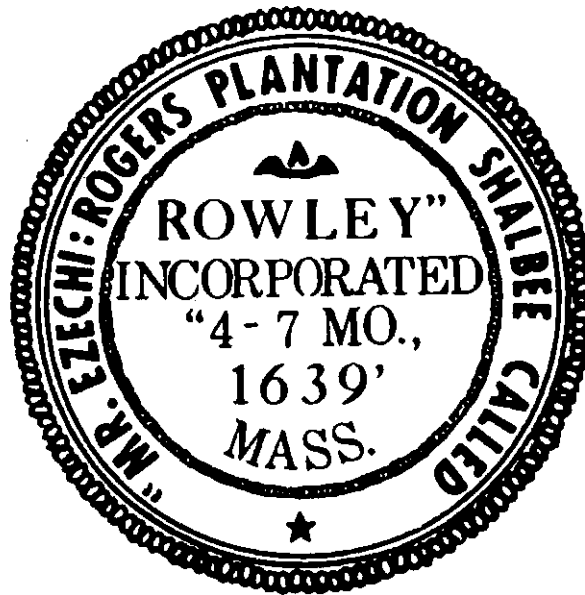


TOWN OF ROWLEY MASSACHUSETTS



*w/ updates
through
April 2005*

ROWLEY PLANNING BOARD RULES AND REGULATIONS

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**ROWLEY PLANNING BOARD RULES AND REGULATIONS GOVERNING
FEES FOR APPROVAL OF A PRELIMINARY AND/OR DEFINITIVE
SUBDIVISION PLAN, SITE PLAN AND SPECIAL PERMIT APPLICATIONS**

SECTION 1.0 FEES

1.1 Fees

1.1.1. The filing fee for "Application for Approval of a Site Plan"; Application for Approval of a Special Permit; "Application for Approval of a Preliminary and/or Definitive Subdivision Plan"; and/or for an amendment/revision to the above described shall be composed of three parts:

- a.) a general administration and process fee portion;
- b.) a technical/planning review and consultation fee portion;
- c.) an inspection service fee portion.

The total of "a", "b" and "c", shall be considered as the "filing fee". The responsibility of payment of the three portions of the "filing fee" shall be borne solely by the applicant.

1.1.2. The general administration and process fee portion shall be presented to the Board, in the form of a check made out to the Town of Rowley, at the time of submission to the Planning Board, which shall be received by the Board at a regularly scheduled meeting. Failure of the applicant to present this fee portion shall be grounds for the Planning Board to reject the Application on the basis that it is an incomplete submission.

The purpose of this fee portion is to cover all anticipated municipal/general governmental costs of all town boards and departments as a result of the Application. Costs include but are not necessarily limited to inter-governmental processing, reviewing, providing comments, site inspecting, revising various town maps, and the publishing of legal notices, regarding the submission of plan application, plans, and all other relative documents. This fee portion is non-refundable, and shall not be considered as the fee portion for costs of technical and planning reviews, which the Planning Board may require.

The general administration and process fee portion shall be in accordance with Planning Board Rules and Regulations Governing the Subdivision of Land Section 2.5.1.; Rules and Regulations Governing Site Plan Approval, Section 2.1.2.1.; and Rules and Regulations Governing Special Permit Approval Section 4.2.; unless otherwise waived by the Board. If an applicant feels that this amount is not applicable to his/her application, the applicant may submit a written waiver request to the Board prior to or at the time of submission of the plan.

1.1.3. The technical/planning review and consultation fee portion shall be paid, in total, within 10 working days from the receipt of the notification this fee portion amount, as sent or presented by the Board to the applicant. Payment shall be made in the form of a check made payable to the Town of Rowley. Failure of the

applicant to pay this fee portion shall be grounds for the rejection of the Application on the basis that it is in non-compliance with Planning Board Rules and Regulations as described herein.

The purpose of this fee portion is to cover all technical, engineering, and planning costs, as required by the Planning Board, for the Board's adequate review and decision on the application/site plan. Costs include but are not necessarily limited to professional engineering services, reviews, consultations, and reports; professional planning services, reviews, consultations, and reports; site evaluations; on-site samplings and/or testing reports; special studies; and other related technical or planning services as required by the Planning Board, and as further detailed in Schedule H-1, H-2, and/or H-3 of the Town of Rowley Planning Board Rules and Regulations.

The Planning Board shall present or mail to the applicant either cost estimates of the above described services or copies of actual bills (as received by the Board) for the above described services. In the event that the applicant has paid an amount based on a cost estimate and the actual billing is lower than such cost estimate, then the remaining balance shall be refunded, in accordance with MGL Chapter 44, Section 53G and subject to the Board's determination that the applicant has complied with all other Planning Board Rules and Regulations. In the event that the actual cost of technical/planning services, as described above, exceed the cost estimate paid by the applicant, then the applicant shall pay all remaining costs as required by the Board, prior to the Board's action/vote on the plan/application. Failure to pay the remaining amount shall be grounds for the Board to reject the plan/application, on the basis of non-compliance with Planning Board Rules and Regulations. This fee portion, in no manner, shall be considered part of the general administration and process fee portion which is non-refundable.

The Planning Board shall place this technical/planning review and consultation fee portion in a "special account, in accordance with and as authorized by Massachusetts General Laws; Chapter 44, Section 53G.

The applicant may appeal the selection of an outside consultant, for technical services as described above, to the Rowley Board of Selectmen, in accordance with MGL Chapter 44, Section 53G, on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The time for action by the Planning Board upon the application shall be extended by the duration of the administrative appeal. If the Board of Selectmen make no decision within one month following filing of an appeal, the selection by the Planning Board shall stand.

Such special account shall be established by the Town Treasurer/Town Accountant in the town treasury and kept separate and apart from other monies. The special account, including accrued interest, shall be expended by the Planning Board. Any excessive amount in the account for the Application/Plan,

including accrued interest, shall be returned to the applicant following approval or disapproval of the Application/Plan. A final report of said account shall be made available to the applicant upon written request.

1.1.4. The inspection service fee portion, as estimated by the Planning Board, shall be paid by the applicant prior to any construction activity. The requirement to pay this inspection service fee portion shall be made part of the conditions of approval and certificate of vote relative to action taken on the plan/application.

After plan approval, the applicant shall schedule a pre-construction meeting/construction schedule conference with the Planning Board and its engineers/agents. Within at least two weeks of the scheduled date of this meeting/conference, the Planning Board shall mail or present to the applicant the cost estimate of the inspection service fee portion. Prior to or at this meeting/conference, the applicant shall submit the amount of this inspection service fee portion to the Planning Board. Failure of the applicant to pay this inspection service fee portion shall be grounds for the Board to withhold any and all authorization of any and all construction activities, and shall cause the Board to recommend to the Building Inspector that the Application for Building Permit be rejected on the basis that the applicant is in non-compliance with Planning Board Rules and Regulations.

The purpose of this fee portion is to cover all professional inspection costs, as required by the Planning Board, from the time of the beginning of construction until final "As-Built Plans" are approved by the Planning Board. Costs include but are not necessarily limited to on-site inspections; "Clerk-of-the Works" wages; consultations; engineering services and review of required plan revisions that may be ordered by the Board after endorsement and prior to the completion of construction; written reports relative to inspections; consultation and resolution of any problems arising from project construction; various testing performed on site as required by the Board; processing and reviewing required "As-Built Plans" and providing reports regarding such; and technical services required in the review of "As-Built" Plans, and as further detailed in **Schedule J** of the Town of Rowley Planning Board Rules and Regulations.

If the costs of the inspection services, as described below, exceed the cost estimate paid by the applicant, then the applicant shall pay all remaining costs as required by the Board, prior to the Board's final inspection and action/vote on the "As-Built Plans". Failure to pay all remaining costs will be grounds for the Board to reject the As-Built Plans and to recommend to the Building Inspector that any application for Occupancy Permit be rejected, based on the applicant's failure to comply with Planning Board Rules and Regulations.

The Planning Board shall present or mail to the applicant either costs estimates of the above described services or copies of actual bills (as received by the Board) for the above described services, in the manner as described above. In the event that the applicant has paid an amount based on a cost estimate and the actual billing is lower than such cost estimate, then the remaining balance shall be refunded subject to the Board's determination that the applicant has

complied with all other Planning Board Rules and Regulations. However, this fee portion in no manner shall be considered part of the general administration and process fee portion which is non-refundable.

The Planning Board shall place this inspection service fee portion in a "special account, in accordance with Massachusetts General Laws; Chapter 44, Section 53G.

The applicant may appeal the selection of an outside consultant, for technical services as described above, to the Rowley Board of Selectmen, in accordance with MGL Chapter 44, Section 53G, on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The time for action by the Planning Board upon the application shall be extended by the duration of the administrative appeal. If the Board of Selectmen makes no decision within one month following filing of an appeal, the selection by the Planning Board shall stand.

Such special account shall be established by the Town Treasurer/Town Accountant in the town treasury and kept separate and apart from other monies. The special account, including accrued interest, shall be expended by the Planning Board. Any excessive amount in the account for the Application/Plan, including accrues interest, shall be returned to the applicant following the Board's determination that all construction has been completed in compliance with the approved/endorsed plan. A final report of said account shall be made available to the applicant upon written request.

**ROWLEY PLANNING BOARD RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
ROWLEY, MASSACHUSETTS**

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

SECTION 1.0. PURPOSE AND AUTHORITY

1.1. Purpose

These subdivision regulations are adopted under the provisions of Chapter 41 of the General Laws for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Rowley 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 the Planning Board and of the 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 of life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the Zoning By-law; 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 Town and with the ways in neighboring subdivisions."

1.2. Authority

Under the authority vested in the Planning Board of the Town of Rowley by Section 81-Q of Chapter 41 of the General Laws, said Board has hereby adopted these Rules and Regulations Governing the Subdivision of Land in the Town of Rowley.

SECTION 2.0. GENERAL

2.1. Definitions

Applicant: A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a person who applies under Section 3.0. "Applicant" shall include an owner, or his agent or representative, or his assigns.

Bench Mark: A mark made in a durable object of known position and elevation as a reference point.

Bikeway: A way designed to be used principally or exclusively by a bicycle or similar unpowered vehicle.

Board: The Planning Board of the Town of Rowley.

Bridle Path: A way designed to be used principally or exclusively for equestrian purposes.

Certified By: Certified by (or endorsed by) the Planning Board, as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of the Planning Board.

Common Driveway: Any drive, right-of-way or private way which provides driveway access to two (2) or more lots but which does not qualify as a street for determining frontage under Chapters 40A and 41 of the General Laws of Massachusetts.

Designer: A Professional Civil Engineer and a Land Surveyor registered to practice in Massachusetts or a person working under the direct supervision of a registered professional engineer or surveyor.

Develop: To construct a street, install utilities, erect a house or other structure, or in any way to improve a lot substantially.

Developer: A person (as hereinafter defined) who develops a subdivision under a plan of a subdivision approved pursuant to Sec. 3.0. of these Rules and Regulations.

Easement: A right acquired by public authority or other person to use or control property for a utility or other designated purpose.

Frontage: The linear extent of a lot measured along the street right-of-way from the intersection of said right-of-way with one side lot line to the intersection with the other side lot line of the same lot, but not including any portion thereof devoted to a right-of-way or a driveway serving more than one (1) lot or dwelling unit. Frontage must provide vehicular access to the lot from the right-of-way counted for frontage unless otherwise approved by the Planning Board on a Definitive Plan submitted in accord with Chapter 41, General Laws or approved by the Planning Board in the same manner as a Definitive Plan.

High Intensity: A neighborhood in which the majority of the structures are single family dwellings on lots containing less than forty thousand (40,000) square feet, town houses, multi-family dwellings, structures designed for business, industrial or any other non-residential use, or any combination thereof.

General Laws: (Abbreviated G.L.) The General Laws of Massachusetts, as the same may be amended.

Lot: An area of land in one (1) ownership with definite boundaries used, or available for use, as the site of one (1) or more buildings. (Sec. 81-L of Chapter 41 G.L.)

Low Intensity: An area where the lots are used for single family dwellings and where each lot is at least forty thousand (40,000) square feet.

Monument: A permanent marker to indicate a boundary.

Municipal Services: Water drains, water pipes, gas pipes, electrical lines, telephone lines, fire alarm system, similar systems and their respective appurtenances.

Owner: As applies to real estate, the person holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the Land Registration Office, Registry of Deeds or Registry of Probate.

Person: An individual, two or more individuals, or a group or association of individuals, a partnership, trust or corporation, having common or undivided interests in a tract of land.

Plan: Definitive The plan of a subdivision as duly submitted with appropriate application to the Board for approval, to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board, and such plan when approved and recorded; all as distinguished from a Preliminary Plan.

Plan: Preliminary A plan of a proposed subdivision or a re-subdivision of land prepared in accord with Section 3.0. to facilitate proper preparation of a Definitive Plan.

Planning Board Agent: Town employee or consultant authorized by the Planning Board to review subdivisions and administer the Regulations.

Private Utilities: This term shall include telephones, cable television, electric light and power, and gas lines whether installed on, above or beneath the surface of the ground and water and sewage systems not operated by the Town.

Public Utilities: This term shall include electric light and power distribution systems, surface water drains and water and sewer pipes and their appurtenances, which may become the property or responsibility of the Town.

