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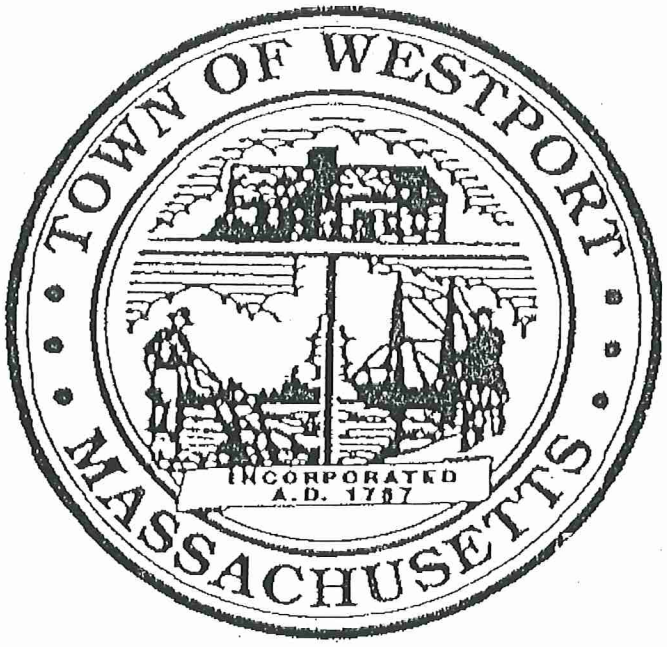
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TOWN OF WESTPORT

PLANNING BOARD



RULES & REGULATIONS
GOVERNING THE SUBDIVISION OF LAND

Effective date: January 1, 2017

TOWN OF WESTPORT

PLANNING BOARD

RULES & REGULATIONS
GOVERNING THE SUBDIVISION OF LAND

A TRUE COPY,
ATTEST:
Marlene M. Aserson
TOWN CLERK

Effective date: January 1, 2017

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RULES & REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
IN WESTPORT, MASSACHUSETTS

PURPOSES OF SUBDIVISION CONTROL

The MASSACHUSETTS 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 to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of planning board and a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, over-ground and 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 ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendations of the board of health and highway department and to the reasonable rules and regulations of the planning board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in section eighty-one R, such portions of the rules and regulations as is deemed advisable.

SECTION I. AUTHORITY

Under the authority vested in the Planning Board of the Town of Westport by the Massachusetts Subdivision Control Law, M. G. L. Ch. 41, Secs. 81K to 81GG inclusive and all acts in amendment or supplement thereto, the Westport Planning Board hereby adopts the following Rules and Regulations governing the subdivision of land in the Town of Westport. Such Rules and Regulations shall be effective on and after October 27, 1971.

If any provision of these Regulations or the administration thereof, shall be held to be invalid or unconstitutional, it shall not affect any other provisions of these regulations or the administration thereof.

SECTION II. GENERAL

A. Definitions.

For the purpose of the Rules and Regulations, the following words and terms used herein are hereby defined or the meaning thereof explained or limited as follows:

Applicant The person who applies for the approval of a plan of a subdivision or his administrators, executors, heirs, devisees, successors, and assigns. The applicant shall certify that he is the owner of all the land included in the proposed subdivision.

Board The Planning Board of the Town of Westport.

Collector Street A street which, in the opinion of the Board, is being used or will used to collect traffic from two or more streets or will carry a heavy volume of traffic.

Final Approval Approval by the Board of a definitive plan of a subdivision

Land Court The appropriate District of the Bristol County Land Court.

Lot An area of land in one ownership, with definite boundaries, used or available for use, as the site of one or more buildings, even if the area of land shows on the assessor's maps or other documents as being composed of several lots. A lot within a subdivision shall mean any area of land with boundaries recorded or to be recorded without any interior division.

Owner The owner of record as shown by the records in the appropriate district of the Bristol County Registry of Deeds or Bristol County Land Court.

Person An individual, two or more individuals, a partnership, association or corporation.

Rural Residential Lane A dead end road* which provides frontage for no more than four buildable lots. Said road to be bound by covenant that said road may not be presented to the Town for acceptance. Lots abutting Rural Residential Lanes with frontage on a street or way other than the Rural Residential Lane may use said lane for driveway access but in no case shall the Rural Residential Lane provide driveway access to more than six lots.

Residential Street A street which provides frontage for lots and may, in the opinion of the Board, carry a light volume of traffic from other residential streets to a Collector.

Registry of Deeds Appropriate District of the Bristol County Registry of Deeds.

Roadway or Traveled Way The portion of a street intended for vehicular use.

Selectmen The Selectmen of the Town of Westport.

Street Public A way maintained by the Town of Westport.

Street Private A way not maintained by the Town of Westport.

Subdivider The person undertaking the subdivision of land.

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

This definition will be automatically amended as changes to the General Laws, Chapter 41, Section 81-L are adopted.

Subdivision Control Law Sections 81 K to 81 GG, inclusive, of Chapter 41 of the General Laws, and acts in amendment thereof, in addition thereto for in substitution therefor.

Superintendent of Streets The highway surveyor of the Town of Westport or that town agency charged with the supervision of streets, roads, and highways.

Wetlands Any resource area subject to protection under the Massachusetts Wetlands Protection Act. Any Fresh or Salt water area defined by the Massachusetts Wetlands Protection Act.

B. Plan Believed Not to Require Approval

Any person who wishes to record in the Registry of Deeds or file with the Land Court a plan of land and who believes that his plan does not require approval under Subdivision Control Law, may submit 1) his original plan, four (4) 24" by 36" prints and two (2) 11" by 17" paper prints thereof, 2) an application on Form A, (See Appendix) 3) a fee as listed in the Application Fee Scheduled and 4) the plan submitted in electronic form as an AUTOCAD ™ drawing file (.dwg or .dxf).

The plan shall show the lot or lots being altered; the name of the owner (s); the assessor's map and lot number of all adjacent lots; the names of all direct abutters as determined from the most recent tax list; the name of the street or streets on which the property is located; any significant topographical features or bodies of water which impede practical access to the lot; a locus plan identifying the location of the site relative to nearby major streets and landmarks; and the stamp and signature of a Massachusetts Registered Professional Land Surveyor. The entire area of the lots being divided or otherwise altered by the filing of the Form A shall be shown on the plan; the outside boundary of this area shall be indicated by a thick line such as that produced by a felt-tipped marker. Any existing property lines that are being abolished shall be drawn as light dashed lines to distinguish them from the final resulting property lines. The plan shall have an area set aside for the signatures of five Board members with the words: "Approval under Subdivision Control Law Not Required", and a line for affixing the endorsement date. The plan shall bear the statement, "Endorsement by the Planning Board does not constitute conformance to Westport Zoning Bylaws nor assure that any lot created herein is buildable."

When a lot does not meet the frontage requirements of the Subdivision Control Law the parcel shall be clearly labeled "Not a Buildable Lot" and the following notes shall be added to the plan when applicable:

> "For the purpose of the Subdivision Control Law, parcel ____ cannot be used as a site for a building without further zoning relief"
>
> and/or
>
> "Parcel ____ to be conveyed to abutting property owner and is not available as a buildable lot".

The plan shall not be deemed to have been submitted to the Board until it and all items required in the foregoing two paragraphs, have been delivered at a meeting of the Board or sent by registered mail to the Planning Board and accepted by the Board as being complete. If so mailed, the date of receipt of the plan and all items in the foregoing two paragraphs shall be the date of submission of the plan. Thereafter the person submitting the plan and application shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application (Form A).

If the Board determines that the plan does not require approval, it shall, without a public hearing and within twenty-one (21) days of submission, endorse the plan accordingly and file a Form A-1 with the Town Clerk. The original plan shall be returned to the applicant. The Board will forward one copy of the plan to the assessors, one copy to the Building Inspector, one copy to the GIS consultant if necessary, and will retain one copy.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission of said plan, file a Form A-2 with the Town Clerk with a copy to the applicant.

If the Board takes no action on the plan or fails to notify the town clerk and the applicant of its action within twenty-one (21) days, the Board is deemed to have determined that the plan does not require approval under the Subdivision Control Law and shall make such endorsement on the plan. If the Board fails to make such endorsement forthwith, the Town Clerk shall issue a certificate to the same effect.

C. Unapproved Subdivision Prohibited

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

D. Subdivision Application Review Fees

1. Purpose

When reviewing, analyzing and processing an application for a subdivision pursuant to M. G. L. Chapter 41, the Subdivision Control Law, the Board will require the assistance of outside consultants according to size, scale, complexity or potential impacts of a proposed application. Review by the consultant(s) may include, but is not limited to, road layout(s), periodic inspection of roads and other improvements during construction, traffic flow, drainage calculations, grading, hydraulics, hydrology and any potential adverse environmental effects. The Board will require that applicants pay a fee consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of an application.

2. Fee Schedule and Procedure

An initial deposit shall be paid by the applicant upon submission of a preliminary or definitive plan in the amount as listed in the Application Fee Schedule. Subsequent additional deposits by the applicant will be required if expenditures exceed the amount of the initial deposit. The Board may waive the initial deposit in

those cases that the Board determines the services of an outside consultant may not be necessary.

