--	--------	--	---------	--

c) Number of Bedrooms

Condominium		Apartment	
-------------	--	-----------	--

d) Approximate Price per Lot/Unit

Private		Condominium		Rental	
---------	--	-------------	--	--------	--

2. Circulation System

a) Street design

Explain reasons for location of streets and intersections.

b) Traffic study

Project the number of motor vehicles to enter or depart the site per average day and peak hour. Also state the number of motor vehicles to actually pass by streets adjacent to the proposed subdivision per average day and peak hour. Such data shall be sufficient to enable the Planning Board to evaluate

- (1) existing traffic on streets adjacent to the proposed project,
- (2) traffic generated or resulting from the proposed project, and
- (3) the impact of such additional traffic on all ways within and adjacent to the proposed project.

Attach to this DIS the results of all studies conducted to develop these data, plus a description of the study methodology, and the name, address and telephone number of the persons responsible for carrying out the study.

3. Supporting Systems

a) Water distribution

Discuss the types of wells proposed for the project, means of providing fire supply, and any special problems which might arise.

3. Supporting Systems (continued)

b) Sewerage disposal

Discuss the type of system, level of treatment, suitability of soils and results of percolation tests.

c) Storm drainage

Discuss the storm drainage system including the projected flow from a fifty (50) year storm, name of the receptor stream, and any flow constrictions between the site and the receptor stream.

d) Refuse disposal

Discuss the, location and type of facilities, hazardous materials requiring special precautions, and screening.

e) Lighting

Discuss the location and size of lights and method to screen adjoining properties from glare.

f) Fire protection

Discuss the type and capacity of fuel storage facilities, location and storage areas for hazardous substances, special requirements, and distance to fire station.

g) Recreation

Indicate distance to, and type of any public facilities to be provided with the development.

h) Schools

Project the student population of the project for the nursery, elementary, Junior High School and Senior High School levels and indicate distance, capacity, and present enrollment of the nearest elementary, and secondary schools. Describe the basis or methodology for all projections of student population.

4. Natural Conditions

Describe the extent to which the proposed plan meets the applicable Design Standards set forth in Section IV with specific reference to each of the factors specified therein, and with reference to the Environmental Analysis, if one was required.

5. Design Factors

Describe briefly the following features including photographs, when possible:

a) Present visual quality of the area

b) Location of significant viewpoints

c) Historic structures

d) Architecturally significant structures

e) Type of architecture for development

f) Any factors contained in Section IV not specifically discussed in Section 2 or 4 of this DIS.

6. Plans

Describe how the project relates to any long range plans adopted by the Town of Worthington, or any regional plans prepared by the county, or regional planning agencies.

7. Phasing

If the development of the site will take place over more than one year, supply a schedule showing how the development will be phased. A flow chart is helpful. This timetable shall include the following elements:

a) Stripping or clearing of site, or both

b) Rough grading and construction

c) Construction of grade stabilization and sedimentation control structures.