Recorded: Recorded shall mean recorded in the Registry of Deeds in Essex County, except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court. (Section 81-L of Chapter 41 G.L.)

Registry of Deeds: Registry of Deeds shall mean the Registry of Deeds of Essex County, and when appropriate, shall include the Land Court (Section 81-L of Chapter 41, G.L.).

Roadway: That portion of a way which is designed and constructed for vehicular travel.

Sidewalk: A way within the right-of-way of a street, normally parallel to the street, designed for use by pedestrians.

Standard Specifications: "The Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges," 1973 edition as amended.

Street:

Dead End: A street, extension of a street or system of streets connected to a through street at only one point.

Major: A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the Town of Rowley, which will connect communities or which will otherwise carry a heavy volume of traffic.

Minor: A street which, in the opinion of the Board, is being used or will be used primarily, to provide access to abutting lots and which will not be used for through traffic.

Secondary: A street intercepting one (1) or more minor streets and which, in the opinion of the Board, is used or will be used to carry a substantial volume of traffic from such minor street(s) to a major street or community facility, and normally including a principal entrance street to a shopping center, industrial park, planned unit development, or a large subdivision, or group of subdivisions, and any principal circulation street within such developments, or a street which will connect subdivisions.

Subdivision: The division of a tract of land into two (2) or more lots and shall include resubdivision, 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 (2) 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 a frontage on (a) a public way, or a way which the Town Clerk of the Town of Rowley 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, or (c) a way in existence when the subdivision control law became effective in the Town 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 buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning By-Law. 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 (2) or more buildings were standing when

the Subdivision Control Law went into effect in the Town into separate lots on each of which one (1) of such buildings remains standing, shall not constitute a subdivision. (Section 81-L of Chapter 41 G.L.)

Subdivision Control: The power of regulating the subdivision of land granted by the Subdivision Control Law, Chapter 41, Sections 81- A through GG inclusive, as hereinafter amended.

Trail: A path or track made by the passage of persons or animals, usually through undeveloped land.

Town: Town of Rowley, Massachusetts.

Utility: See Private and Public Utilities

Walkway: A way designed for use by pedestrians, not necessarily parallel to a street.

Way: A way is synonymous with the terms, road, street, highway and avenue and shall denote any such line or route for passage whether public or private. The length and width of the strip of land laid out, designated, acquired and/or dedicated for the use of such way. Such width includes the spaces for vehicular travel, sidewalks, edgestone and planting spaces where required.

2.2. Approved Plan Required

2.2.1. 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 for sale of lots in a subdivision, or the construction of ways, or preparation therefore or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Board as hereinafter provided.

2.2.2. In any case where a person has submitted a preliminary or a definitive plan for a residential subdivision, the applicant shall also file a site plan for an Open Space Residential Development under § 5.4 of the Rowley Protective Zoning By-Law. Such site plan shall be utilized by the applicant and the Planning Board in considering the feasibility and desirability of developing the property as an Open Space Residential Development as an alternative to a conventional subdivision.

2.3. Source of Information Required

2.3.1. In those cases in which the land shown on the plan is abutted by land of an owner not the owner of the land as shown, the Board shall require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. Separate forms for such statement will be furnished by the Board, see **Form D - Designer's Certificate**.

2.4. More Than One Building for Dwelling Purposes on a Lot

2.4.1. Not more than one (1) 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, without the consent of the Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such buildings in the same manner as otherwise required for lots within a subdivision.

2.5. Fees and Expenses, Subdivision

2.5.1. The minimum filing fee, which is non-refundable, shall be fifty dollars (\$50.00) per proposed dwelling Unit, plus one dollar (\$1.00) per linear foot of street shown on a Preliminary Plan or a Definitive Plan, but in no case shall be less than one thousand dollars (\$1000.00), and shall be paid upon submission of the respective plan. Each subsequent revision to said Plan will be accompanied by a fee of not less than five hundred dollars (\$500.00), the exact fee to be determined by the Planning Board based on the anticipated costs of review.

2.5.1.1. The minimum filing fee shall be in the form of a certified check made out to the Town of Rowley, MA, or a receipt for the amount showing payment of the fee to the Treasurer of the Town, and must be presented at the time of filing of the plans with the Board.

2.5.1.2. For a Definitive Plan resulting directly from an Approved or Conditionally Approved Preliminary Plan, any balance remaining from the minimum filing fee for the Preliminary Plan shall be credited to the filing fee for the resultant Definitive Plan.

2.5.2. When plans and/or the associated required forms submitted to the Planning Board are found not to comply with the "Procedure For The Submission Of Plans" as required by the Town of Rowley Planning Board Rules and Regulations, resulting in the plans so submitted not being endorsed by the Planning Board, the filing fee is forfeited and a new submission including an additional filing fee will be required.

2.5.3. All expenses for advertising, publication of notices, engineering, professional planning review, plans, inspection of construction, recording and filing of documents, and all other expenses in connection with a subdivision including without limitation sampling and testing required by the Planning Board or its Agent shall be borne solely by the applicant, and are in addition to the filing fee. At the time of submission, an agreement shall be filed by the applicant agreeing to pay the Town for any expense incurred under this section.

2.6. Fees, Plans Believed Not To Require Approval

2.6.1. A non-refundable filing fee is due with the submission of all non-subdivision plans submitted to the Planning Board for endorsement.

2.6.2. The minimum filing fee shall be fifty dollars (\$50.00) for the first two lots or portions thereof shown on the plans, and twenty-five dollars (\$25.00) for each lot or portion thereof beyond the first two (2) shown on the plan.

2.6.3. The filing fee shall be in the form of a certified check made out to the Town of Rowley, MA., or a receipt for the full amount showing payment of the fee to the Treasurer of the Town, and must be presented at the time of filing of the Plans for Planning Board action. Plans submitted without the filing fee will be considered improperly filed and returned without Planning Board endorsement.

2.6.4. When plans and/or the associated required forms submitted to the Planning Board are found not to comply with the "Procedure for the Submission and Approval Of Plans" as required by the Town of Rowley Planning Board Rules and Regulations, resulting in the plans so submitted not being endorsed by the Planning Board, the filing fee is forfeited and a new submission including an additional filing fee will be required.

SECTION 3.0 PROCEDURES FOR THE SUBMISSION AND APPROVAL OF PLANS

3.1 Plan Believed Not To Require Approval

3.1.1. Submission of Plan

3.1.1.1. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a Plan of Land, and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and two (2) contact prints thereof and two (2) copies each of properly executed **Form A and D** accompanied by the required filing fee (see Section 2.6.) and by the necessary evidence to show that the plan does not require approval to the Planning Board at a regularly scheduled Planning Board Meeting. Said person shall also file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission to the Board for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefore.

3.1.2. Contents

3.1.2.1. Said plan shall be legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds as amended pertaining to plan size, material, lettering and related requirements, and, prior to the recording of said plan, shall contain all required seals and signatures required by the Registry of Deeds.

3.1.2.2. The plan scale shall preferably be forty (40) feet to the inch and if different, shall be at a scale approved by the Board in writing prior to the submission of the plan, and shall contain the following:

- a) Identification of the plan by name of owner of record and location of the land in question including the Assessor's tax map number and lot number, the scale, north point, and date.

- b) The statement, "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and the signatures of all members of the Board.
- c) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan, together with notice of any decisions by the Zoning Board of Appeals including, but not limited to, variances and exceptions regarding the land or any buildings thereon.
- d) In the case of the creation of a new lot, all the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
- e) Name of abutters, including those across the street, from the most recent local tax list unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.
- f) Names and status (private or public) of streets and ways shown on the plan.
- g) Bearings and distances of all lines of the lot or lots shown on the plan and the distance and bearing to the nearest permanent monument.
- h) Accurate location of all existing buildings including all septic systems, surface and subsurface drainage, and building setback, side yard and rear yard designations.
- i) Location of all bounds, brooks, fences, walls, trails, easements and/or encumbrances.
- j) A locus map at one thousand (1,000) feet to the inch located in the upper right corner of the plan. (See **Schedule A-2**)
- k) A map of the area showing the predominant soil type(s) and contours at four (4) foot intervals, with slopes greater than fifteen (15) percent and wetlands shaded in light gray.

3.1.3 Action by Board

3.1.3.1 If the Board determines that the plan does not require approval under the Subdivision Control Law, it shall forthwith, and without a public hearing, endorse the plan. The Board may add to such endorsement a statement of the reason approval is not required. The Board shall notify the Town Clerk in writing of its action, and return the original plan to the Applicant.

3.1.3.2 If the Board determines that the plan requires approval under the Subdivision Control Law, it shall notify the Applicant and the Town Clerk in writing of its determination and the reason approval is required. The Board shall return the original plan to the Applicant.

3.1.3.3 If the Board fails to act upon the plan or fails to notify the Town Clerk and the Applicant of its action within twenty-one (21) days after its submission to the Board, the Board shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith endorse the plan and, on its failure to do so, the Town Clerk shall issue a certificate to the same effect.

3.2. Preliminary Plan

3.2.1. Submission of a Preliminary Plan

3.2.1.1 A Preliminary Plan of a residential subdivision may, and of a non-residential subdivision must, be submitted by the applicant. The Preliminary Plan, ten (10) prints of it and the minimum filing fee (see Section 2.5) shall be filed with the Planning Board together with two (2) copies each of properly executed application **Forms B and D** and all other **Forms, Schedules and documents** as are required by these Regulations and are applicable to the plan at a regularly scheduled meeting of the Board. One set of one-half (1/2) scale reductions of the plan together with two (2) prints thereof shall also be filed. It is advisable that a meeting be held with the Planning Board, the Applicant and the engineers prior to the preparation of the Preliminary Plan to assure that the Plan to be presented is in compliance with the intent and requirements of these Rules and Regulations. All expenses involved in review and advice concerning said pre-application meeting shall be born by the applicant and shall be paid prior to the submission of the Preliminary Plan application.

3.2.1.2. The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission of a Preliminary Plan to the Board for such approval accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall if requested give a written receipt therefore.

3.2.1.3. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, the Town Highway Surveyor, the Police Department, the Board of Fire Engineers, and other Town agencies and the owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case.

3.2.2. Contents

3.2.2.1. The Preliminary Plan shall be drawn on tracing paper or other reproducible substance at a suitable scale, preferably forty (40) feet to the inch and if different, such other scale must be approved by the Board in writing prior to the submission. The plan shall be designated as a Preliminary Plan" and to

form a clear basis for discussion of the details of the subdivision and for preparation of the Definitive Plan, the plan shall contain the following:

- a) The subdivision name, if any, boundaries, north point, date, scale, legend and title "Preliminary Plan."
- b) The names and addresses of the recorded owner of the land and the subdivider and the name, seal, and address of the designer, engineer and surveyor who made the plan, which shall appear in the lower right-hand corner.
- c) The names of all abutters, including those across the street, as determined from the most recent local tax list, unless the applicant shall have more recent knowledge of such abutters.
- d) The locus of the land shown on the plan with sufficient information to accurately locate the plan, including Assessor's tax map numbers and lot numbers, said locus to be located in the upper right hand corner of the plan. (See Schedule A-2.)
- e) The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.
- f) Major features of the land such as existing walls, fences, trails, monuments, buildings, wooded areas, outcroppings, ditches, swamps, water bodies and natural waterways. Where available, aerial photographs may be required.
- g) A general description of the type of systems for sewage disposal; water installation and surface drainage in a general manner including adjacent existing natural waterways intended to receive drainage.
- h) The bearings and distances of all boundary lines of proposed lots shown on the plan with lot numbers, approximate areas and the distance and bearing to the nearest permanent monument.
- i) The names, approximate location and widths of adjacent streets and of streets approaching or within reasonable proximity of the subdivision.
- j) The topography of the land with a two (2) foot contour interval based on the Town Datum (United States Coast and Geodetic Survey). Water bodies and their elevations shall be shown with the date of measurement. Land with a slope of greater than fifteen (15) percent and wetlands shall be lightly shaded in gray.
- k) Soil type based on the June 1969 Rowley report of United States Department of Agriculture, Soil Conservation Service "Soils and Their Interpretations for Various Land Uses."
- l) Letter designation of the proposed streets in lieu of names.

- m) The profiles of existing grades and approximate proposed finished grades of the roadway, and drain and sewer utilities, together with a cross section of any open channel streams.
- n) Area of contiguous land and water of the applicant not presently being subdivided, with a sketch plan showing a feasible future street layout for such contiguous land, if any.
- o) The zoning classification of land shown on the plan and the location of any zoning district boundaries that may lie within the locus of the plan.
- p) Notice of any decisions by the Zoning Board of Appeals including, but not limited to, variances and exceptions regarding the land or any buildings thereon.
- q) Existing and/or proposed easements and rights-of-way applicable to the area shown on the plan, including common driveways, if any.
- r) A document shall be filed requesting Planning Board approval for any waivers from the requirement of these Rules and Regulations.
- s) A document shall be filed containing information to provide a basis for general conclusions about the effect on the environment and on the community of the proposed plan compared to one or more alternatives permitted under the Zoning Bylaw. **See Schedule F, Project Information Summary.**
- t) Areas of the plan designated as wetlands by the Conservation Commission and/or the Flood Plain and Water Protection District in the Rowley Protective Zoning Bylaw.
- u) Each page of the plan must contain in the lower right-hand corner, the subdivision's name, the page number, and, when applicable, provisions for recording any and all revision dates and space for Planning Board action. In addition, the first page shall contain an index of all pages supplied. Said index shall indicate what information is to be found on each page of the plan.