The waiver of the initial deposit will not preclude the Board from requiring a review fee deposit if the Board subsequently determines it is in need of an outside consultant. In these situations, the applicant will upon request of the Board immediately deposit an initial deposit and any subsequent deposit in accordance with the above standards. Funds received by the Board pursuant to this Section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation and shall be made only in connection with the review of a specific application or applications for which review fee has been or will be collected from the applicant. Failure of an applicant to pay the required review fee within seven (7) days following notification by the Planning Board shall be grounds for denial of the application.

3. Expenditures and Refunds

Review fees may only be spent for services rendered in connection with the specific application for which they were collected. Accrued interest may also be spent for this purpose. The applicant shall be notified by the Board of all expenditures from this account. At the completion of the review by the Board of an application, any excess amount in the account, including interest, attributable to a specific application, shall be repaid to the applicant or successor in interest to the applicant. For the purpose of this regulation, any person or entity claiming to be a successor in interest to an applicant shall provide the Board with documentation establishing such succession in interest.

4. Appeal

An applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be filed within seven (7) days following notification to the applicant by the Board of the selection of the consultant. The grounds for such an appeal shall be limited to claims that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the appeal, the selection made by the Board shall stand.

SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. Preliminary Plan (as defined in Section 81S)

1. General

A preliminary plan, showing the proposed subdivision in a general way, submitted by the applicant for discussion and approval by the Board, enables the applicant, the Board, the Board of Health, the highway surveyor, the appropriate utility companies, and other Town agencies determined by the Board to discuss and clarify the problems of such subdivision before a definitive plan is prepared. The Board will submit copies of the plan to the appropriate agencies. Those agencies must reply in writing within 45 days of receipt of the plan. Although not required, it is strongly recommended that a preliminary plan be filed in every case. The following guidelines should be used in preparing such a plan.

2. Application

Application for preliminary plan approval shall consist of: 1) a completed Form B (see Appendix) 2) three (3) 24" by 36" paper prints and twelve (12) 11" by 17" paper prints of the Preliminary Plan, 3) a Form D, and 4) a fee as listed in the Application Fee Schedule.

The plan shall not be deemed to have been submitted until it and all the items required in the foregoing paragraph, have been delivered at a meeting of the Board or sent by registered mail to the Planning Board. If so mailed, the date of receipt of the plan and all items in the foregoing paragraph shall be the date of submission of the plan. Thereafter the person submitting the plan and application shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission and accompanied by a copy of said application (Form B).

3. Form and Contents

The preliminary plan shall be drawn on 24" by 36" tracing paper, polyester film or equivalent at a scale of 1" = 40 feet or other scale acceptable to the Board and shall show:

a. Subdivision name, boundaries, north point, date, scale, legend, a locus plan identifying the location of the site relative to nearby major streets and landmarks, and the title "Preliminary Plan"

b. Name of record owner and name of applicant if different from owner, and the stamp and signature of a Massachusetts Registered Professional Engineer or Massachusetts Registered Professional Land Surveyor as required by Chapter 112 of the General Laws.

c. Name of all abutters, as determined from the most recent local tax list, including Plat and Lot numbers as shown in the Westport Assessors plans. If the site abuts property in another town or state, names of such abutting property owners shall be shown.

d. Existing and proposed lines and locations of streets, ways, easements, wetlands, buildings, waterways, stone walls and any public areas within the subdivision in a general manner. Proposed street names.

e. Location, size and elevation of all existing and proposed drainage provisions within and adjacent to the proposed subdivision.

f. Boundary lines of all proposed lots and recreational areas, within approximate areas and dimensions.

g. Location, names, and present widths of adjacent streets.

h. Topography at two-foot contour intervals using Mean Sea Level or NAVD 1988 as the reference datum. Topographic survey must be an accurate on-site survey made by a Massachusetts Registered Professional Engineer or a Massachusetts Registered Professional Land Surveyor.

i. Profiles of proposed streets showing existing and proposed grades along the centerlines, referred to Mean Sea Level or NAVD 1988, may be submitted on separate sheets.

j. The location of the top and toe of proposed slopes adjacent to the proposed roadways.

k. Areas considered in the opinion of the Board to be wetlands, or areas wherein the natural ground water table is known to be high, or in areas subject to intermittent flooding, the cellar floor elevations of existing and proposed structures shall be established and shown on the plans. The attention of the applicant is called to the Flood-Plain regulations, which must be complied with.

l. When in the opinion of the Board, existing soil conditions are unsuitable for the construction of roadways or building thereon, punchings, borings, or other means suitable to be the Board to determine the depth of the unsuitable material shall be taken and the location of hard bottom shall be shown on the profiles.

m. Where municipal sewers are not available to the site, test pits are required as directed by the Board of Health. Two copies of a report by the Board of Health showing the location and results of the tests are to be submitted to the Board within 45 days of receipt of the plans. Test are to be conducted as outlined in Regulation 14 (Percolation Test), Article XI (Minimum Requirements for Disposal of Sanitary Sewage in Unsewered Areas), the

State Sanitary Code. These tests will be supervised by a representative of the Board of Health. Areas unsuitable for septic systems will not be subdivided.

n. The attention of the applicant is directed to Section IV-E of these Regulations and Rules and to the provisions of the Jones Act for Coastal Waters Chap. 426 – Acts of 1963, Chap. 375 – Acts of 1965 Section 27 A of Ch. 130 G.L.) and to the Coastal Wetlands Act Chap. 768 – Acts of 1965 (Section 105 of Ch. 130 G. L.) and to the Hatch Act for Inland Waters Chap. 220 – Acts of 1965 (Section 117C of Ch. 131 G. L. Any area which is affected by these-requirements shall be designated on the plan.

o. Compliance with Article 7 of Town of Westport Zoning By-Laws must be demonstrated on the plan.

4. Procedure

a. Within forty-five (45) days after submission, the Board will take action to approve, disapprove, or approve with modifications the preliminary plan, noting in the written notification its action and any changes that should be made. The Board shall notify the Town Clerk of its action by filing Forms B-1 or B-2 with a copy to the applicant.

b. The attention of the applicant is directed to the requirement of the Massachusetts Department of Public Works that a permit be obtained before any work is performed within a State Highway Layout. Their permit will require a specific geometric design for street connections.

c. Except as is otherwise expressly provided, the provisions of the Subdivision Control Law relating to a plan are not applicable to a Preliminary Plan, and no Register of Deeds shall record a Preliminary Plan. A Definitive Plan evolved from the Preliminary Plan will be governed by subdivision rules in effect at the time of submission of the Preliminary Plan provided that the Definitive Plan is submitted within seven months from the date of Preliminary Plan submission.

B. Definitive Plan

1. Submission

Any person who submits a definitive subdivision plan for approval shall file with the Board the following:

a. An original drawing of the definitive plan in ink on 24” by 36” linen or polyester film complying with the requirements of the Registry of Deeds and Land Court, as they may be amended from time to time, prepared as hereinafter prescribed, and three (3) 24” by 36” paper prints and twelve (12) 11” by 17” paper prints thereof, dark line on white background.

b. A properly executed Form C and Form D.

c. A filing fee as listed in the Application Fee Schedule.

d. An itemized estimate, prepared by the applicant's engineer on 8 ½" by 11" paper, of the cost of construction related costs. The Planning Board engineer will also, at the expense of the developer estimate the cost to secure completion of the subdivision.

e. Two (2) paper copies and one (1) .pdf file of drainage calculations, prepared by a Registered Professional Engineer, using TR-55 or other method approved by the Planning Board, acting in its sole discretion.

f. A check made payable to the newspaper and in an amount specified by the Board for payment of the advertising cost for the legal notice of public hearing.

g. A list of abutters to the subdivision and their respective mailing addresses and map and lot numbers, which the Planning Board office will forward to the Assessor's Office for certification.

h. A money order or check made payable to "Postmaster" for hearing notification by certified mail to abutters, owner(s) and applicant. The format of the check or money order must conform to the requirements of the local U. S. Postmaster for business or personal checks or money orders. The amount of the check will be determined after the Assessor's Office has certified the abutters' list.

The definitive plan shall not be deemed to have been submitted to the Board until it and all the items required in the foregoing sub-paragraphs a. to h. inclusive, have been delivered at a meeting of the Board or sent by registered mail to the Planning Board. If so mailed, the date of receipt of the plan and all items in the foregoing sub-paragraphs a. to h. inclusive shall be the date of submission of the plan.

2. Notice to Town Clerk

As required by statue, the applicant shall give written notice to the town clerk by delivery or by registered mail, postage prepaid that he has submitted the definitive plan to the Board. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the name and address of the owner and of the subdivider and the day when the plan was submitted. The Town Clerk shall give the applicant a written acknowledgement that he has received the notice, if requested.