3.2.3. Approval of a Preliminary Plan

3.2.3.1. The Board may give such Preliminary Plan approval with or without modification or suggestion, after the Board's review, and at the Board's option, review with the Board of Health, the Conservation Commission, the Highway Surveyor, Police Department, Board of Fire Engineers, and other Town agencies. Such approval does not constitute approval of the subdivision, but facilitates the preparation of the Definitive Plan and the securing of approval thereof. Notice of action taken shall be given the applicant and Town Clerk within the time period as provided in the General Laws. The original of the Preliminary Plan will be returned to the applicant. Approval shall be effective for seven (7) months or until a Definitive Plan evolving from the Preliminary Plan is filed, whichever comes first.

3.2.4. Disapproval of a Preliminary Plan

3.2.4.1. In the event of disapproval of a Preliminary Plan, the Board shall state the reasons for its disapproval in accordance with Section 81-U of Chapter 41, G.L. Notice of such action shall be given the applicant and Town Clerk as provided in the General Laws. The original of the Preliminary Plan will be returned to the applicant.

3.2.5. Failure of Board to Act

3.2.5.1. If the Board fails to act upon a Preliminary Plan submitted under this section or fails to notify the Town Clerk and the persons submitting the Plan of its action within the time period as provided in the General Law, said Preliminary Plan shall be considered approved under the Subdivision Control Law, and it shall forthwith make such endorsement on said Plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

3.3. Definitive Plan

3.3.1. Submission of a Definitive Plan

3.3.1.1. Any person who submits a Definitive Plan of a subdivision to the Board for approval shall file with the Board all items required in sub-sections 3.3.1. and 3.3.2. of this Section and the minimum filing fee (see Section 2.5) for a Definitive Plan to be duly submitted in accordance with these Rules and Regulations and the General Laws of Massachusetts. Such submission shall be made to the Planning Board at a regularly scheduled meeting of the Board, and the applicant shall forthwith file notice of submission with the Town Clerk as required in 3.3.1.2.h) and shall include the following:

a) An original drawing of the Definitive Plan and ten (10) contact prints thereof, dark line on white background. One set of one-half (1/2) scale reductions of the Plan together with two (2) prints thereof shall also be filed. The original drawings will be returned after approval or disapproval.

b) Properly executed **Form C -Application for Approval of a Definitive plan: Form DI - Engineer's Certificate: or D - Land Surveyor's Certificate: and Form E - Certified List of Abutters**, together with all other **Forms, Schedules and documents** as are required by these Regulations and are applicable to the plan. Approval of all plans shall be upon the condition that all ways shown thereon and public and private utilities required by the Board shall be completed and installed within the time so specified.

3.3.1.2 The Definitive Plan shall be prepared by a professional engineer and a land surveyor registered in Massachusetts, all pages shall be recordable and shall be clearly and legibly drawn in accordance with the rules and regulations of the Registry of Deeds as amended pertaining to plan size, material, lettering and related requirements. If the Definitive Plan has not been developed from an

Approved or Conditionally Approved Preliminary Plan, all data required in Section 3.2.2. shall also be required. In addition, it shall be prepared in the following manner:

- a) The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instruction, Commonwealth of Massachusetts. It is recommended that all other survey and Definitive Plan preparation, where not herein specified, be guided by the Manual of Instructions.
- b) The plan shall be at a scale of one (1) inch equals forty (40) feet or if different, approval in writing from the Planning Board prior to submission is required.
- c) Sheet sizes shall, be twenty four (24) by thirty six (36) inches including a three-quarter (3/4) inch border.
- d) All plans shall be accompanied by a locus map at a scale of one (1) inch equals one thousand (1,000) feet, showing the relationship of the subdivision to highways and major streets in Town, said locus to be located in the upper right hand corner of the plan. **See Schedule A-2.**
- e) All plans shall be accompanied by a Title Sheet and Key Map.
- f) The title block and signature space shall be located in the lower right-hand corner of each page and shall be drawn as shown on **Schedules A and A-I.**
- g) All plans shall contain a location plan at a scale of one (1) inch to one hundred (100) feet or one (1) inch to four hundred (400) feet, depending on the size of the subdivision. The location plan shall show the entire subdivision layout, adjacent streets, if any, and streets within a reasonable distance, sufficient to identify the location and the access to the land and shall be imposed on the upper left of the title sheet and all pages in the subdivision submission shall be indexed or keyed on this plan.
- h) The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval accompanied by a copy of the completed **Form C – Application for Approval of a Definitive Plan.**

3.3.2. Contents

3.3.2.1. The Definitive Plan shall contain the following information:

- a) A title, appearing in the lower right-hand corner of each sheet showing the name of the subdivision if any, the date, scale, north arrow, the names and seals of the designer, engineer and surveyor who made the plan, and provisions to show the dates of all revisions to the plan. **See Schedule A and A-1.**

- b) North point, whether true, magnetic, or grid benchmark and so indicated, and the boundaries of the subdivision indicated by shading.
- c) Location and ownership of abutting property as it appears on **Form E - Certified List of Abutters** including those across the street, unless the applicant shall have more recent knowledge of such abutters, so indicated including all abutting land owned by the applicant not presently being subdivided, and all other land within five hundred (500) feet of the boundaries of the land shown in the subdivision.
- d) Major features of the land, such as existing waterways, swamps and water bodies, natural drainage courses, walls, fences, trails, buildings, wooded areas, outcroppings and ditches which exist on or near the site at the time of survey. Where available, aerial photographs may be required.
- e) Lines of existing and proposed streets, ways, lots, lot numbers of each lot designated in accordance with the Planning Board House Numbering Plan, easements including width and purpose of same, and public or common areas within the subdivision. Letter designation of proposed streets shall be shown in pencil in lieu of street names, a list of proposed street names together with a listing with the street letter designation shall be provided to the Planning Board for review and/or tentative approval. (See 4.1.7.)
- f) Sufficient data to determine the location, direction and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines including lot frontage on the streets, of the radii, tangents, and central angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street lines shall be shown, areas of lots with lot numbers, and the area and frontage on public ways as set forth in Section 81-L of Chapter 41 G.L. of adjoining lands of the applicant not included in the subdivision shall be shown. The engineer or surveyor shall have the mathematical computations available to present to the Board (and/or Town Engineer), for a matter of record. It is recommended that traverse computations be placed on a separate or subsequent sheet.
- g) Location of all permanent monuments properly identified as to whether existing or proposed.
- h) Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both pavement widths and right-of-way widths.
- i) The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the

plan and the applicable minimum front, side and rear yard depths for each lot as is required by the Zoning Bylaws. All lots shown shall comply with the applicable zoning district requirements for the proposed land utilization.

j) Indication of all existing and proposed easements and rights-of-way applying to the land and their purposes, whether or not within the subdivision, and any decision on appeal or any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.

k) A document shall be filed requesting Planning Board approval for any waivers from the requirements of these Rules and Regulations.

l) Location of any common driveways. If a common driveway is shown on the plan, it must be accompanied by the following declaration of covenants, easements and restrictions, all of which must be approved in form and content by the Town Counsel and the Planning Board. (See also Section 4.1.2.)

1) An agreement between the owner or developer and the Town of Rowley prohibiting the sale of lots and erection of buildings until such time as the common driveways have been constructed in accord with the approved plan.

2) A declaration of covenants, easements and restrictions for the use and maintenance of said common drives.

m) If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant.

n) Suitable space to record the action of the Board and the signatures of all members of the Board and all members of the Board of Health, including, where appropriate, the words "Deeds of Easements to be recorded herewith", or the words "Covenants to be recorded herewith", at the same location on all pages of the subdivision submission.

Items 3.3.2.2. through 3.3.2.8. shall be submitted on separate sheets of the same size and material as the plan sheet. Each sheet shall bear title block and signature block as required in paragraphs 3.3.2.1. a) and b) and above. Item 3.3.2.9. shall be submitted in text and tabular form.

3.3.2.2. Plan and Profile

Existing profiles of the exterior lines and center line drawn in fine black line, dot dash for left, dot dot dash for right side, and dash for center line, and proposed

profile on the finished center line drawn in fine black solid line of proposed streets at a horizontal scale of one (1) inch equals forty (40) feet and vertical scale of one (1) inch equals four (4) feet, or such other scales acceptable to the Board. At least two (2) benchmarks are to be shown on plan profile sheets and grade elevations at every fifty (50) foot station except in vertical curves which shall be at every twenty-five (25) foot station. All existing and proposed intersections and sidewalks, bikeways and walkways shall be shown with all proposed grade elevations calculated. Elevations are to be referred to the Town Datum. (United States Coast and Geodetic Survey). Gradients shall be shown by figures expressed in per cent.

3.3.2.3. Contour Plan

Existing and proposed topography at two (2) feet contour intervals, and by symbols the highest known high water mark to the last one hundred (100) years. There shall also be indicated by differentiating symbols the contour line four (4) feet above said high water mark. All benchmarks will be noted, as well as items required in Section 3.3.4.

3.3.2.4. Utility Plan

a) Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances, and/or sewage disposal systems, storm drains and their appurtenances, and easements pertinent thereto, and curbs and curb dimensions, including data on borings and soil test pits, and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision. Whenever possible, for the purpose of clarity, the utility plan should be on separate pages.

b) If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant, he shall clearly indicate what course the discharge will take, and shall present to the Board evidence from the Highway Surveyor or the owner of adjacent property that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.

c) All other utilities shall be shown on this plan (See Paragraph 4.7).

3.3.2.5. Drainage Calculations

Drainage calculations shall be submitted in a suitable form along with amplifying plans outlining drainage areas within and affecting the subdivision. A plan shall also be submitted showing the route followed by all drainage discharging from the subdivision to the primary receiving water course or other large body of water. Drainage design shall be based on the methods contained in the United States Soil Conservation Service Urban Hydrology for Small Watersheds, Technical Release Number 55. A fifty (50) year frequency storm shall be used for street drainage and one hundred (100) year frequency storm for cross culverts.

The minimum time of concentration for street drainage shall be ten (10) minutes and for cross culverts shall be twenty (20) minutes.

3.3.2.6. Tree Plan

Location and species of all proposed street trees and location of all existing trees with trunks over twelve (12) inches in diameter measured four (4) feet above the finished ground level, within the minimum front setback distance as provided in Section 4.5.

3.3.2.7. Cross-Sections

Typical cross-sections of each street, roadway, drainage ditch and sidewalk to be constructed.

3.3.2.8. Open Space

The location of all open spaces as defined by Section 4.4.

3.3.2.9. Environmental Assessment

a) An **Environmental Impact Statement** will be submitted in accordance with **Schedule E**. The document shall be filed with sufficient information to provide a basis for general conclusions about the affect on the environment and the community of the proposed plan compared to one or more alternatives permitted under the Zoning Bylaw. The Planning Board will determine, on the basis of the information provided in the **Project Information Summary** filed with the Preliminary Plan, what elements must be included in said Statement.

b) In addition, a statement in writing shall be submitted concerning the status of the proposed project in relationship to the removal, fill or dredge of any bank, flat marsh, meadow or swamp bordering on any inland water (Wetlands Protection Act, Mass. G.L. Chapter 131, Section 40).

3.3.2.10. An **Erosion/Sedimentation Control Plan** shall be prepared including the following:

a.) A clear outline of the areas and type of control proposed.

b.) A general note indicating the developer's responsibility to maintain erosion/sedimentation controls during construction and until construction of the road(s) is completed and the road(s) is accepted by the Town of Rowley, including the frequency of maintenance.

c.) Appropriate details of erosion/sedimentation control devices.

d.) The outline of any areas, including drainage ways, steep slopes and proposed stockpile of topsoil that shall be restored and/or seeded immediately.

e.) A general note stating that temporary ground cover or erosion/siltation control shall be established on any unbuilt lots where required by the Planning Board.

3.3.2.11. Cut and Fill, Grading Plan

A Grading Plan which shall indicate proposed street grades and elevations, building site grades and elevations and drainage patterns throughout the subdivision sufficient to determine the approximate balance between cut and fill. There shall be a general note indicating the disposition of topsoil on the site, which note shall include how topsoil will be handled in areas of cut and fill; how soil will be stockpiled, if applicable; the minimum amount of topsoil to be redistributed to the site; and that no topsoil will leave the site except in accordance with the Rowley regulations.

3.3.3. Staking

3.3.3.1. To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing of the Definitive Plan the applicant shall stake the center line of all proposed streets at a minimum of every one hundred (100) feet with the center line stations and the cut or fill dimensions to finish grade marked on the stakes.

3.3.4. Soil Survey and Percolation Tests

3.3.4.1. The Board may require soil surveys and/or test pits or borings which are to be prepared at the expense of the applicant to establish the suitability of the land for the proposed storm drainage system and proposed street construction.

a) Test pits, borings or soundings shall be taken along the center line of each street shown on the plan at intervals of at least every two hundred (200) feet and at locations such as cut sections and areas of questionable foundation material where the subsurface conditions may be, in the opinion of the Board or its Agent, factors affecting the quality and service life of the street. Test pits shall not be back filled until the applicant has been notified by the Board or its Agent that all necessary inspection and sampling has been completed. Where borings are used, samples shall be taken at five (5) foot intervals and at each change in strata. Soundings shall be taken in areas of unsuitable material for the purpose of determining the unsuitable material and the purpose of determining the hard bottom contours. Test pits and boring, where required, shall extend to a minimum depth of five (5) feet below the street profile grade or to bedrock, whichever is less. The applicant shall indicate on the plan a proposed layout of the subsurface exploration program complete with location, spacing, and type of exploration proposed.

b) Soil surveys when required by the Board or its Agent shall include a test excavation not less than seven (7) feet below finished grade at a frequency of one (1) per every four (4) lots, location of which must be shown on the contour plan, and a report thereon submitted to the Board. Percolation tests shall be in accordance with Title 5 of the Commonwealth of Massachusetts State Environmental Code.

c) All information concerning the test pits, borings or soundings (location, depth, soil stratas, depth of water table) shall be submitted to the Board in a written report to be made, evaluated and stamped by a Registered Professional Engineer with proof of expertise in soils.

3.3.5. Procedure

3.3.5.1. Review by Board of Health as to *Suitability of Land* (Schedule G)

a) At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with such information in the nature of percolation tests and deep test holes as the Board of Health may require. The Board of Health shall within forty five (45) days after filing of the plan report to the Planning Board in writing its approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustment thereof. The Board of Health shall send a copy of such report, if any, to the person who submitted said plan. Every lot shall be provided with septic tank and drain field or an on-site sewage treatment facility satisfactory to the Board of Health and/or the Commonwealth of Massachusetts State Environmental Code Title 5 minimum standards as the Board of Health shall determine.

b) In no instance shall a septic tank or drain field be permitted on any lot or lots in areas designated 3D or 3W on the map designated "Soil Limitations for Septic Tank Sewage Disposal, Town of Rowley, Essex County, Massachusetts", developed by the U.S. Department of Agriculture, Soil Conservation Service, dated June 1969, on file with the Rowley Planning Board.

c) Further, any lot or lots in areas designated 3S, 3R, or 3H on said map shall require site soil tests in accordance with 3.3.4. prior to approval of any on-site multi-unit sewage system.

3.3.5.2. Review By Other Town Officials

a) The Planning Board will transmit copies of the Definitive Plan to Town Officials (and others) other than the Board of Health as follows:

- 1) Conservation Commission
- 2) Highway Surveyor
- 3) Board of Fire Engineers
- 4) Police Department

- 5) Water Commissioners
- 6) Building Inspector
- 7) Electric Light Department
- 8) Board of Assessors
- 9) Industrial Commission if Applicable
- 10) Town Counsel if Applicable

b) Before the Definitive Plan is approved, the Board will request written statements from the above officials with regard to the proposed improvements in the following respect:

- 1) Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L. and the effects of the subdivision on streams, wildlife and similar considerations within the scope of the Conservation Commission.
- 2) The Town Highway Surveyor as to the design of the street system, location of easements, monuments, drainage system, water system, and if applicable, a sewage system, and their appurtenances, and relationship to existing water and drainage systems.
- 3) Board of Fire Engineers as to location of hydrants, installation of the alarm system and emergency access.
- 4) Police Department as to street safety, both vehicular and pedestrian, and access for emergency vehicles.
- 5) Water Commissioners as to the design of the water system and its appurtenances and relationship to existing water systems.
- 6) Building Inspector for compliance with the Rowley Zoning Bylaw.
- 7) Electric Light Department as to the design of the electric power distribution system and the location of street lighting.
- 8) Assessors for information on any possible lot line conflicts, and for proper recording of known easements and/or encumbrances on the land.
- 9) Town Counsel as to declaration of covenants, easements and restrictions.

3.3.5.3. Public Hearing

Before taking any action to approve, modify and approve or disapprove a Definitive Plan, the Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter,

sufficient for identification shall be published in a newspaper of general circulation in the Town of Rowley once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing and by mailing a copy of such advertisement to the applicant and to all owners of land within five hundred (500) feet of the property line of the land shown on the plan as shown on the most recent tax list at the expense of the applicant.

3.3.5.4. Planning Board Procedure

a) The procedure that the Board will follow with regard to approval, disapproval, or modification of the Definitive Plan submitted by the applicant will be that as set forth in Chapter 41, Section 81-U of the General Laws, as amended. In summary, the Board, after receiving the Plan and profiles, will review the same to determine whether they are in compliance with its adopted Rules and Regulations.

b) Before approval of the Plan, the Board may submit the Plan to a competent consultant for review at the applicant's expense. After this review, the Board shall establish that the street pattern is safe and convenient, that proper provision is made for street extension, and that all other purposes of the General Laws are met. The Board may, as a condition of granting a building permit under Section 81-Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the Subdivision Control Law be deemed to be part of the plan.

3.3.6. Securing Construction of Ways and Installation of Municipal Services

3.3.6.1. Before endorsement of the Board's approval of any Definitive Subdivision Plan, the Board shall require that the subdivider shall specify in writing the time within which the construction of ways, and installation of municipal services shall be completed.

3.3.6.2. Methods of Securing Construction

a) The subdivider shall secure the construction of ways and installation of municipal services by one, or in part by one and in part by another, of the following methods:

1) By a proper bond, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required in Section 5.0. for lots in the subdivision shown on the plan. **See Form F.**

2) By a deposit of money or negotiable securities, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required in Section 5.0. for lots in the subdivision shown on the plan. **See Form G.**

3) By a covenant, executed and duly recorded by the owner of record, running with the land, whereby the ways and services required in Section 5.0. shall be provided to serve any lot 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 such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. **See Form H.**

4) By delivery to the Planning Board of an agreement (Tri Partite) executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Planning Board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available to the Town for completion of the work.. **See Form S.**

3.3.6.3. Limits, Release of Restriction or Return of Bond, Deposit or Agreement

a) The penal sum of any such bond held under 3.3.6.2.a)1) or any deposit held under 3.3.6.2.a)2) or any amount of funds retained pursuant to an agreement under 3.3.6.2.a)4) shall bear a direct and reasonable relationship to the expected cost, including the effects of inflation, necessary to complete the subject work. Such amount or amounts shall from time to time be reduced so that the amount bonded, deposited or retained continues to reflect the actual expected cost of work remaining to be completed.

b) Upon the completion of ways and the installation of municipal services in whole or in part in accordance with these Rules and Regulations, security for the performance of which was given by bond, deposit, covenant or agreement or upon the performance of any covenant with respect to any lot, the applicant may send by registered mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit, covenant or agreement has been given has been completed in accordance with said Rules and Regulations, such statement to contain the address of the applicant, and said Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has been completed, it shall release the interest of the Town in such bond, deposit or agreement in an amount equal to the amount of construction or installation completed or release the covenant by appropriate instrument, duly acknowledged, which may be recorded.

c) If the Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the Clerk of the Town and to all parties to the bond or agreement the details wherein said construction or installation fails to comply with its Rules and Regulations and upon failure so to do within forty five (45) days after the receipt by said Clerk of said statement all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty five (45) day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the said Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

3.3.7. Approval or Disapproval

3.3.7.1. 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 to the applicant. If the Board modifies or disapproves such a plan, it shall state in its vote the reasons for its action and shall rescind such disapproval if the plan is amended to conform to the Rules and Regulations of the Board, and to the recommendations of the Board of Health and refiled with the Planning Board within six (6) months of the Board's action. If the applicant fails to refile said amended plan with the Planning Board within said six (6) months, no further action shall be taken on said plan. A new application shall be required in accordance with the then applicable Rules and Regulations before any further action can be taken on said plan. 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, but not until the statutory twenty (20) day appeal period has elapsed following the filing of the

Board's Certificate of Approval or Disapproval, as the case may be (see Forms C-1 and C-2) , with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal has been made, said endorsement shall be subject to the construction specifications contained herein and to the rules and regulations of all Town Boards and the Board of Health. After the Definitive Plan has been approved and endorsed, the Board shall return the original to the applicant.

3.3.7.2. The Board may extend the period permitted by statute between submission of a Definitive Plan and action thereon upon written request of the applicant.

3.3.7.3. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the plan. See Section 3.3.11.

3.3.7.4. Time For Completion

The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within three (3) years of the date of his application or such other time as the applicant shall specify in accord with paragraph 3.3.6.1. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant, no such ways shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways or portions thereof not completed within the agreed upon time shall thereafter be completed in accordance with the then in force construction standards of the Planning Board.

3.3.7.5. Endorsement

The endorsement of the plan approved by the Board shall be valid for a period of three (3) years from the date of said endorsement. Prior to the expiration of the three (3) year approval period, the developer and/or owner shall request in writing to the Board an extension of time, if necessary. Failure to request an extension of time prior to the expiration of the three (3) year approval period shall result in the Board's notifying the Building Inspector that no additional building permits shall be issued in said development. The request for an extension shall state the reasons for the requested extension and also the length of time requested. The first extension shall not exceed two (2) years. Additional extensions after the first may be applied for but shall not exceed one (1) year.

3.3.8. Recording

3.3.8.1. The applicant shall file all pages of the approved Definitive Plan and Covenant, if any, at the Registry of Deeds, and shall notify the Board in writing presenting evidence of the recording of the plan and the covenant. The applicant shall deliver to the Board one (1) copy of the approved and recorded Definitive Plans, one (1) set of 105 mm negatives of the approved plans and a copy of an

affidavit filed by the owner stating that the title to the premises shown on said plan and appurtenances thereto are in the name of the applicant and are free of all encumbrances or with encumbrances as set forth, before any building permits in the subdivision may be issued.

3.3.9. Conveyance of Utilities and Easements to the Town

3.3.9.1. Prior to the release by the Board of a surety bond or deposit, or, in the case of a covenant, the issuance of a **Release Form**, the applicant shall execute an instrument on a Form approved by the Board, (**see Form K**) transferring to the Town, without cost, valid unencumbered title to the electric power and street light systems and to all storm drains and water 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 of all liens and encumbrances perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid above ground and underground utilities, with any poles, manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or portion thereof to be approved and if any such utilities have been constructed and installed in land not within such streets, then in, through, and under an easement as shown on the Definitive Plan.

3.3.10. Reduction or Release of Performance Guarantee

3.3.10.1. Reduction of Bond Surety

The penal sum of any such bond or the amount of any deposit held under clause paragraph 3.3.6.1. may from time to time be reduced by the Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required by the Board.

3.3.10.2. Final Release of Performance Guarantee

a) Upon completion of improvements required under Section 5.0 security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the developer or owner at his expense will cause to be published in a newspaper of general circulation in the Town of Rowley at least seven (7) days prior to the releasing of the performance bond or surety, an announcement that such release is contemplated. He shall also send by registered mail to the Town Clerk and the Planning Board a written statement that the said construction or installation in connection with which such bond, deposit or covenant has been secured, has been completed in accordance with the requirements contained under Section 5.0.; such statement to contain:

- 1) Name and address of the applicant.

2) A compliance certificate signed under oath by the developer and his Engineer that the development has been completed according to the Rules and Regulations of the Planning Board and the Town of Rowley's Zoning Bylaws.

3) Copies of or reference to the requisite number of Inspection Forms and Reports.

4) Written evidence from the following:

Town Highway Surveyor as to construction of all ways and sidewalks, installation of monuments, street signs, pavement, gutters and curbs, required grading and drainage lot drainage, planting and seeding.

Water Commissioners as to the water mains, hydrants and appurtenances.

Electric Light Department as to installation of all electric power, poles, underground wiring, street lighting and appurtenances.

Written evidence from the Board of Health as to the installation of sewage disposal facilities if applicable.

Written evidence from the Board of Fire Engineers as to the installation of the fire alarm system.

All to be in accordance with the Definitive Plan.

3.3.10.3. Determination of Incompleteness.

a) If the Board determines that said construction, installation, or filing of as-built plans has not been completed, it shall specify to the Town Clerk and to the Developer, in writing by registered mail, the details wherein said construction and installation shall have failed to comply with requirements contained under Section 5.0. Upon failure of the Board to act on such application within forty five (45) days after the receipt of the application by the Town Clerk and the Board, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any such covenant shall become void.

b) In the event that said forty five (45) day period expires without such specification, or without the release and return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

3.3.11. As-Built Plans

3.3.11.1. Prior to the final release, the developer shall file an as-built acceptance plan with the Board of completed street or streets. The plan drawn on tracing cloth or other material suitable to the Planning Board shall show all plans and

profiles corrected and certified by the applicant's engineer to be actual as-built locations and profiles of all streets, ways, and utilities, including those installed by others such as KeySpan Energy, Verizon, etc., the location of all lot lines and the Planning Board's assigned house number for each dwelling.

3.4. Change of Ownership

3.4.1. In the event that there is a change in the ownership of land or in the designated developer of the land shown on a Subdivision Plan being reviewed by the Planning Board, prior to action by the Board relative to the Plan, a new application is required.

3.4.2. In the event of a change in the ownership or the developer of land shown on a Plan, approved but still governed by a performance guarantee, except for the sale of individual lots to separate owners, the owner and/or developer shall notify the Planning Board within fifteen (15) days of such change and the new owner and/or developer shall request a meeting with the Planning Board within thirty (30) days of the transfer to review the requirements and procedures and, if necessary, to renegotiate the performance guarantee.