3. Form and Contents

The definitive plan shall be prepared and certified by registered professional engineer and registered land surveyor, as required by law, and shall be clearly and legibly drawn in black India ink upon tracing cloth on sheets of such size as will conform to the then current maximum size requirements of the Registry of Deeds. The plan shall be at a horizontal scale of one inch to each forty feet unless the Board approves another scale as more convenient. Where necessary, the plan may be on several sheets, but in such case, continuity and ease of reading shall be provided by matching lines and consecutive numbering and an overall Key Plan. The definitive plan shall contain the following information:

a. Subdivision name, boundaries, north point, date, scale, legend, a locus identifying the location of the plan in Westport, and the title “Definitive Plan”. (See Form J in Appendix).

b. Name of record owner and subdivider, and registered professional engineer and land surveyor, as required by law, with registration number and stamp (See Form J in Appendix).

c. Names of all abutters, as determined from the most recent local tax list.

d. Existing and proposed lines of streets, ways, easements, and public or common areas within the subdivision. (The names of proposed streets shall be shown in pencil until they have been approved by the Board).

e. Location, names, and present widths of adjacent streets.

f. Width and location of existing and proposed roadways and sidewalks within and adjacent to the subdivision.

g. The top and toe of proposed slopes adjacent to the roadways.

h. Boundary lines, areas, and dimensions of all proposed lots, with all lots designated numerically and in sequence. Lots not conforming to the Zoning By-Laws shall bear the following notation: “Lot # _____ shall not be used as a separate building lot”.

i. Sufficient data to determine readily the location, bearing, and length of every street and way line, lot line, easement, and boundary line and to reproduce same on the ground, the perimeter survey to have a closure of 1 – 10,000 or better. All bearings shall be true, magnetic, or grid, and the north arrow as shown on the plan shall indicate this clearly.

j. Location and type of all permanent monuments properly identified as to whether existing or proposed.

k. All buildings and physical features of abutting property that are within 50 feet of the boundary must be shown.

l. Existing and proposed topography with two (2) foot contour intervals proposed systems of storm drainage, including adjacent natural waterways. Size and location of existing and proposed stormwater management system components, water mains, sewage mains, and their appurtenances, as well as other underground utilities within and adjacent to the subdivision. Profiles and typical sections of existing and proposed waterways within and adjacent to the proposed subdivision shall be shown. Elevations of high water marks shall be shown where applicable.

m. Plan of each street:
A plan showing sidelines, centerline, points of tangency, length of tangents, length of curves, intersection angles, and radii of curves, for each street in Subdivision, together with all buildings, walks, drives and other existing fixtures. For acceptance of layouts, traverse computations shall be shown on the plan or separate sheets a table form as required by the Board.

Directly above or below the plan of each street, a profile showing existing and proposed grades along the center line of the street together with figures of elevation at all fifty (50) foot stations and at twenty-five (25) foot intervals along all vertical curves. Stations and elevations for all high and low points shall be shown. The horizontal scale of the profiles shall be forty feet to one inch the vertical scale shall be four feet to one inch.

All elevations shall refer to Mean Sea Level or NAVD 1988. The location and elevation of the starting benchmark shall be indicated on the plan and each profile sheet.

n. Suitable space in the lower right hand corner of the plan to record the action of the Board and the signatures of the members of the Board. (see Form P in Appendix). When the applicants elect to request conditional approval, there shall also be a notation below such space to the effect that the approval of the subdivision is subject to a conditional approval contract. There shall also be suitable space for the Town Clerk's certificate that no appeal has been filed after approval by the Board. (For wording – see Form P in Appendix).

o. In areas considered in the opinion of the Board to be wetlands, or areas wherein the natural ground water table is known to be high, or in areas subject to intermittent flooding, the cellar floor elevations or existing and proposed structures shall be established and shown on the plans. The elevation shall conform to the current Flood-Plain regulations.

p. When municipal sewers are not available to the site, Test Pits are required as directed by the Board of Health. Two copies of a report by the Board of Health showing the location and results of the tests are to be submitted to the Board before approval of the definitive plan. Tests are to be conducted as outlined in Regulation 14 (Percolation Test). Article XI Minimum

Requirements for the Disposal of Sanitary Sewage in Unsewered Areas) the State Sanitary Code. These tests will be supervised by a representative of the Board of Health. Any area which is unsuitable for septic systems will not be subdivided.

q. When, in the opinion of the Board, existing soil conditions are unsuitable for the construction of roadways, punchings, borings, or other means suitable to the Board to determine the depth of unsuitable material shall be taken and the location and the location of hard bottom shall be shown on the profiles.

r. The attention of the applicant is directed to Section IV-E of these Regulations and Rules and to the provisions of the Jones Act for Coastal Waters Chap. 426 – Acts of 1963, Chap. 375 – Acts of 1965 (Section 27A Of Ch. 130 G. L.) and to the Coastal Wetlands Act Chap. 768 – Acts of 1965 (Section 105 of Ch. 130 G. L.) and to the Hatch Act for Inland Waters Chap. 220 – Acts of 1965 (Section 117C of Ch. 131 G. L.). Any area which affected by these requirements shall be designated on the plan.

s. The attention of the applicant is directed to the requirement of the Massachusetts Department of Public Works that a permit be obtained before any work is performed within a State Highway Layout. Their permit will require a specific Geometric design for street connections.

4. Easements

Where slopes or utilities will extend outside of the subdivision onto or through land or abutters, the applicant shall satisfy the Board that written agreements have been made with the abutters.

C. Performance Guarantee

1. Selection by Applicant

An applicant may elect to complete a subdivision under either a Performance Bond or a Covenant (See Forms F through K), and shall notify the Board of his choice at the time of submission of the definitive plan. Execution of the Performance Bond or Covenant must be completed before final endorsement of the definitive plan by the Board.

2. Performance Bond

If he so elects, the applicant shall file with the Board a bond (see Appendix, Forms G through K) conditioned on the completion of all required improvements within two years from the date of approval of the definitive plan, unless the Board in the particular instance approves a different period of time; said bond to be sufficient sum, in the opinion of the Board to cover the cost of construction of such improvements and so drawn as to insure their satisfactory completion. The

amount of the bond will be determined by the Planning Board, and the cost of any estimate will be paid by the subdivider.

After completion of the subdivision and certification by a Registered Professional Engineer that the work has been completed to the satisfaction of the Board in accordance with the definitive plan as approved, the applicant may request discharge of the bond.

3. Covenant (Form F)

Under this procedure the Board may approve a definitive plan on condition that no lot in the subdivision shall be sold and no building shall be erected or placed on any lot , until the improvements necessary to adequately serve such lot, in accordance with these Rules and Regulations, have been satisfactorily constructed and installed. If the applicant elects to accept this procedure, he shall execute and deliver to the Board before final approval of the definitive plan a Covenant (Appendix, Form F) to construct and install the required improvements. Such contract shall be recorded, at the expense of the applicant, at the Registry of Deeds or registered in the Land Court, and shall be binding upon the land within the subdivision. Upon completion, to the satisfaction of the Board, of all the improvements necessary to adequately serve all lots within the subdivision or, if so requested by the applicant, any particular lots, the Board will issue a certificate of such performance, (Form 0) and upon the approval by the Board and due recording or registering of such certificate, the conditions applicable to the lots described therein shall terminate.

D. Copies to Other Town Agencies

When a definitive plan of subdivision is submitted to the Board for approval, a copy thereof shall be filed by the Planning Board, with the Board of Health, the Highway Surveyor, the Conservation Commission, the appropriate utility companies, and others as determined necessary by the Board. Where a preliminary plan has not been submitted the Board of Health, the Highway Surveyor and the Conservation Commission are required to reply to the Planning Board and the applicant in writing within 45 days.

E. Public Hearing

Before approval, modification and approval or disapproval of the definitive plan is given, a public hearing shall be held by the Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the applicant by advertisement in a newspaper of general circulation in the town of Westport once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing, and by mailing a copy of such advertisement to the Board and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

F. Final Approval of Definitive Plan

1. After the public hearing and after the Board of Health, the Highway surveyor and the Conservation Commission reports or 45 days have elapsed without such reports the definitive plan will be studied by the Board to determine its conformity with any approved preliminary plan, and its compliance with the design standards and other requirements of these Rules and Regulations. Within ninety (90) days if a Preliminary plan was approved or within one hundred thirty-five (135) days if no Preliminary plan was presented, after submission of such definitive plan, the Board will take action thereon by approving , modifying, and approving, or disapproving such plan. Approval of the plan shall not be deemed to be the laying out or acceptance by the Town of any street shown thereon.

2. The action of the Board in respect to such plan shall be by vote, copies of which shall be filed with the Town Clerk and sent by registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for such action. Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of a quorum of the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and written notice has been received from the Registered Professional Engineer that the roadways and improvements have been constructed in accordance with the specifications described herein and that proper construction methods have been used. Modifications may be made to the original design but only after approval of the Board. After the definitive plan has been approved, and endorsed, the applicant shall furnish the Board with three (3) 24" by 36' paper prints and four (4) 11" by 17" paper prints of the plan and an AutoCAD™ drawing file of same (.dwg or .dxf) both of which shall contain all modifications, if any.

G. Evidence of Satisfactory Performance

1. Form R

Before the Board will release a surety bond or deposit, or, in the case of a Covenant issue a certificate of Completion (Form O), the applicant shall provide the Board with Form R and a statement by a licensed engineer that construction conforms with the Board's requirements as defined elsewhere in these specifications. Cost to be borne by the applicant.

2. Layout Plan

Before the Board will release a surety bond or deposit, or in the case of a Covenant, issue a certificate of Completion (Form O), the applicant shall provide at no cost to the town, a layout plan suitable for street acceptance and recording at the registry of deeds along with a meets and bounds description of each street.