SECTION 4.0. DESIGN REQUIREMENTS

4.1. Streets

4.1.1. Location

4.1.1.1. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular and pedestrian travel and an attractive street pattern through curvilinear street layout whenever possible; they will obtain the maximum safety and amenity for future residents of a residential subdivision and of future employees or visitors to a non-residential subdivision, and they shall be in accord with the Rules and Regulations of the Planning Board and in accordance with the Architectural Barriers Board.

4.1.1.2. The proposed streets shall conform in location, so far as practicable, to any existing and proposed plans of the Board, and, where required by the Board, to the existing and proposed street system.

4.1.1.3. The proposed streets shall be designed so as to minimize the amount of cut and fill required.

4.1.1.4. Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property, whether or not subdivided.

4.1.1.5. 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.

4.1.1.6. No street or roadway shall be designed and/or constructed on soils listed as unsuitable for such construction by the Soil Conservation Service and no

street or roadway shall be designed and/or constructed on soils listed as subject to road failure by the Soil Conservation Service, until and unless engineering drawings showing, to the satisfaction of the Planning Board, that such construction will provide a road not subject to failure because of subsurface conditions.

4.1.2. Access from Public Ways

4.1.2.1. All streets and/or common driveways in a subdivision wholly or partially within the Town of Rowley must be able to be reached directly (without leaving the Town of Rowley) from a public way or ways in the Town of Rowley.

4.1.2.2. Where the street system within the subdivision does not intersect with or have, in the opinion of the Planning Board, adequate access from an existing public way, the Board may require, as a condition of approval, that such adequate access be provided by the Applicant, and/or that the Applicant make physical improvements to and within such a way of access in accord with the design and construction requirements of these Rules and Regulations, from an appropriate street within the subdivision to the nearest public way most suitable in terms of width, grade and construction.

4.1.3. Alignment

4.1.3.1. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.

4.1.3.2. The minimum centerline radii of curved streets shall be as follows;

<u>Major Street</u>	Three hundred and fifty (350) feet
<u>Secondary Street</u>	Two hundred and fifty (250) feet
<u>Minor Street</u>	One hundred and fifty (150) feet

4.1.3.3. A tangent at least one hundred and fifty (150) feet in length shall separate all reverse curves on major and secondary streets except where at least one (1) radius is five hundred (500) feet or more or where the radius of curvature of both the curves is in excess of two (2) times the minimum specified in Section 4.1.2.2.

4.1.3.4. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.

4.1.3.5. Property lines at street intersections shall be rounded or cut back to provide for a radius of not less than twenty five (25) feet in a residential subdivision or of not less than forty (40) feet in a non-residential subdivision.

4.1.3.6. Streets shall be laid out so as to intersect with adjacent streets or adjacent unsubdivided land at intervals of from six hundred (600) feet to twelve hundred (1200) feet.

4.1.3.7. A paved walkway (see 4.11.) which, in the opinion of the Board, provides an emergency access route to an adjacent way for fire, police or snowplowing

equipment and contains, where appropriate, water main connections, will be considered by the Board as sufficient cause for waiver of the requirements of 4.1.3.6.

4.1.4. Width

4.1.4.1. The minimum width of right-of-way shall be as follows;

Major Streets: Sixty five (65) feet in a low intensity area and eighty (80) feet in a high intensity area as determined by the Planning Board.

Secondary streets and such minor streets, which in the judgment of the Board may in the future be changed in character to become a secondary street: fifty five (55) feet in a low intensity area and sixty five (65) feet in a high intensity area as determined by the Board.

Minor Streets: Fifty five (55) feet.

4.1.4.2. When a minor street will provide the only access for lots fronting on a length in excess of five hundred (500) feet or where, on a secondary or major street, potential volume warrants, the Board may require a greater right-of-way width than that specified above and may require construction of a divided roadway.

4.1.4.3. Under certain circumstances the Board may require an increase in the right-of-way widths by up to ten (10) feet to accommodate walkway construction and preserve natural features.

4.1.5. Grade

4.1.5.1. The centerline grade for any street shall not be less than five-tenths of one (0.5) percent. However, every effort should be made to provide a centerline grade of at least eight-tenths of one (0.8) percent.

4.1.5.2. The maximum centerline grade for streets shall be as follows:

	<u>Low Density Area*</u>	<u>High Density & Non Residential Area</u>
Minor Street	Twelve (12) percent for a distance not in excess of three hundred (300) feet; in all other cases nine (9) percent.	Five (5) percent
Secondary Streets	Nine (9) percent for a distance not in excess of three hundred (300) feet; in all other cases seven (7) percent.	Four (4) percent
Major Street	Five (5) percent	Three (3) percent

* as determined by the Planning Board

4.1.5.3. Where changes in grade exceed one half of one (0.5) percent, vertical curves will be provided. The minimum length of vertical curves shall be designed in accordance with the following:

$$L = K (\%G_2 - \%G_1)$$

The values for K are as listed below:

G = Grade

L = Length

	Crests	Sags
Minor & Secondary Streets	28	35
Major Streets & Streets in a High Density Area or High Intensity Area	55	55

as determined by the Planning Board.

Roadways shall have a cross slope at two (2) percent or one quarter (1/4) inch per foot.

4.1.5.4. Where curves and grades combine to create potentially dangerous driving conditions, the Board may require a suitable amount of super elevation of the curves or other protection.

4.1.5.5. Where a grade is four (4) percent or greater within one hundred and fifty (150) feet of the intersection of street right-of-way lines, there shall be provided in a residential subdivision containing only single family dwellings, a leveling area of at least seventy five (75) feet, with a maximum grade of three (3) percent, and in all other subdivisions, a leveling area of at least two hundred (200) feet, with a maximum grade of two (2) percent.

4.1.5.6. The grade of any street except in special instances shall be so designed that the surface runoff of water shall be from the building line to the street. Where one side of a street drops off so that surface water runoff cannot drain into the street, provision must be shown for drainage tiles and catch basins, with any easement needed to prevent overflow onto neighboring lots or erosion of banks.

4.1.6. Dead-End Streets

4.1.6.1. For the purposes of this section, any proposed street which intersects with a dead-end street shall be deemed to be an extension of the dead-end street.

4.1.6.2: A dead-end street may not exceed five hundred (500) feet in length, except that, where a greater length is necessitated by topography or other local conditions, the Planning Board may approve a dead-end street in excess of five hundred (500) feet, but only as part of an Open Space Residential Development approved under Section 5.4 of the Rowley Protective Zoning By-Laws.

The length of a dead-end street shall be measured along the road centerline from its intersection with the side line of the nearest through street to the center point of the turnaround.

4.1.6.3 Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100) feet, and a property line diameter of at least one hundred and twenty (120) feet for residential development unless otherwise specified by the Board and for non-residential development, a right-of-way diameter of up to one hundred forty (140) feet and a paved roadway diameter of up to one hundred twenty (120) feet, both of which may be reduced to not less than one hundred and twenty (120) feet and one hundred (100) feet respectively upon Planning Board's review of the proposed usage. The turnaround or stub will be located at the property line unless the Board approves otherwise. All turnarounds shall be constructed to the full outside diameter to the construction standards contained herein.

4.1.6.4: Depending upon proposed roadway use, the Planning Board may require the construction of a divided roadway (with center island separating traffic flow) as a condition of approval of a dead-end street.

4.1.6.5. The Board may require a roadway easement from the end of the dead-end Street to adjacent property. If a dead-end street is subsequently extended beyond the required turn-around, any easement other than land required for the extension of the roadway may be relinquished to the adjacent properties.

4.1.7. Fillets

4.1.7.1. The distance between curb line and property line at any intersection shall be the same as along the approach portions of the intersecting streets. Curb and street line radii shall be in accordance with 4.1.3.5.

4.1.8. Street Names

4.1.8.1. Proposed street names and walkway names shall be approved by the Board to provide names in keeping with the character of the Town. Proposed street names shall not duplicate nor bear phonetic resemblance to the name of existing public ways, paper streets, or any other way qualified to afford frontage under Sec. 81-L of Chapter 41 GL. A proposed street which is in alignment with an existing street shall bear the same name as the existing street. (See Section 3.3.2.5)

4.2. Curb Cuts

4.2.1. Driveways in subdivisions containing one (1) and/or two (2) family dwellings only shall be at least ten (10) feet wide and shall have an opening of at least sixteen (16) feet at the gutter line.

4.2.2. Driveways for multiple dwellings and all non-residential uses shall be at least sixteen (16) feet wide and shall have an opening of at least twenty (20) feet at the gutter line.

4.2.3. Where rolled curbs or no curbs exist, the driveway flare shall have a three (3) foot radius. Driveway cuts shall not be within sixty-five (65) feet of the intersection of the centerline of intersecting streets.

4.2.4. At all driveways the grade at the back of the sidewalk shall be six (6) inches higher than the grade at the gutter line.

4.2.5. At every curb step down there shall be a ramp three (3) feet wide adjacent to the granite curb section. **See Schedules B, C, and D.**

4.3. Easements

4.3.1. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided of a width of at least twenty (20) feet.

4.3.2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board shall require a storm water easement or drainage right-of-way of adequate width and proper side slope as determined by the Town Engineer to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes. In no case shall the width be less than twenty (20) feet or the side slope be steeper than two (2) horizontal on one (1) vertical.

4.3.3. Access easements or parcels to adjacent property shall be provided, if required by the Board, for use by emergency vehicles and for the benefit of the Town. They shall be a minimum width of twenty (20) feet.

4.3.4. Wherever possible easements along rear lot lines shall be continuous to the street at the end of the block to connect with the adjoining blocks in the shortest direct line.

4.4. Open Space

4.4.1. Before approval of a plan, the Board may also, in proper cases, require the plan to show a park or parks, suitably located for playground or recreation purposes or for providing light and air. The park or parks shall be reasonable in area in the opinion of the Planning Board, in relation to the land being subdivided and to the prospective uses of such land, and shall be at least equal to one (1) acre of land for each twenty (20) single family dwelling units or fraction thereof shown on the plan. The area shall be equal to three (3) times the floor area of all other dwelling units, and ten (10) percent of the land area for all non-residential subdivisions. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Board. The Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the

Board. Land acquired in this manner shall be compensated as provided in Section 81-Q of Chapter 41 of the G.L.

4.5. Protection of Natural Features

4.5.1. Due regard shall be shown for all natural features, such as trees, wooded areas, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision. Any clearance, backfilling, cutting, thinning or other disturbance to trees twelve (12) inches or over diameter measured four (4) feet above finished ground level (dbh), located within the minimum front setback distance or other natural vegetation shall be prohibited unless deemed both proper by the Board and not in conflict or contradiction to the intent of Section 4.6. Any such proposed clearance shall be shown on the plan and written reasons therefore may be requested by the Board. Tree wells or retaining walls should be installed when and as requested by the Town Engineer for suitable grading around trees. Tree wells or retaining walls shall be of such design to meet the standards as set forth in the Tree Experts Manual or some similar publication.

4.6. Lot Drainage

4.6.1. Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of a minimum width of twenty (20) feet and proper side slope shall be provided. Storm drainage shall be designed in accord with the specifications of the Board. Where required by the Planning Board or the Board of Health, the applicant shall furnish evidence as to any lot or lots to either Board as necessary that adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.

4.7. Utilities

4.7.1. General

4.7.1.1. All required utilities exclusive of transformers shall be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, electricity, gas, wiring for street lights, fire alarm systems, and cable TV unless otherwise specified by the Board.

4.7.1.2. Where adjacent property is not subdivided, or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date.

4.7.1.3. Connections for drainage, water, gas, oil, electric and telephone service from the main structure in the way to the exterior line of the way shall be

constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole or in part, in the case of a lot to be used for a park, playground or for any other purpose for which, in the opinion of the Board, such connections shall not be required.

4.7.2. Sewerage

4.7.2.1. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health. On-site septic tanks and leaching fields may be located in either the front or rear yard of the building(s) served, with the front yard preferred. Due consideration should be given to surface and subsurface soil conditions, drainage and topography in the location of such on-site facilities.

4.7.2.2. Package plants or other type systems shall be subject to the standards of the Massachusetts Department of Environmental Quality Engineering and the Town of Rowley Board of Health.

4.7.3. Water

4.7.3.1. Every subdivision shall be connected to the public water system by the developer unless otherwise approved by the Planning Board and the Board of Health.

4.7.3.2. Water pipes and related equipment such as hydrants and main shutoff valves shall be installed within the subdivision as necessary to provide all lots on each street with adequate water supply for fire protection and domestic use under the Water Department Rules.

4.7.3.3. All house connections shall be installed in accordance with the requirements of the Water Department.

4.7.3.4. If the Planning Board and the Board of Health approve a private well or private water system, the requirements of the Board of Health shall govern the design of the well or system. Where private wells are used, water mains as described in Section 4.7.2.2. shall be installed.

4.7.4. Gas

4.7.4.1. Mains may be installed if gas connection is available.

4.7.5. Storm Drainage

4.7.5.1. Adequate disposal of surface and subsurface water shall be provided on both sides of the roadway at intervals not to exceed three hundred (300) feet unless otherwise approved by the Planning Board and at such other places as deemed necessary by the Planning Board to assure adequate drainage of all low points and to provide proper runoff of storm water. In no instance shall catch basins be located along a driveway cut.

4.7.6. Electricity

4.7.6.1. The Board may permit transformers, switches, and other such equipment to be placed on the ground in approved locations, screened from view with evergreen shrubbery in accordance with the Electric Light Department rules.

4.7.7. Lighting

4.7.7.1. Street lighting shall be supplied by the developer to provide sufficient light for pedestrian safety and guidance, and guidance for vehicles traveling on the street, with due consideration given for costs of maintenance and electric power.

4.8. Fire Hydrants

4.8.1. Hydrants shall be provided every five hundred (500) running feet or portion thereof on one (1) side of each street unless a greater distance is approved by the Board of Fire Engineers in writing. A hydrant shall in all cases be installed at the terminal end of each water main. They shall be of a type approved by the Water Department and the American Underwriters Association.

4.9. Fire Alarm System

4.9.1. One (1) fire alarm box shall be provided for each one thousand (1000) linear feet or fraction thereof of street within the subdivision. Each location of boxes shall be specified by the Board of Fire Engineers and indicated on the plan. The circuit shall be installed to connect with the Town Fire Alarm System.

4.10. Sidewalks, Grass Plots, Trees

4.10.1. Sidewalks, grass plots, and trees shall be provided on both sides of each street for the full length of the street except where, in the opinion of the Planning Board, the proposed housing density and/or expected traffic intensity is such that a sidewalk on one side is sufficient. Where appropriate, the Board may require ramps and/or stairs be provided. See **Cross Sections in Schedules B, C, and D.**

4.11. Bikeways and Walkways

4.11.1. Public bikeways or pedestrian walkways may be required by the Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space and/or community facilities or for such other reason as the Board may determine. These may or may not be part of normal sidewalk provisions, but they shall not be a part of any lot in the subdivisions.

4.11.2. Design Standards

4.11.2.1. The minimum right-of-way width shall be twenty five (25) feet unless sufficient planting, fencing, or other buffering between the way and adjacent property is provided so that, in the opinion of the Board, the right-of-way may be reduced to a minimum of fifteen (15) feet.

4.11.2.2. The minimum pavement width shall be six (6) feet.

4.11.2.3. The maximum gradient shall be eight (8) percent for segments less than one hundred (100) feet in length; five (5) percent elsewhere.

4.11.2.4. The minimum centerline radius shall be twenty five (25) feet.

4.12. Common Driveways

4.12.1. Common driveways shall meet the following standards:

4.12.1.1. Minimum width shall be eighteen (18) feet for residential use and twenty four (24) feet for all other uses.

4.12.1.2. Maximum grade will be nine (9) percent.

SECTION 5.0. CONSTRUCTION REQUIREMENTS

5.1. General

5.1.1. It is the intent that no street or way through private property shall be accepted by the Town unless the same be previously constructed and completed in accordance with the Standard Cross Section (**See Schedules B, C, and D.**) Street Layout Plan and Profile and the following specifications.

5.1.2. To insure high quality and uniformity of construction and unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the "Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges, 1973 Edition," as amended; hereinafter referred to as the "Standard Specifications" and the special provisions included hereinafter. Appropriate illustrations are found in "Commonwealth of Massachusetts, Department of Public Works, Construction Manual, Part 3, 1966" as amended. Amendments to the above are those in effect at the date of adoption of these Rules and Regulations.

5.1.2.1. A pre-construction meeting of the Planning Board or its Agent and the Developer or his Agent shall be held prior to the start of any construction to be sure that there are no misunderstandings of the requirements of these Rules and Regulations.

5.1.3. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications, amendments or addenda. These specifications and special provisions shall take precedence and shall govern when they are stricter.

5.1.3.1. All references in the Standard Specifications, amendments or addenda to Commission, Department, Department of Public Works, Engineer, Party of the

First Part, etc. shall be construed to mean the Planning Board of the Town of Rowley or its duly authorized representative.

5.1.4. To facilitate reference where appropriate, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.

5.1.5. The extent of work required shall be completed as shown upon approved plans, and shall be in compliance with the Standard Cross Section, **Schedules B, C, and D.**

5.1.5.1. Offset stakes shall be set under the direction of a Registered Land Surveyor at fifty (50) foot intervals and at each sewerage and drainage structure and at each hydrant to indicate the location and the exact amount of cut, fill or grade.

5.1.5.2. Improvements to minimize adverse environmental impact, if required, shall be installed in accordance with all details as shown on the approved Definitive Plan, and all possible measures shall be taken during construction to minimize dust erosion.

5.1.5.3. No earth shall be removed from the area shown on a Definitive Plan except in accordance with the approved plan, and the Soil Removal Bylaw of the Town of Rowley.

5.1.5.4. No areas shall be disturbed by construction or otherwise prior to the approval of the Definitive Plan by the Planning Board, and, after approval of said plan, no areas other than those specified in said approved plan shall be disturbed by construction or otherwise unless prior approval in writing is given by the Board for such activity.

5.1.6. Construction Approval

5.1.6.1. As each construction operation is completed, it shall be approved by the proper utility company and/or Town Authority and the Planning Board or its agent prior to starting work on the succeeding operation.

NOTE: For each of the following sections of these Rules and Regulations, the Standard Specifications (see paragraph 5.1.2.) should be referred to for more detailed descriptions of the work, materials, and construction methods required for each item. The capitalized titles and numbers noted in each paragraph below refer to specific sections, paragraphs, and/or tables given in the Standard Specifications.

5.2. Street and Roadways

5.2.1. Grading and Preparation for Pavement

5.2.1.1. Clearing and Grubbing (Section 101)

The entire area of each street or way shall be cleared and grubbed to remove all trees not intended for preservation, stumps, brush, roots, rocks, or boulders and like material which may exist upon the surface.

5.2.1.2. Excavation (Section 120)

The entire area of the roadway shall be excavated to remove all materials encountered within the right-of-way down to the true surface of the sub-grade, or to suitable material in the areas where unsuitable material exists, in preparation for foundation of roadway, sidewalks, driveways, and berms. Approved materials obtained from the excavation may be used in fills as required if, in the opinion of the Planning Board or its agent, they are suitable.

5.2.1.3. Embankment (Section 150)

When in the opinion of the Highway Surveyor, suitable material is not available within the limits of the roadway location to form the sub-grade or sub-base, the developer shall obtain suitable additional material from other sources in accordance with this section, and as may be approved by the Planning Board or its agent.

5.2.1.4. Grading (Section 170)

The sub-grade surface, sixteen (16) inches below the finished surface grade in minor and secondary streets, and eighteen (18) inches below the finished surface grade in major streets in residential subdivisions, shall be prepared true to the lines, grades, and cross sections given and properly rolled. All soft or spongy material below the sub-grade surface shall be removed to a depth determined by the Planning Board or its agent, and the space thus made shall be filled with SPECIAL GRAVEL BORROW (Section M 1.02.0), containing no stones over six (6) inches in their largest diameter.

5.2.1.5. Gravel Sub-Base (Section 401)

a) Gravel sub-base or foundation containing no stones having any dimensions greater than six (6) inches shall be spread in two (2) layers on the surface of the sub-grade to a minimum depth of twelve (12) inches. Gravel material shall be in conformity with the requirements for GRAVEL BORROW (Section 1.03.0) M 1.03.0 Type A. Each layer shall be thoroughly watered, rolled, and compacted true to line and grade. Any depressions that appear during and after rolling shall be filled with additional gravel and, if the Highway Surveyor determines that sufficient time has elapsed to make it desirable, a tack coat meeting his specifications shall be applied prior to the application of the second layer of gravel.

b) Final grading, rolling, and finishing including the shaping, trimming, rolling, and finishing of the surface of the sub-base prior to application of gravel for surfacing of the roadway and base courses for walks and berms shall be in accordance with this Section and as directed by the Planning Board or its agent and the Town Highway Surveyor.

c) At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in Section 5.9. Monuments.

5.2.2. Pavement

5.2.2.1. Roadway pavement shall be constructed for the full length of all streets within the subdivision and shall have the radii required in Section 4.1.2.5. above.

The centerline of all roadways shall coincide with the centerline of the street right-of-way unless a deviation is approved by the Planning Board. The minimum widths of the roadway and pavement shall be in accordance with the following table:

Table of Pavement Width Requirements

<u>Street Width</u>	<u>Right-of-Way Width</u> (See 4.1.3.)	<u>Pavement</u>
Major Street	80	48
	65	40
Secondary Street	65	40
	55	30
Minor Street	55	26

5.2.3. Pavement Materials

5.2.3.1. Pavement material for all roadways in a subdivision shall be Class 1 BITUMINOUS CONCRETE BASE, COURSE TYPE 1-1 (Section 420) The material and construction methods for laying pavement shall conform in every way to the Standard Specification except that no such construction shall be undertaken before March 30th of any year nor after November 1st of any year without written permission of the Planning Board.

5.2.3.2. Pavement of minor and secondary residential subdivision and non residential subdivision streets shall be laid out to a finished depth of (6) inches laid in three (3) courses; base course shall be two (2) inches; binder courses shall be two (2) inches, and top course shall be in two (2) inches.

5.2.4. Embankments

5.2.4.1. Embankments within or adjoining the right-of-way shall be evenly graded and pitched at a slope of not greater than two (2) horizontal to one (1) vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the Planning Board. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip- rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed and approved by the Planning Board. Guard rails shall be furnished whenever the slope is greater than four (4) horizontal to one (1) vertical downhill or two (2) to one (1) uphill. Whenever embankments are built in such a way as to require approval by the Planning Board, the developer must

furnish to the Town duly recorded access easements free of encumbrances for maintenance of the slopes, terraces, or retaining walls. All slopes shall be grassed using materials in accordance with ROADSIDE DEVELOPMENT MATERIALS (Section M6) and Section 5.9. of these Rules and Regulations.

5.2.5. Areas Disturbed by Construction

5.2.5.1. Loam and grass seed shall be placed on all shoulders, embankments, and other areas disturbed by construction in accordance with Section 5.9. unless other types of ground cover are approved for use or are determined by the Planning Board to be necessary for erosion control. (See Section 5.10.).

5.2.5.2. Erosion/Sedimentation Control Program

- a) Before approval of a Definitive Plan, the Developer shall obtain approval of an Erosion/Sedimentation Control Program during all phases of construction for the area he intends to work. This area shall be specified and may include only the part within the right-of-way or may include all or part of the lots.
- b) The following factors shall be considered in such a program:
 - 1) No larger area shall be developed than that on which construction can be completed rapidly so that large areas are not left bare and exposed for long periods.
 - 2) Grading shall be kept at a minimum. Where possible, only undesirable trees shall be removed.
 - 3) Runoff shall be controlled and conveyed into storm sewers or other outlets so it will not erode the land or cause off-site damage.
 - 4) Critical areas shall be protected during construction with mulch or temporary crop covers and with mechanical measures such as diversions and prepared outlets.
 - 5) Sediment basins shall be constructed where necessary to detain runoff and to trap sediment during construction.
 - 6) Safe off-site disposal of runoff shall be provided, including the increased runoff resulting from construction.
 - 7) Permanent vegetation and erosion control structures, where necessary, shall be installed as soon as possible.

5.3. Utilities

5.3.1. Materials and Installation Methods

5.3.1.1. Unless otherwise specified, all materials and installation methods used shall conform to the standards of the Town of Rowley.

5.3.1.2. Location and Placement

All underground utilities and other structures located within the right-of-way shall

be installed in the right-of-way upon completion of the roadway sub-grade and before placing of the sub-base, gravel base courses, sidewalk or pavement. If the pavement is removed, excavated or damaged, the trench shall be covered with a poured reinforced concrete slab to the lines, grades and dimensions approved by the Highway Surveyor.

5.3.1.3. Excavation for Structures (Section 140)

Excavation for structures, including foundations for drains, sewers, gas and water pipes, walls and other structures shall be made to the depth indicated on the Definitive Plan or established by the Highway Surveyor as appropriate. Rocks encountered in trench excavation determined to be Class B, shall be removed as directed by the Highway Surveyor.

5.3.2. Sewage

5.3.2.1. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health. Due consideration should be given to surface and subsurface soil conditions, drainage and topography in the location of such on-site facilities.

5.3.3. Water

5.3.3.1. Public water mains and related facilities shall be installed to the standards of the Rowley Water Commissioners.

5.3.4. Gas

5.3.4.1. If gas is to be installed within a subdivision, KeySpan Energy shall be notified by the developer upon approval of the Definitive Plan so that installation of gas mains may be completed without undue delay. If excavation is made after the sub-grade is completed and inspected, the mains may be put in a trench covered with a poured concrete slab to the lines, grade and dimensions approved by the Highway Surveyor.

5.3.5. Electric

5.3.5.1. Electric lines shall be installed underground in accordance with the regulations of the Rowley Light Department. The Planning Board may permit transformers, switches and other such equipment to be placed on the ground in approved locations, screened from view with evergreen shrubbery. Service shall be supplied to each lot and each street light before the sub-grade is prepared.