Layout Plans shall not be required for Rural Residential Lanes. At a minimum the layout plan shall show the following:

a. Street lines.

b. Bearings and distances of the layout and easement lines.

c. Street Names and widths.

d. Roadway area in s.f. and acres.

e. Property address, map and lot numbers and property owners for all parcels abutting the layout.

f. Location and type of roadway monuments.

g. Drainage easements.

h. The following certifications:

Filed at the Office of the Town Clerk

_____
Town Clerk Date

Westport Planning Board
Approved

_____
_____
_____
_____
_____

"Accepted by the Town of Westport"
Article: _____
Town Clerk: _____
Date: _____
_____
Date of Layout

Date: _____

_____
Chairman of Selectmen

_____
Selectmen

_____
Selectmen

_____
Selectmen

_____
Selectmen

3. As-Built Plan

Before the Board will release a surety bond or deposit, or in the case of a Covenant, issue a certificate of Completion (Form O), the applicant shall provide at no cost to the town an as-built plan showing the following:

a. Street lines and grades.
b. Lot frontage dimensions.
c. Bearings of lot lines which intersect with street lines.
d. Street Names and widths.
e. Location of all items located within the Right-of-Way including driveways.
f. Property address and assessor lots for each parcel.
g. Horizontal and vertical location of storm drainage system, sanitary, water, electrical, telephone, gas cable and all other utilities. This shall include service connections from the main to the street line or to the limit of easements if applicable.
h. Sewer connections shall be measured from the center of the nearest manhole.
i. Size, material and type of pipe; length between manholes, catch basins; invert and surface elevation at each structure; and slope of pipe between each two (2) adjacent structures (All structures shall be numbered on the profile in accordance with the Definitive Plan).
j. Location, material and size of fire subsurface water storage tanks.
k. Location and identification of all signs.
l. All stream crossings and outlets, with elevations of the stream bed and normal and extreme high and low water levels.
m. Water stops and gate valves shall be located.
n. Location of edge of traveled ways.
o. Location and type of monuments.
p. Subdivision name and file number
q. Book and page of recorded subdivision plan and easements.
r. Certification by an engineer and /or land surveyor that the locations and elevations shown on the plan represent the locations as constructed.
s. Easements with bearings and distances

H. Conveyance of Utilities and Easements to the Town

1. Before the Board will release a surety bond or deposit, or, in the case of covenant, issue a certificate of completion (Form O), the applicant shall execute an instrument, substantially in the form of Appendix Form L, transferring to the Town, without cost, valid unencumbered title to all water drainage and sewer mains, and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveying to the Town, without cost and free from all liens and encumbrances, perpetual rights and easements to construct, inspect,

repair, renew, replace, operate and forever maintain water mains, with any manholes, pipes, conduits, drainage easements and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or portion thereof to be approved and if any such mains have been constructed and installed in land not within such streets or subdivision, then in, through and under a strip of land extending five feet on one side of the center line and fifteen feet on the other side of such main.

2. As built, street layouts will be provided to the selectmen before the streets are submitted to the Town for acceptance.

SECTION IV. DESIGN STANDARDS

Note: See Table A and Typical Cross Sections in Appendix.

A. Streets

1. Location and Alignment

a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
b. The proposed streets shall conform to any Master or Study Plan or any part thereof duly adopted in whole or in part by the Town Meeting
c. Streets shall be laid out so as to provide, with existing or proposed streets, free circulation for vehicles, with access to lots so far as possible protected from heavy traffic.
d. If adjoining property is not subdivided but is, in the opinion of the Board, suitable for ultimate development, provision may be required for proper protection of streets into such property by continuing appropriate streets within the subdivision to the exterior boundary thereof.
e. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
f. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
g. The minimum centerline radii of curved streets shall be as shown in Table “A” or the Appendix.
h. Streets shall be laid out so as to intersect as nearly as possible at right angles. No streets shall intersect any other street at less that sixty (60) degrees.
i. Street lines at all intersections shall be rounded with a curve at each corner having a radius of not less than twenty-five (25) feet. However, when the intersection of two streets varies more than ten (10) degrees from a right angle, the radius of the curve at the acute angle may be less and at the

obtuse angle may be greater that twenty-five (25) feet to the extent approved or required by the Board.

j. Proposed subdivision streets shall not be located along perimeter boundaries of the subdivision except (1) as necessary to provide access to the existing road system, and (2) if other physical conditions so require in which case perimeter locations shall be limited to the extent so required.
k. Streets in the subdivision shall connect to and be accessible from a public way or an existing private way, both of which must be deemed adequate in the opinion of the Planning Board to provide access. If the streets in the subdivision require access over a private way, all land within the subdivision shall have appropriate easement rights to the private way.
l. The Planning Board shall be satisfied that adequate access for emergency vehicles is provided to all of the lots in the subdivision.

2. Width

a. The minimum width of street right-of-way shall be as shown in Table "A" of the Appendix.

3. Grade

a. Grades of all streets shall be the reasonable minimum, but shall not be less than shown in Table "A" of the Appendix. Maximum grades shall be as shown in Table "A" of the Appendix.
b. Leveling area shall be provided having a minus one percent (–1.0%). grade for a distance of twenty-five (25) feet measured from the nearest exterior line of the intersecting street, to the point of vertical curvature.

4. Dead-End Streets

a. Dead-end Residential Streets shall not be permitted unless the applicant can demonstrate to the satisfaction of the Board that there is no practicable way to connect to existing streets. If the Board determines that a dead-end street is the only practicable design a dead-end street may be permitted provided that it shall not be longer than twelve hundred (1200) feet measured along the street centerline from the layout line of the nearest intersecting through-street to the most distant centerline station point of any street.
b. Dead-end streets over one hundred fifty (150) feet long, shall be provided at the closed end with a circular or tear dropped shaped turnaround. The Planning Board may approve the use of alternative turnarounds, such as hammerhead" or "Y-shaped" designs for Rural Residential Lanes provided that each leg of such turnaround be not less than fifty (50) feet in length.

5. Turnarounds

Turnarounds shall be centered on the approaching street or offset only to the left of the approaching street. Dead-end streets shall have a circular turnaround at their ends meeting the following minimum dimensions:

Right-of Way Radius	70’
Outside Traveled Way Radius	60’
Inside Traveled Way Radius	36’

A dead-end collector or commercial street shall have a circular turnaround meeting the following minimum dimensions:

Right of Way Radius	90’
Outside Pavement Radius	80’
Inside Pavement Radius	48’

All circular turnarounds shall have an unpaved, permeable center island that can withstand AASHTO H-20 loading.

The Planning Board may consider alternative designs such as tear drop shaped turnarounds provided they meet the minimum dimensions for circular turnarounds. The Board may require the preservation of existing native trees in the center of the island if at all possible, with grading and seeding of grass limited to areas disturbed by the construction of the roadway.

B. Easements, Reference Section III – H

1. Utilities

Easements for water mains and storm and sanitary drains across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least fifteen (15) feet wide.

2. Water Course

Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water or drainage easement of adequate width to conform channel or stream, and to provide for construction or other necessary purposes.

3. Slopes

Where roadway slopes extend outside of the layout line the subdivider shall be required to provide temporary construction easements to a line five (5) feet beyond the top or toe of the proposed slope.

C. Lots

All lots shown on the plan shall comply with the area, frontage and all other requirements of the Zoning By-Law of the Town of Westport.

D. Protection of Natural and Cultural Features

Due regards shall be shown for all natural and cultural features, such as large trees, scenic points, historic locations, stone walls, cemeteries and similar community assets, which, if preserved, will add attractiveness and value to the subdivision, or to the Town.

E. Protection of Wetlands

When the subdivision contains land areas which are protected or fall under the jurisdiction of fresh or salt water Wetlands Protection Acts, or wetlands designated by the Town of Westport, those land areas will be designated on the plan. No plan which involves obstructing, filling, dredging, excavating, diking, bulkheading, riprapping or changing the course of any stream, pond, bay, harbor, or tidal river or separates any sector of said swamp , marsh, or body of water from the main part, will be approved until the Planning Board has insured that all of the requirements of the current Town and State Wetlands Regulations have been complied with.

F. Flood-Plain Requirements

No subdivision which is situated in flood-plain areas as delineated on the maps furnished by the New England Division of the Army Corps of Engineers dated March 1970 or other subsequent delineations, will be approved until: the proposed subdivision as well as its intended construction and development complies with the current requirements of the Board of Health, Soil Board regulations, Zoning regulations, Natural Resources regulations Chapter 130 Section 105 Massachusetts General Laws, and Flood Insurance Regulations which may apply. The Planning Board will submit copies of the plans to the appropriate agencies and approval will not be granted until written notices have been received from all the above agencies and its development meets the applicable requirements. The definitive plans must show all the construction and development details as approved by the above named agencies.

SECTION V. REQUIRED IMPROVEMENTS

Note: See Table A and Typical Cross Sections in Appendix.

A. General

1. All improvements hereinafter specified shall be constructed or installed by the applicant in accordance with these Rules and Regulations and in conformity with the approved definitive plan. All necessary modifications shall be approved by the Board.

2. In order that a Registered Professional Engineer may properly inspect the work as it progresses, the applicant or subdivider will keep him informed at all times of the progress of the work as set forth in Form Q of the Appendix, and will continuously provide safe and convenient access to all parts of the work for inspection by a Registered Professional Engineer or by such persons as he may designate for that purpose. No work will be approved that has been covered before such inspection.