5.3.6. Other Utilities

5.3.6.1. Other utilities shall be installed in underground conduits in accordance with the methods outlined for TRAFFIC CONTROL DEVICES (Section 800) or as required by the appropriate utility company or department. Fire alarm, telephone, and cable television, if any, shall be installed underground and may be in the same trench with vertical and/or horizontal separation as approved by the

Planning Board. Service shall be provided to each lot before the sub-grade is prepared.

5.3.6.2. With the approval of the Rowley Light Department and the Planning Board, these other utilities may be located in the same trench with the electric power wiring.

5.4. Drainage (Section 200)

5.4.1. Surface and Sub-Surface Water

5.4.1.1. Adequate disposal of surface and sub-surface water shall be provided. Where pipes, manholes and catch basins are required they shall be shown on the Definitive Plan and shall be in accordance with the following:

a) Basins, Manholes and Inlets (Section 201)

1) The standard depth of catch basins shall be two and one half (2 1/2) feet below the invert of the lowest drain. Manholes shall be constructed to the required depth at each junction point and shall be as shown on the plan. Basin and inlet grates shall be of a type approved by the Highway Surveyor.

b) Culvert, Storm Drains and Sewer Pipes (Section 230)

1) All pipes except sub-drains shall be reinforced concrete pipe and shall be installed in accordance with the size and location on the approved plan.

c) Sub-Drains (Section 260)

1) Where sub-drains are required they shall be designed and constructed in conformance with Section 260 of the Standard Specifications.

5.5. Sidewalks

5.5.1. Sidewalks shall be constructed within the Subdivision along the full length of each side of each street and around the outside of each turnaround, and at other locations within the subdivision as shown on the approved Definitive Plan, except as provided in Section 4.10. of these Rules and Regulations.

5.5.2. All sidewalks shall be of a minimum width as follows:

5.5.2.1. Along a minor street four (4) feet.

5.5.2.2. Along a secondary street four (4) feet.

5.5.2.3. Along a residential major Street five (5) feet.

5.5.2.4. Along a non-residential street six (6) feet.

5.5.3. Sidewalks Adjacent to Streets

5.5.3.1. Within a subdivision, sidewalks shall be separated from the road pavement by a seeded grass plot, (see Paragraph 5.7. below) and may be made of either cement concrete or bituminous concrete.

5.5.3.2. All sidewalk construction shall be in accordance with the requirements of SIDEWALKS AND BITUMINOUS CONCRETE DRIVEWAYS (Section 701) of the Standard Specifications, except the cross slope shall be two (2) percent to provide for proper drainage.

5.6. Bikeways and Walkways

5.6.1. Where bikeways and walkways are required they shall be constructed in accordance with the specifications for sidewalks above, except for the design standard requirement of Section 4.11. above. Where bikeways and walkways intersect with sidewalks, leveling areas shall be provided. These leveling areas shall be shown in detail on the Definitive Plan for the Subdivision.

5.7. Curbs

5.7.1 Unless otherwise specified by the Board, sloped granite curbs of the dimensions given for Granite Edgestone (Section M9.04.2) Type SA in the Standard Specifications shall be provided along each edge of the roadway for the full length of the street. Such curbs shall be installed in accordance with the construction methods outlined under Curb, Curb Inlets, Curb Corners and Edging (Section 501).

5.8. Highway Guard, Fence and Walls

5.8.1. Guard fences, rails and walls shall be installed wherever determined necessary by the Planning Board and/or the Highway Surveyor to provide needed protection to the public. When provided, they shall be constructed in accordance with the relevant portions of HIGHWAY GUARD, FENCES AND WALLS (Section 600) of the Standard Specifications and Section 4 of the Construction Standards. Construction details of all fences, rails and walls will be shown on the Definitive Plan for the Subdivision.

5.9. Grass Plots

5.9.1. A grass plot shall be provided on each side of each roadway between the pavement and the sidewalk areas, and shall occupy all the remaining area not paved. Grass shall be used unless other ground cover is approved by the Planning Board.

5.9.2. The areas to be seeded shall be covered with loam to a depth of four (4) inches in accordance with LOAM BORROW PROCESSED PLANTING MATERIAL OR TOPSOIL, REHANDLED AND SPREAD (Section 751).

5.9.2.1. Grass seed conforming to SEED (Section M6.03.0) of the Standard Specification shall be placed in accordance with SEEDING (Section 765) at the rate of four (4) pounds per one thousand (1000) square feet over the area to be grassed.

5.9.3. The scope of the grass plot shall be as shown on the profiles and Standard Cross Sections, **Schedules B, C and D**.

5.9.4. Street light stanchions and street lights shall be located in the grass plot or in the median, if there is one, but shall not be nearer than twenty five (25) feet from the intersection of two (2) streets, measured from the intersection of the tangents of the intersecting street curb lines. Such lighting shall illuminate the intersection. If street lights are located in the median, the Board may require pedestrian lighting placed in the grass plot. (Also see Section 5.13. Street Lights).

5.10. Trees, Shrubs and Ground Cover

5.10.1. Street Trees of nursery stock conforming to the standards of the American Association of Nurserymen of the species approved by the Rowley Tree Warden and/or the Planning Board, shall be planted on each side of each street in a subdivision, except where the Definitive Plan shows trees to be retained which are healthy and adequate, which shall be retained. Street trees shall be located outside of the right-of-way or at the discretion of the Board within the unpaved portion of the right-of-way as shown in the profile and Standard Cross Sections **Schedules B, C and D** approximately at forty (40) foot intervals; shall be at least twelve (12) feet in height; two (2) inches in diameter measured four (4) feet above the approved grade, unless otherwise required by the Tree Warden and/or Planning Board; and be not closer than five (5) feet nor more than twenty (20) feet from said right-of-way line unless otherwise approved by the Board.

5.10.2. All deciduous street trees shall be clear of any branches from the approved grade level to a point seven (7) feet above ground level.

5.10.3. Except as otherwise provided, all cut bankings shall be planted with a low growing shrub or vine, and wood chipped to a minimum depth of six (6) inches or seeded with a deep rooted perennial grass to prevent erosion (see Sections 5.2.4., 5.2.5., and 5.9.).

5.10.4. Planting methods, including wrapping, staking, and guying shall be in accordance with PLANTING TREES, SHRUBS AND GROUND COVER (Section 771) of the Standard Specifications.

5.10.5. All reasonable care shall be exercised to preserve the trees in the subdivision in accordance with Section 4.5.

5.10.6. The developer will be liable for all trees so planted as to their erectness and good health after planting and until the release of all guarantees.

5.11 Monuments and Markers

5.11.1. Monuments shall be installed on streets at all points of intersections of streets with each other and at all points of curvature and at all points of change in direction.

5.11.2. Monuments shall be a standard permanent granite conforming to GRANITE BOUNDS (M9.04.8) and of not less than four (4) feet in length and not less than six (6) inches in width and breadth and shall have a one-half (1/2) inch diameter hole one and one-half (1 1/2) inches deep, drilled in the center of the top surface.

5.11.3. Monuments shall be installed in accordance with Bounds (Section 710) at the time of final surface grading with the top flush with the top final grade surface.

5.11.4. Markers shall be installed at each point where the lot line intersects the street right-of-way at all corners of lots, and at all other points where, in the opinion of the Planning Board, markers are necessary.

5.11.5. Markers may be one row pipes, one row pins, or granite bounds.

5.11.6. The placement and accurate location of these monuments and markers shall be certified by a registered land surveyor and properly located on the As-Built acceptance plans (see Section 3.3.11.).

5.12. Street Signs

5.12.1. From the time of rough grading until such time as each street is accepted by the Town as a public way, the sign posts at the intersection of such street with any other street shall have affixed thereto a sign designating such street as a private way.

5.12.2. Street signs for each intersecting street shall be installed at each intersection to conform to those used by the Rowley Highway Department.

5.12.3. No street sign, temporary or permanent, shall be installed showing a name other than the one approved by the Rowley Planning Board. (See Section 4.1.7.)

5.13. Street Lights

5.13.1. Street and pedestrian lighting shall conform to the type and style specified by the Rowley Light Department unless otherwise specified by the Planning Board.

5.13.2. Street and Pedestrian light stanchions shall be located in the grass plot or median (see Section 5.9.4.) or at such intervals as recommended by the Light Department and/or Board of Selectmen unless otherwise specified by the Planning Board.

5.13.3. Luminaires

5.13.3.1. All luminaires shall be of the indirect, shielded type.

5.14. Common Driveways

5.14.1. Common driveways shall be graded in accord with Section 5.2.1. and a wearing surface applied in accord with Section 5.2.3., unless a lesser thickness is approved by the Planning Board, to a width of at least fifteen (15) feet.

5.15. Fire Alarm System

5.15.1. A Fire Alarm System shall be installed within the subdivision to conform with the specifications of the Board of Fire Engineers and shall be located as specified on the Definitive Plan unless otherwise specified by the Planning Board (See Section 4.9.).

5.16. Cleanup

5.16.1. No lot shall be considered complete until all stumps, brush, roots, and like material and all trees, rocks, and boulders not intended for preservation by the subdivider shall have been removed and disposed of in a manner and place satisfactory to the Planning Board. Any fire hazard shall be removed promptly to the satisfaction of the Fire Chief. This paragraph does not authorize violation of the Earth Removal By Law, that is, it does not authorize the removal, including severing and stripping of soil loam, sand, or gravel on such lot. No occupancy permit will be issued by the Building Inspector until he has received approval from the Planning Board that the slopes on the lot adjacent to the right-of-way have been completed to the satisfaction of the Board.

5.16.2. Any area disturbed by the construction and all rights-of-way shall be cleaned up so as to leave the area shown on the Plan in a neat and orderly appearance free from debris, tree stumps, loose rocks or mounds of dirt or other objectionable material. Seeding of these areas may be required by the Planning Board. On-site burial of rocks, stumps or other debris shall take place only with the approval of the Planning Board.

5.17. Maintenance of Improvements

5.17.1. For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants, 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 reducing the danger to life and limb in the operation of motor vehicles, for securing safety in the case of fire, flood, panic and other emergencies; under the authority of Chapter 41, Section 81-M as amended, the Applicant or his successor shall provide for the proper maintenance and repair of improvements during the period of construction, and for the period of eighteen (18) months after the completion of

the construction of said improvements or until the Town votes to accept such improvements, whichever comes first. Such maintenance shall include snow removal beginning from the time of occupancy of an individual owner or tenant other than the developer. (See also Section 3.3.2.10.)

5.18. Provision for Competent Supervision

5.18.1. The Applicant shall provide competent supervision during the development of his subdivision. If at any time it becomes apparent to the Highway Surveyor that the supervision is not satisfactory, he may request of the Planning Board that they order the discontinuance of the development until competent supervision is provided.

5.18.2. This shall include necessary supervision to make sure that all temporary drainage controls, erosion and sedimentation controls and such other measures as contained in the approved Definitive Plan are adequately and properly provided and maintained.

SECTION 6.0. ADMINISTRATION

6.1. Variation

6.1.1. Strict compliance with the requirements of these Rules and Regulations may be waived when in the judgment of the Board such action is in the public interest and not inconsistent with the Subdivision Control Law. Any request for such waivers shall be submitted to the Board by the Applicant in writing. Any such waiver must be made in writing by the Board as a part of its approval or amendment thereof, otherwise all requirements contained herein are deemed applicable. Any such approvals of waivers shall become a part of the approved plan.

6.2. Reference

6.2.1. For matters not covered by these Rules and Regulations, reference is made to Section 81-K to 81-GG, inclusive, of chapter 41 of the General Laws.

6.3. Building Permit

6.3.1. No building shall be erected on any lot within a subdivision without separate written permission for each lot from the Board by **Form J - Release Form**. This permission is in addition to any other permits required for building, such as a permit from the Building Inspector required by other Town Bylaws.

6.3.2. No permits for building will be issued by the Building Inspector until all outstanding bills for public hearings, Board required engineering services, etc. are paid in full by the developer.

6.3.2.1. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot is constructed as required by the Subdivision Control Law and as shown on a plan

recorded or entitled to be recorded under chapter 41, Section 81-X, as amended, and further that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board. In the event that more than one (1) building for dwelling purposes be erected or placed or converted to use as such on any lot, the Building Inspector shall be satisfied that consent has been obtained from the Board in accord with Section 2.4. of these Rules and Regulations, Chapter 41, Section 81-Y, and amendments thereto.

6.3.2.2. No structure shall be occupied until at least the base course of bituminous concrete as specified in Section 5.0. has been applied to streets which serve the structure.

6.4. Inspection

6.4.1. Inspections shall be arranged by the developer with the Planning Board or its agent for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.

6.4.2. Inspection shall be requested of the Board at least forty eight (48) hours in advance of the inception of any stage of the construction.

6.4.3. The Board may establish the order of the required inspection and may require satisfactory completion of one (1) step before the subdivider proceeds to the next. It may require tests to be done by the subdivider at his expense as a condition for approval when in the opinion of the Board it is advisable.

6.4.4. It shall be the responsibility of the subdivider to see that all the proper forms are properly filled out, properly signed, and returned to the Planning Board subsequent to each inspection.

6.4.5. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the applicant or rescission of the approval of the plan in accord with chapter 41, Section 81-W, of the General Laws of Massachusetts.

6.5. Validity

6.5.1. If, in any respect, any provision of these Rules and Regulations, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be invalid and in all other respects these Rules and Regulations shall not be invalidated, impaired, or affected thereby.