B. Streets and Roadways *(Reference Table A and Street Section in Appendix)*

1. The entire area within the exterior lines of all streets in the subdivision shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation, followed by the removal of all loam and other yielding material, then excavated or filled as necessary, and specifications of the Planning Board. Attention is directed to the Soil Conservation By-Laws of the Town of Westport as a soil removal permit may be required.

2. Roadway shall be constructed for the full length of all streets in the subdivision. The centerline of such roadways shall coincide with the centerline of the street rights-of way unless a variance is specifically authorized by the Planning Board. The minimum width of roadways between curb lines shall be as shown in Table "A".

3. All roadways shall be brought to a finished grade as shown on the profiles of the definitive plan and shall be constructed and provided with a surface, in accordance with the then current standard specifications of the Planning Board. Curbing shall be constructed in accordance with the then current standard specifications of the Planning Board to protect the adjacent land from erosion by the elements or encroachment by vehicles.

4. All areas between the exterior street lines and the curb lines of the roadways thereon which are not occupied by sidewalks shall be graded, loomed and seeded in accordance with the then current standard specifications of the Planning Board. Where the final grade of the exterior street is above or below the grade of the adjacent land, walls or slopes shall be constructed sufficient, in the opinion of the Planning Board, to support the street or the adjacent land, as the case may be.

5. All roadways, all areas between exterior street lines and curb lines, and all slopes outside exterior street lines shall be constructed to a finished transverse grade parallel to those shown on the then current standard cross section plan of the Planning Board for proposed streets.

6. 5" x 5" reinforced concrete or granite bounds not less than three feet in length, shall be set on the exterior street lines at all angle points, at the beginning and end of all curves, and at all intersections. Such bounds shall be set with their tops 0" to 4" above the proposed finished surface grade depending on location, and shall conform to the then current standard specifications of the Planning Board.

7. When there are 20 or more lots in any one subdivision sidewalks shall be constructed on one side of the street. The sidewalk shall be constructed in accordance with the then current standard specifications of the Planning Board.

8. Street name signs, designed and installed in accordance with the Planning Board, and Highway Department shall be provided.

C. Storm Drainage - General Requirements:

1. Control of stormwater runoff shall meet the design criteria as stated in the most recent Department of Environmental Protection's (DEP) Massachusetts Stormwater Handbook ("DEP Handbook") http://www.mass.gov/dep/water/wastewater/stormwat.htm (regardless of the presence or absence of jurisdiction under any other General Laws of the Commonwealth), unless otherwise stated in this Regulation. The design, construction, and maintenance of the Stormwater Management System SMS shall be consistent with the following:

   a. Discharging untreated runoff directly into rivers, streams, watercourses, or wetlands, is prohibited;

   b. Neighboring properties shall not be used in the Plan unless a recordable easement will be granted for such use, and a copy of the easement or agreement has been submitted to the Board as part of the Plan;

   c. The site shall be graded to the maximum extent practicable as determined by the Planning Board so that surface water shall be directed into the SMS;

   d. Intermittent watercourses such as swales shall be vegetated, unless in the opinion of the Planning Board, conditions such as excessive slopes warrant rock swales or other alternative design

   e. Prior to discharging any stormwater runoff from paved surfaces or gravel roads into a SMS the following conditions must also be met;

      - the SMS shall be installed according to applicable standards and specifications,
      - all components of the SMS shall be stabilized; and
      - all upland areas contributing stormwater runoff to the SMS shall be stabilized (non-erosive), or provisions shall be in place to control the sediment and runoff from unstabilized areas;

   f. Where stormwater basins are designed with a permanent pool depth, a suitable fence shall be used when the basin is in close proximity to residential units.

   g. Operational failure of the infiltrative capacity of the system must be manifested by indicators that are readily visible.

D. Design Requirements

The control of stormwater runoff shall meet the design requirements for both flood (volume and peak discharge) control and non-point source pollution as indicated the Plan and in

Volume 3 of the Massachusetts Stormwater Design Requirements of the Handbook with the following exceptions and additions:

1. **Standard 4 – Water Quality:** Water Quality Depth (*Dwq*) as described in the Storm Water Handbook (Volume 3, Chapter 1, page 32), shall be 1.25 inches for all projects. Prior to discharge into all treatment SMSs, the removal of a minimum of 44% TSS is required.

2. **Standard 11 – Volume Control:** The volume of stormwater discharged (V_{10}) for the ten (10) year, twenty-four (24) hour design storm shall not increase as from pre-development conditions. If the stormwater discharge is into the ocean or estuary, the control of the discharge volume (V_2) *may* be limited to the pre-development conditions of the two (2) year, twenty-four (24) hour design storm. When using infiltration to control V_{10} or V_2, basin sizing shall be determined utilizing the static method as described in Volume 3, Chapter 1, and page 17. For the purposes of volume control, basin design does not require a drawdown time of 72 hours, and only non-infiltrating basins shall be located on Hydrologic Group D soils.

3. **Design Point:** In addition, the design points shall be at the edge of wetlands, the property line and/or the existing storm drain system, whichever is first intercepted by the flow path. For each pre-development design point there shall be a corresponding post-development design point.

4. **Low Impact Development (LID) Credit**s: LID credits as stipulated in the Handbook are not recognized by this Regulation. The design of the SMS shall conform to the Low Impact Development Zoning By-Law Article 20 to the Maximum Extent Technically Feasible and the engineer shall note what methods have been used to meet this standard. For the LID land uses listed below, use the RCN provided:

   New Runoff Curve Numbers (not currently found in TR-55 or TR-20)

   - Greenroofs - 88
   - Paved areas w/tree canopy - 92
   - Gravel road or parking lot - 95
   - Gravel road or parking lot w/tree canopy - 89
   - Water – 100
   - Bioretention facility – 80
   - Pervious pavers - 75
   - Bioretention facility - 80
   - Bioretention w/tree canopy -74
   - Lawn, no soil amendment – 80
   - Lawn w/ 4" Compost Soil Amendment
     HSG A - 36
     HSG B - 58
     HSG C – 72
     HSG D – 77

5. **Design Storms:** Use the storm events as required by the Massachusetts Stormwater Regulation and the U.S. Environmental Protection Agency National Pollutant Discharge Elimination System (US-EPA, NPDES) Permit**.** Drainage calculations shall be submitted for the 2-, 10-, 25-, and 100-year frequency storms using NRCS TR-55 or TR-20, as appropriate, unless otherwise approved by the

Planning Board. The design engineer shall use the following rainfall values:

Frequency	
2 year	3.3 inches
10 year	4.9 inches
25 year	6.1 inches
100 year	8.5 inches

6. **Design Areas:** The following minimum areas for each lot shall be used when designing SMS. These areas are to be used for stormwater design purposes only, the Planning Board may require additional development restrictions.

Clearing area	35,000 s.f.
Impervious Driveways and walkways	2,500 s.f.
Building area	2,000 s.f.
Lawn area	30,500 s.f.

7. **20% Reduction:** For drainage systems that do not outlet into large wetland areas or existing drainage systems, the new drainage shall be designed so that the peak runoff and stream flows at the boundaries of the development, in a twenty five (25) year and one hundred (100) year frequency storm, shall be no greater following development than 80 percent of the rate prior to development. The applicant's engineer shall so certify the above, and the certification shall appear on the plan.

8. **SMS outlets:** Where the SMS outlets into a public way, the Planning Board may require off-site improvements or mitigation to control stormwater entering the public way from the subdivision.

9. **Catch Basins:** Adequate disposal of surface water shall be provided. For Residential and Collector Streets, catch basins shall be built in conformity with current specifications of the Planning Board on both sides of the roadway on continuous grades such that surface water will not need to run along the edge of pavement for a distance of not more than four hundred (400) feet, at low point and sags in the roadway, and near the corners of the roadways at intersecting streets.

10. **Sizing:** Piping systems and swales shall be designed on a minimum basis of the 25-year storm, with appropriate overflow provisions to accommodate the 100-year by-pass flow. Proper connections shall be made with any existing drains in adjacent streets or easements.

11. **Basin Location:** Detention or retention basins, sedimentation basins, and their discharge areas shall be located not less than fifty (50) feet from the nearest property line separating the subdivision from the properties of abutting landowners. Swales, ditches and culverts shall be located not less than ten (10) feet from the nearest property line separating the subdivision from the properties of abutting landowners.

E. Inspection and Maintenance

1. After the SMS has been constructed and before the Performance Guarantee for the development has been released, the applicant shall submit an "as-built" plan detailing the actual SMS as installed. The consulting engineer for the Board shall inspect the SMS to confirm its as-built features. This engineer shall also evaluate the effectiveness of the SMS in an actual storm. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Plan, it shall be corrected before the performance guarantee is released. Cases of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum ground water elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

F. Water Facilities

1. Where public water is available, water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use.

2. Proper connections shall be made with existing public water systems. Where property adjacent to the subdivision is not subdivided, provision shall be made for proper projections of systems by continuing appropriate water mains to the exterior boundaries of the subdivision at such size and grade as will allow for the projections, except that the installation of water mains for these projections will not be required where their location is outside paved areas.

3. Service connections for water main structures in the street to the exterior line thereof shall be installed for each lot shown on the plan, whether or not there is a building thereon. Any deviation of this requirement necessitated by unusual topography or technical difficulties must have the specific approval of the Highway Surveyor and the Superintendent of the Westport Water District.

4. The water system shall be laid out to the satisfaction of the Highway Surveyor and the Superintendent of the Westport Water District who will require provision of such facilities and arrangement thereof as in their opinion is necessary to carry out the intent of subparagraph 1, 2, and 3 above. The installation of the water systems, including the methods of construction and the quality of materials used, shall conform to the then current specifications of the Planning Board and Water Commissioners.

G. Utilities

1. Electric, telephone, gas, cable television, and all other services, except transformers and junction boxes, shall be placed underground in all subdivisions. The Planning Board may waive this requirement for subdivisions of two (2) lots or less. Service connections shall be provided to the property line of every lot. Except for service connections, underground utilities shall be placed in the roadway or shoulder. In subdivisions of two (2) or less where underground utilities are not required, poles for said services shall be placed within and at the edge of the right-of-way.

2. The applicant shall insure that the utility companies are notified during the early stages of a proposed subdivision and provide evidence to the Board thereof.

H. Sanitary Sewer Facilities

1. Where public sewerage is available, sewer mains, valves and other fittings shall be constructed and installed within the subdivision as necessary to provide to all lots therein, adequate sewerage for domestic use.

2. Proper connections shall be made with existing public sewer systems.
   Where property adjacent to the subdivision is not divided, provision shall be made for proper projections of the systems by continuous appropriate sewer mains to the exterior boundaries of the subdivision, at such size and grade as will allow for the projections, except that the installation of sewer mains for these projections will not be required where their location is outside paved areas.

3. Service connections for sewerage from the main structures in the street to the exterior lines thereof shall be installed for each lot shown on the plan, whether or not there is a building thereon. Any deviation of this requirement necessitated by unusual topography or technical difficulties must have the specific approval of the Highway Surveyor and the Superintendent of the Westport Sewerage District.

4. The sewer systems shall be laid out to the satisfaction of the Highway
   Surveyor and the Superintendent of the Westport Sewerage District who will require provision of such facilities and arrangement thereof as in their opinion are necessary to carry out the intent of subparagraph 1, 2, and 3 above. The installation of the sewer systems, including the methods of construction and the quality of materials used, shall conform to the then current standard specifications of the Planning Board and the Sewer Commissioners.

I. Fire Protection

1. Subsurface Water Storage Tanks (Fire Tanks)

Subsurface water storage tanks for fire protection shall be installed within a subdivision with four or more new house lots, or when in the opinion of the Planning Board and the Chief of the Westport Fire Department such tanks are necessary to protect the public safety by providing adequate water availability and

flow. The Board may also require a subsurface tank if there is a potential for four or more house lots. Form A lots created within 4 years of the subdivision application that were originally part of the parcel being subdivided shall be included when calculating the total number of new house lots. No tank installation shall be started until the contractor has obtained a permit from the Westport Fire Department. The tank should be filled the first time at the expense of the Developer.

2. Location

All subsurface water tanks shall be located within easements provided exclusively for this purpose. Tanks shall not be more than fifteen hundred (1,500) feet apart so that every house will be within seven hundred fifty (750) feet of a tank. The fire tank located closest to the intersection of the proposed new road with the existing public way shall be located within fifty (50) feet from station 0+00, as measured along the right-of-way sideline of the proposed road between Stations 0+00 and 1+00 or at a location otherwise approved by the Fire Department and Planning Board. Each suction pipe shall be located at least seven (7) feet but no more than nine (9) feet from the edge of the traveled way.

3. Tank Specifications

a. Tanks shall be of a water tight fiberglass design capable of holding not less than ten thousand (10,000) gallons. Tanks shall be from a manufacturer approved by the Westport Planning Board and Fire Department and which has manufactured such tanks for at least ten (10) years preceding the installation.

b. Suction Pipe – Each tank shall be equipped with a six (6) inch diameter, schedule 40, seamless suction pipe composed of steel with wall thickness of one-eighth (1/8) inch, and terminating in a six-inch NPH fitting. Said suction pipe shall be screened and shall extend four (4) inches from the bottom of the tank to a point not greater than thirty-two (32) inches above the finish grade at the edge of the traveled way. That portion of suction pipe inside the tank shall be composed of PVC pipe. A six-inch (6'') PVC cap having a steel bar, one-inch by one-quarter-inch by at least two (2) feet long, bolted to it, shall be installed on the suction pipe. Said bar shall have a three-eights-inch hole drilled through one end to accommodate a lock. In addition, a chain of sufficient length to reach the bar shall be attached to the suction pipe.

c. Fill Pipe – Each tank shall be equipped with a four-inch (4'') diameter steel fill pipe having two and one-half (2.5'') fire department national standard thread. Said pipe shall extend three (3) feet above finish grade, be screened to prevent stones from entering the tank and be equipped with a cap equipped with a chain and capable of being locked to the pipe. Said fill pipe shall terminate in a tee with a plug installed on top to allow measurement of the water level in the tank.

d. Vent Pipe – Each tank shall be equipped with a steel vent pipe six (6) inches in diameter. Said pipe shall extend three (3) feet above finish grade, terminating in an elbow angled at 180 degrees so as to allow the opening of the pipe to face the ground. The opening shall be screened with one-fourth-inch mesh steel screening.

   All cap and plug threads shall be liberally coated with Never Seez or equivalent compound to prevent thread seizure due to ice or rust.

4. Installation

a. Tanks shall be handled, stored, installed, anchored and tested in accordance with the manufacturer's instructions.

b. Excavation – For tanks of 10,000 to 20,000 gallon capacity, the tank hole size in stable soil conditions shall allow for twenty-four (24) inches between the tank sides and ends and the banks of the hole. The tank hole shall be deep enough to allow a minimum of twelve (12) inches of required backfill bed over the holes bottom (or over the concrete slab if required, a concrete slab (if required), and back fill over the tank as specified in section 100.4.05.

c. Bed and Backfill – All excavated native soil must be replaced with backfill approved by the Engineer for the Planning Board and certified to meet the manufacturer's requirements pertaining to particle size, roundness, quality, and soundness. No sand or native soil shall be mixed with the approved gravel. In areas of unsuitable soils, changing ground water levels, or watery conditions, or where, in the opinion of the Planning Board, it is in the best interests of the Town, the Planning Board may require the installation of a concrete slab below the tank, and may specify other modifications such as anchoring, filter fabric, or change in size of the tank hole in accordance with the manufacturer's instructions. All such installations shall be approved by the Engineer for the Planning Board.

d. Anchoring – Provisions for anchoring, where required, shall be in accordance with the manufacturer's instructions and approved by the Engineer for the Planning Board.

e. Backfill Cover – The tank shall be covered by a minimum of sixty-nine (69) inches of backfill or other minimum as the Planning Board may require to limit intrusion of the tank into groundwater. All installation shall meet the requirements of the manufacturer.

f. Barricading – The tank area shall be barricaded using temporary fencing to prevent vehicle travel over the tank until installation is complete. Thereafter, the pipes shall be protected by bollards placed in accordance with Fire Department recommendations.

5. Inspection

a. Prior to the start of construction the developer shall deposit in the Town's construction review account the "construction inspection fee" consisting of normal costs incurred by the Board for the employment of outside consultant engineers engaged by the Board.

b. The developer or contractor shall provide the Engineer for the Planning Board with soil test and water table results, and backfill material certification with sufficient notice to review this material prior to tank installation. Where groundwater is a consideration, buoyancy calculations by a registered engineer must be submitted to verify whether concrete hold-down structures are necessary.

c. Request for Inspection – The developer or contractor shall submit a Request for Inspection letter to both the Engineer for the Planning Board and the Fire Department at least two (2) working days before the desired inspection date.

d. The tank shall be tested in accordance with the manufacturer's instructions at the expense of the developer, before installation. The Engineer for the Planning Board shall, at the expense of the developer, be present during all stages of tank installation and testing and shall inspect the tank before it is installed, the excavation, backfill, concrete pads or anchoring provisions, if required, pipes and fittings, and all other items and installation activities deemed necessary by the Engineer.

e. Installation of other utilities or structures with in the underground water storage (fire) tank easement.

   Other utilities should be installed on easements provided for their use. Installation of other utilities, such as electric, telephone or TV cables, boxes, or other components, within the tank easement shall be allowed only with the approval of the Engineer for the Planning Board and the Fire Department.

6. Maintenance

Underground water storage (fire) tank easements shall be maintained free of all woody vegetation to allow access to the site by Fire Department vehicles and personnel.

(Fire Protection: Adopted by the Planning Board on 4-14-10 and effective July 1, 2010)

SECTION VI. ADMINISTRATION

A. VARIATION

Strict compliance with the requirements of these Rules and regulations may be waived when, in the judgement of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law. All waivers must be listed on the definitive plan.

B. REFERENCE

For matters not covered by these Rules and Regulations, references is made to Sections 81K to 81GG, inclusive, of Chapter 41 of the General Laws, and acts in amendment thereof, in addition thereto or in substitution thereof.

C. ONE DWELLING PER LOT

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town of Westport.

D. BUILDING PERMIT

No building shall be erected within a subdivision without written permission from the Westport Building Inspector.

E. ADHERENCE TO REGULATIONS

The Board will revoke a subdivision approval and/or not grant any further subdivision approval to any developer who violates any state or town law during the development of a subdivision until a written notice has been received from the agency whose law has been violated and the Town Counsel that the violation has been corrected and the matter legally settled, and a written statement is received from the developer that he will comply with the law during the course of further development.

The foregoing Rules and Regulations were adopted at a meeting of the Planning Board of the Town of Westport held on September 15, 1971 and ratified and affirmed at a meeting held on October 27, 1971, and as amended at a meeting of the Planning Board on September 28, 1981, October 18, 1982, November 16, 1987, April 30, 1990 and October 1, 1990, May 20 1991, October 8, 1991, June 21, 1993, September 12, 1994, June 25, 1996, January 19, 1999, March 16, 1999, March 27, 2001, June 6, 2001, April 14, 2010, July 1, 2010 and December 6, 2016.

WESTPORT PLANNING BOARD

Chairperson

I, Marlene Samson, Town Clerk of the Town of Westport, hereby certify that the foregoing is a true copy of the Rules and Regulations adopted by the Planning Board of the Town of Westport on September 15, 1971, and ratified and affirmed on October 27, 1971, and amended on September 28, 1981, October 18, 1982, November 16, 1987, April 30, 1990 and October 1, 1990, May 20, 1991, October 8, 1991, June 21, 1993, September 12, 1994, June 25, 1996, January 19, 1999, March 16, 1999, March 27, 2001, April 14, 2010, July 1, 2010 and June 6, 2016.

Marlene B. Samson

Town Clerk

A P P E N D I X

A-1 TABLE "A" STANDARD SPECIFICATIONS

A-2 TYPICAL CROSS SECTIONS

A-3 FORMS

Application Form copies (not including approval forms) can be downloaded from the Town website under the Planning Board Department page or by contacting the department directly.

FORM A	APPLICATION FOR APPROVAL NOT REQUIRED PLAN
FORM A	CHECKLIST
FORM A-1	APPROVAL IS NOT REQUIRED
FORM A-2	APPROVAL IS REQUIRED
FORM B	APPLICATION FOR APPROVAL OF PRELIMARY PLAN
FORM B-1	APPROVAL OF PRELIMINARY PLAN
FORM B-2	DISAPPROVAL OF PRELIMINARY PLAN
FORM C	APPLICATION FOR APPROVAL OF DEFINITIVE PLAN
FORM C-1	APPROVAL OF DEFINITIVE PLAN
FORM C-2	APPROVAL OF DEFINITIVE PLAN WITH MODIFICATIONS
FORM C-3	DISAPPROVAL OF DEFINITIVE PLAN
FORM D	DESIGNER'S CERTIFICATE
FORM E	APPLICATION FOR AMENDMENT, MODIFICATION, OR RECISSION OF APPROVAL OF DEFINITIVE SUBDIVISION PLAN
FORM E-1	CERTIFICATE FOR AMENDMENT, MODIFICATION, OR RECISSION DEFINITIVE SUBDIVISION PLAN
FORM F	COVENANT
FORM F-RRL	COVENANT FOR RURAL RESIDENTIAL LANES

FORM F-SR	COVENANT FOR SECONDARY ROADS
FORM G	PERFORMANCE SECURED BY DEPOSIT OF MONEY
FORM H	PERFORMANCE SECURED BY SURETY COMPANY
FORM I	PERFORMANCE SECURED BY OTHER SECURITY
FORM J	PERFORMANCE SECURED BY BANK PASSBOOK
FORM K	PERFORMANCE SECURED BY LENDER'S AGREEMENT
FORM L	CONVEYANCE OF EASEMENTS AND UTILITIES
FORM M	PLAN REVIEW REFERRAL FORM
FORM M-1	PLAN REVIEW REPORT FORM
FORM N	CONTROL FORM FOR PROCESSING SUBDIVISION PLAN AND CONSTRUCTION
FORM O	CERTIFICATE OF COMPLETION – RELEASE OF MUNICIPAL INTEREST
FORM OSRD	OSRD APPLICATION
FORM P	TOWN CLERK'S CERTIFICATE OF NO APPEAL
FORM Q	INSPECTION PROCEDURES
FORM R	ENGINEER 'S REPORT
FORM CD	COMMON DRIVEWAY
FORM FF	FLEXIBLE FRONTAGE
FORM LID	LOW IMPACT DEVELOPMENT

ADDITIONAL INSPECTION PROCEDURE FORMS

Consultant Review Developers Questionnaire

Application and Authorization to proceed

TABLE A
STANDARD SPECIFICATIONS

	COLLECTOR STREETS	RESIDENTIAL STREETS	RURAL RESIDENTIAL LANES
MINIMUM GRADE	0.80%	1.00%	1.00%
MAXIMUM GRADE	6.00%	10.00%	10.00%
MINIMUM C/L RADIUS	*273 FT.	100 FT.	80 FT.
MINIMUM TRAVELED WAY WIDTH	30 FT.	22 FT.	See Note i.
MINIMUM R.O.W. WIDTH	50 FT.	50 FT.	40 FT.
MINIMUM S.S.D. (CREST)	200 FT. (K=28)	-----	------
MINIMUM S.S.D. (SAGS)	200 FT. (K=35)	-----	------

MINIMUM RADIUS SHALL BE SET BY THE PLANNING BOARD FOR ANY OTHER SPEED REQUIREMENTS OTHER THAN SHOWN IN ABOVE TABLE.
5% FOR GRAVELLED ALTERNATIVE

NOTES

a. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the most recent requirements of “The Commonwealth of Massachusetts, Department Transportation, Standard Specifications for Highways, Bridges and Waterways.

b. Unless otherwise specified, construction standards shall conform to the most current revisions as published by the Massachusetts Department of Transportation.

c. Wherever in the documents referred to in paragraphs a. and b. above the following terms, or pronouns in place of them used, the intent and meaning shall be interpreted by substitution as follows:

“Commonwealth”	Town of Westport
“Department”	Planning Board of the Town of Westport
“Engineer”	The Highway Surveyor of the Town of Westport

d. The subdivider shall provide grade stakes placed on the edge of the pavement at all 50 foot stations, prior to placing the gravel base.

e. If during the course of construction, wet spongy areas are found subdrains shall be installed as directed even though they were not anticipated and shown on the definitive plan.

f. Where required (see V-C), drainage systems shall be installed with sufficient catch basins, so that surface drainage will not flow on the edge of the pavement for a distance greater than 400 feet. Grades for drainage systems shall be designed so that clay or cement pipes shall have a minimum 30 inch cover to subgrade and a metal pipe shall have a minimum 18 inch cover to subgrade. All frames, grates and covers shall meet Commonwealth of Massachusetts, Department of Transportation specifications and must be listed on the MassDOT approved construction materials list.

g. Water mains shall be located in the grass plot between the street pavement and the sidewalk on the Easterly or Southerly side, and the Gas main shall be located in the grass plot between the street pavement and the sidewalk on the Westerly or Northerly side of all streets in the subdivisions.

h. All roads shall be built to Collector or Residential Street standards before being presented to the Town Meeting for Acceptance. The following construction standards and testing procedure shall apply to all roads accepted by the Town.*

(1) 12 inch gravel foundation conforming to the Commonwealth of Massachusetts, Department of Transportation, Standard specifications for Highways and Bridges. The gravel to be tested in accordance with the Massachusetts Department of Transportation specifications. Test results will be certified by a registered professional engineer.

(2) The surface course of the road is to be constructed in two courses of Class I Bituminous concrete pavement Type I-I one course of binder two (2") inches thick, followed by a top course one and one-half (1 ½) inches thick. The mix shall be taken from the roadway and tested in accordance with the Massachusetts Department of Transportation specifications. The test results are to be certified by a registered professional engineer submitted to the Planning Board. The Planning Board may require additional core testing as needed.

(3) The cost of all testing and inspection are to be borne by the party constructing the road.

i. The traveled way of a Rural Residential Lane may be determined by the Planning Board to be one of the two types (or a combination thereof) as follows:

(1) Paved: having a total roadway width of forty feet, and comprising of a paved width of eighteen (18) feet, together with a "Cape Cod" berm one foot on each side or 20' of pavement without berms. Paving shall be in accordance with Section H and the typical cross sections, made part of these specifications.

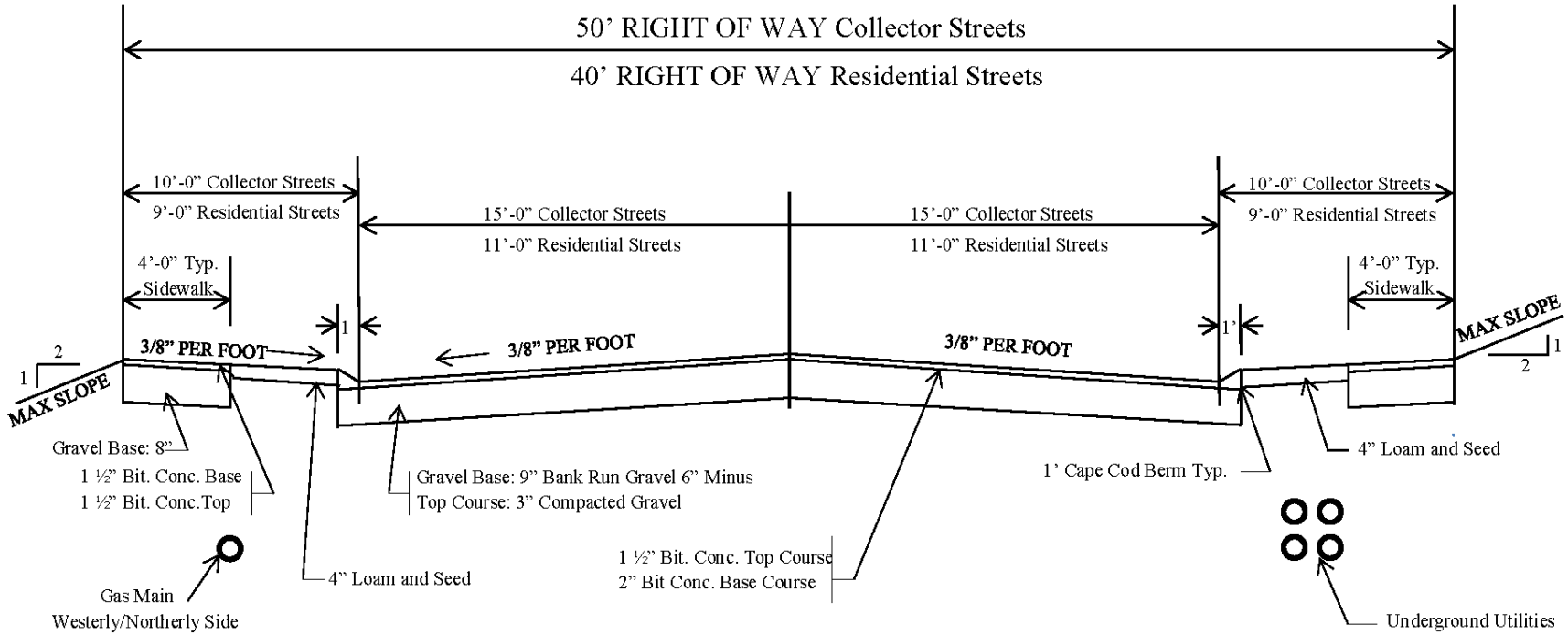
(2) Graveled: having a traveled way width of twenty (20) feet consisting of a total of fifteen (15) inches of compacted gravel in accordance with the typical cross sections for this type of road, made part of these specifications.

*per town meeting as follows:

Article 39, 1979 Annual Town Meeting
Article 31, 1980 Annual Town Meeting
Article 39, 1984 Annual Town Meeting
Article 61, 1986 Annual Town Meeting

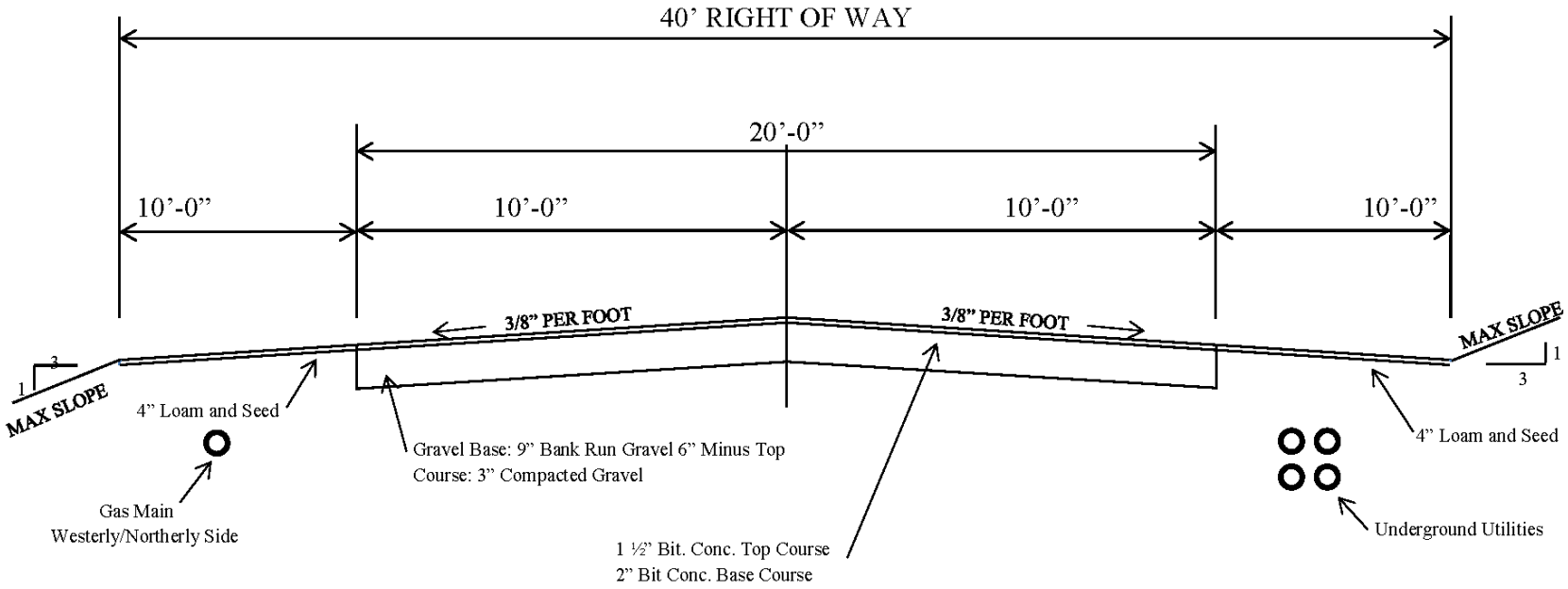
TYPICAL CROSS SECTION
WESTPORT PLANNING BOARD – WESTPORT, MA

COLLECTOR AND RESIDENTIAL STREETS



TYPICAL CROSS SECTION
WESTPORT PLANNING BOARD – WESTPORT, MA

RURAL RESIDENTIAL LANE
(PAVED ROADWAY)



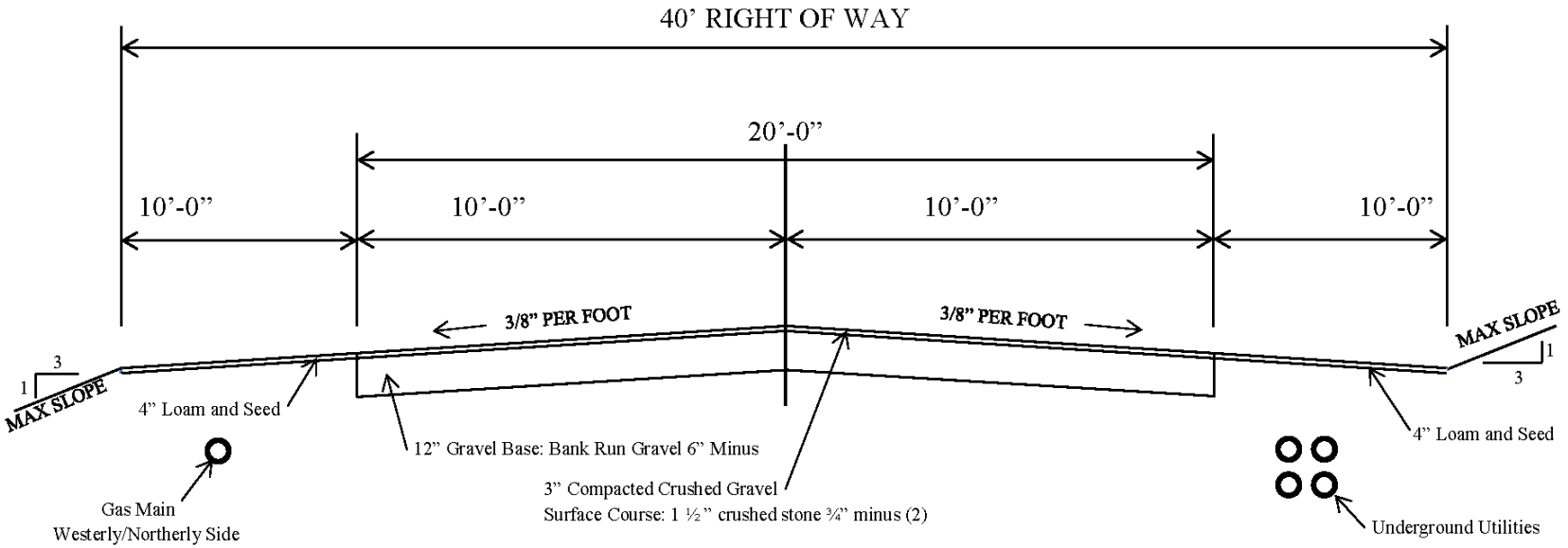
Notes:

1. Planning Board may permit modifications to the shoulders and cross section to accommodate drainage.
2. Planning Board may consider 9' travel lanes with 1' drivable Cape Cod berms.

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TYPICAL CROSS SECTION
WESTPORT PLANNING BOARD – WESTPORT, MA

RURAL RESIDENTIAL LANE
(GRAVELED ROADWAY)



Notes:

1. Planning Board may permit modifications to the shoulders and cross section to accommodate drainage.
2. The Board may consider alternative surface materials provided it minimizes dust and provides for a durable drivable surface