6.6. Effective Date

6.6.1. These Rules and Regulations Governing the Subdivision of Land in Rowley, Massachusetts shall become effective after approval by the Board, certification by the Town Clerk, and filing with the Registry of Deeds and the Recorder of the Land Court, _____, 1987

6.7 Digital Property Parcel Requirement

Prior to final approval by the Planning Board, the applicant shall submit two (2) Copies of the approved version of the Definitive Plan on two 3-1/2 inch diskettes in AutoCAD version 13 (or any subsequent release that the Town of Rowley adopts) to the Planning Board for review and approval. The computer version of the plan shall be identical, full size, and shall contain all information included on the printed plan. Each feature depicted in the subdivision plan shall have its own distinct data layer within the CAD system (i.e., lines representing each side of a property parcel.) Where property-parcels are depicted, the property parcel data layer shall be a distinct data layer within the system. Polygons representing property parcels MUST be closed and no other data layer shall be used to close the polygon. Data shall be produced and depicted using either the Massachusetts State Plane Coordinate System (1927 Datum in feet) OR the Massachusetts State Plane Coordinate System (1983 Datum in meters). Each CAD sheet shall have a minimum of 4 survey quality control points depicted on both the hardcopy maps and the digital CAD file. These control points shall be survey quality and accurate to plus or minus one centimeter. Layer names shall conform to Planning Board standards. Digital files shall be accompanied by information (or a text field) that defines and describes each layer contained within the submittal file(s). Data files shall be provided in an IBM-PC (or compatible) format file system.

A letter from the Planning Board verifying receipt of diskettes and compliance with Planning Board standards shall be submitted to the applicant within ten (10) days. Failure to submit such diskettes to the Planning Board, and to obtain a compliance letter may be cause for the Planning Board to rescind approval or not to endorse said plan.

All diskettes shall be high quality, free from any and all defects and viruses, and labeled as to their contents. Diskettes shall be prepared with a back up and be sequentially numbered. The applicant shall provide to the Planning Board a descriptive list of all files submitted, which documents file contents and intended use.

SCHEDULE A

SAMPLE TITLE

SUBDIVISION NAME
A SUBDIVISION IN ROWLEY, MA.

SHEET TITLE (1)

DATE

SCALE

OWNER

NAME

ADDRESS

(2)



PREPARED BY

NAME

ADDRESS



JOHN DOE

(1) KEY PLAN

LOT LAYOUT

PLAN & PROFILE

(Street name and stations)

(2) CIVIL ENGINEER & LAND SURVEYOR OR COMPANY

SCHEDULE A-1
SAMPLE NOTES

1. PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL
LAW NOT REQUIRED

DATE _____, 20____.

PLANNING BOARD-TOWN OF ROWLEY

2. DATE APPROVED _____, 20____.

PLANNING BOARD TOWN OF ROWLEY

3. I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD
APPROVAL AND THAT NO APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK - ROWLEY, MA.

4. BOARD OF HEALTH

DATE

(Page 1 of 2)

SCHEDULE A-I

STANDARD TITLE BLOCK
TITLE SHEET ONLY
(PLACE IN UPPER LEFT CORNER)

[illegible]

GENERAL NOTES:

For Example -Vertical Datum

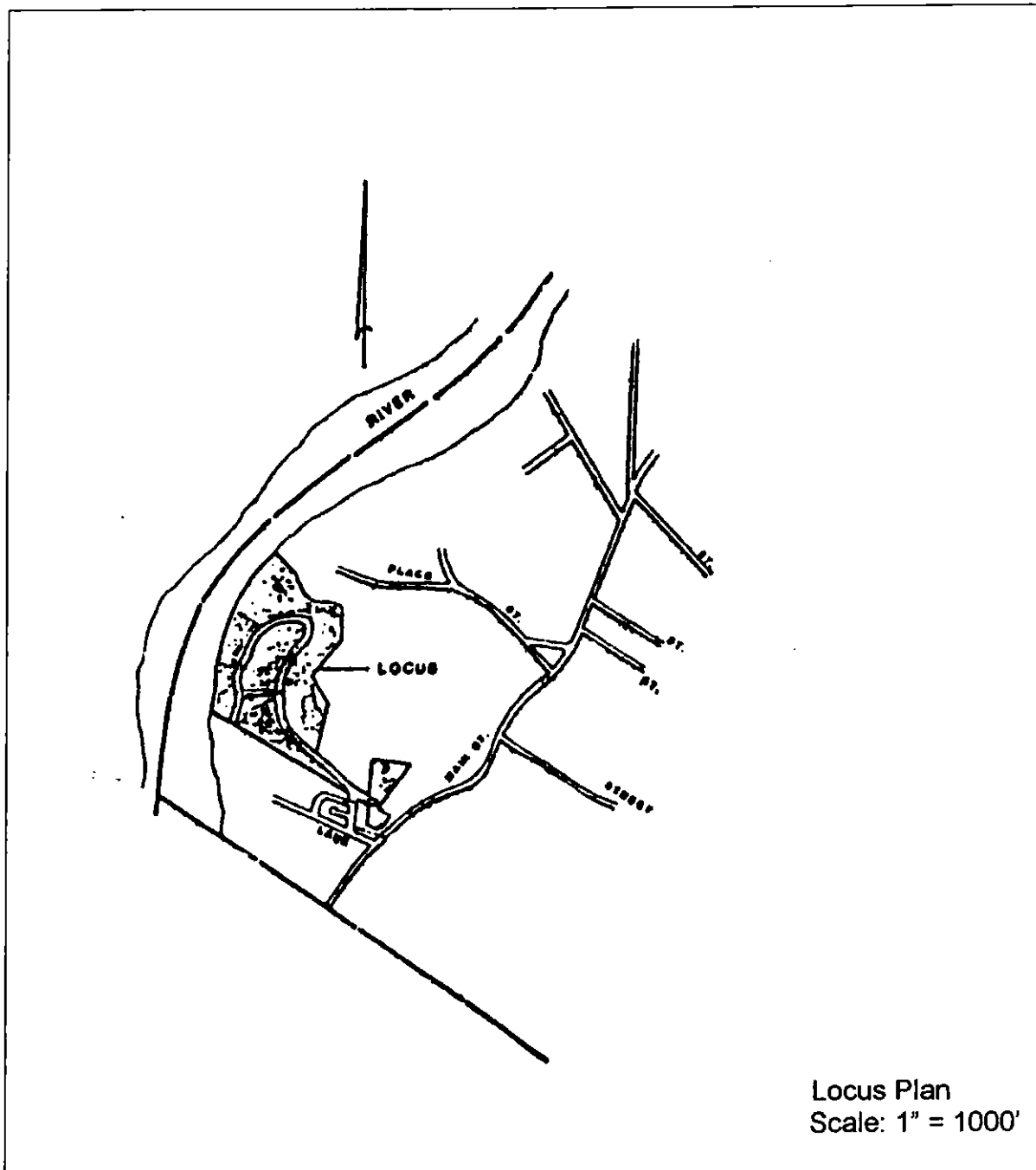
Covenant Date

(PLACE IN LOWER LEFT CORNER)

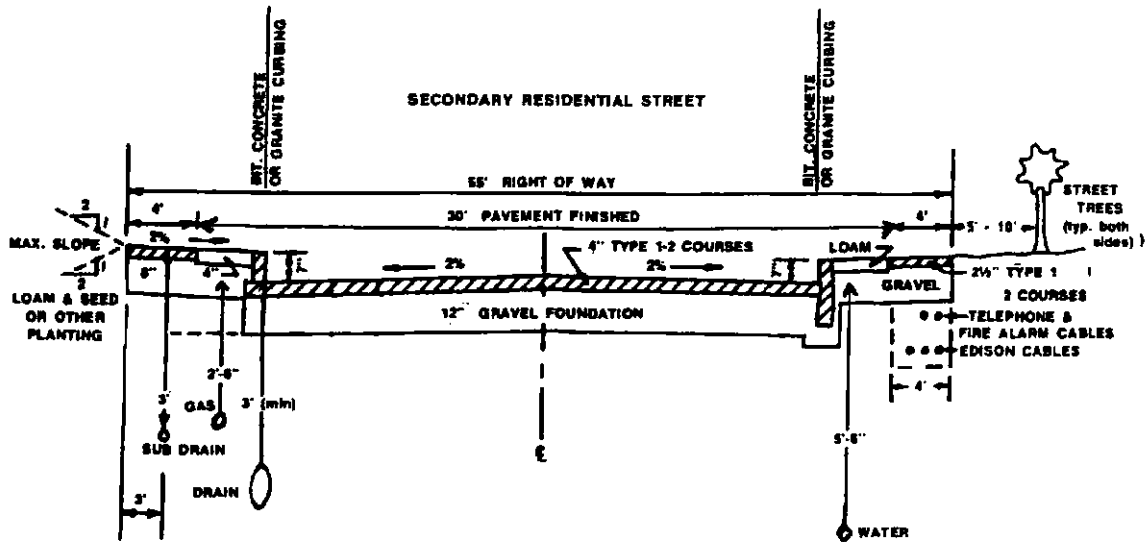
SCHEDULE A-2

LOCUS MAP

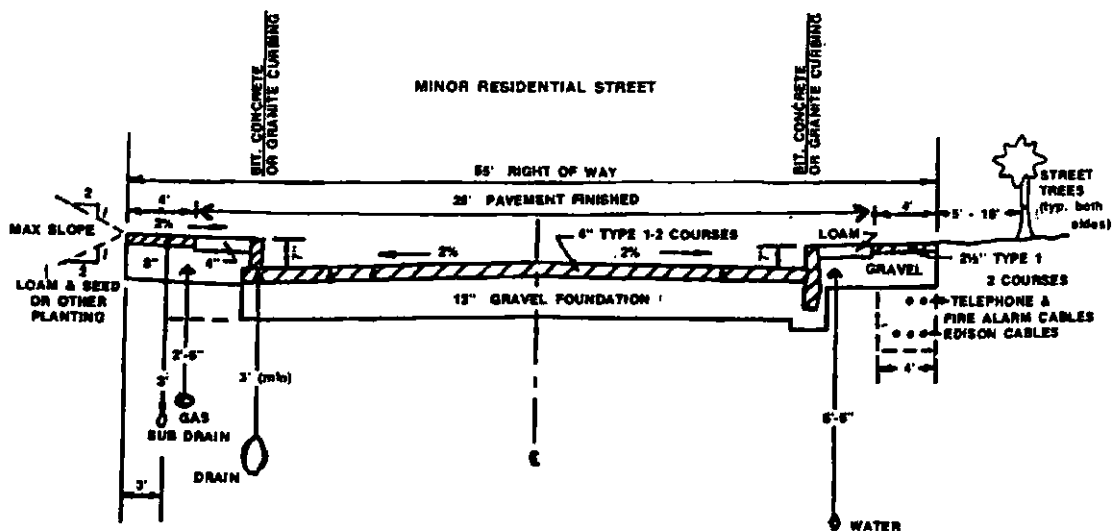
(PLACE in UPPER RIGHT HAND CORNER of the FIRST PAGE of the PLAN)



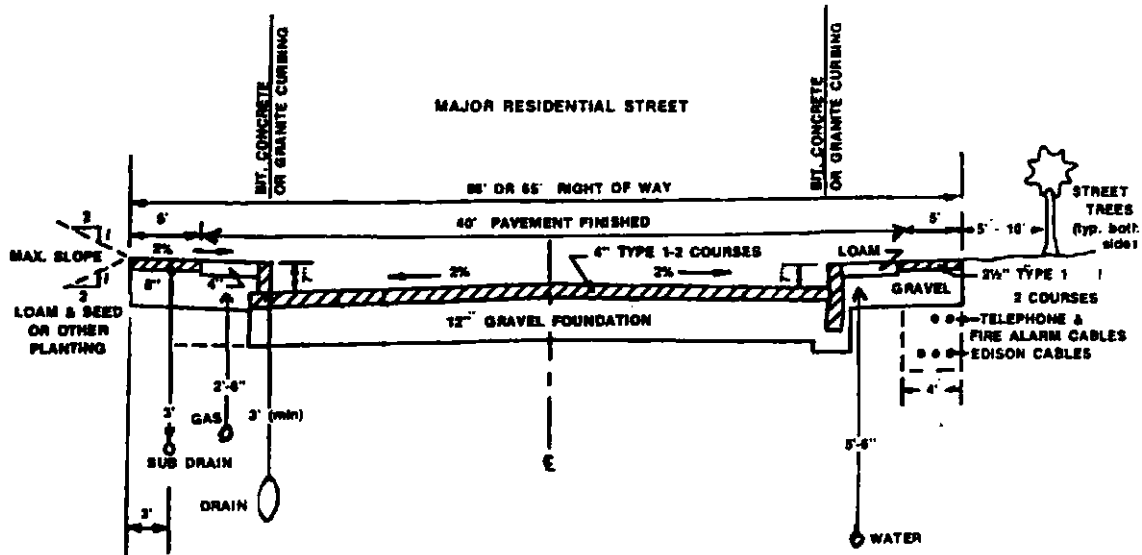
SCHEDULE B



TYPICAL STREET CROSS SECTIONS
MINOR & SECONDARY NON-RESIDENTIAL STREETS
 (NOT TO SCALE)

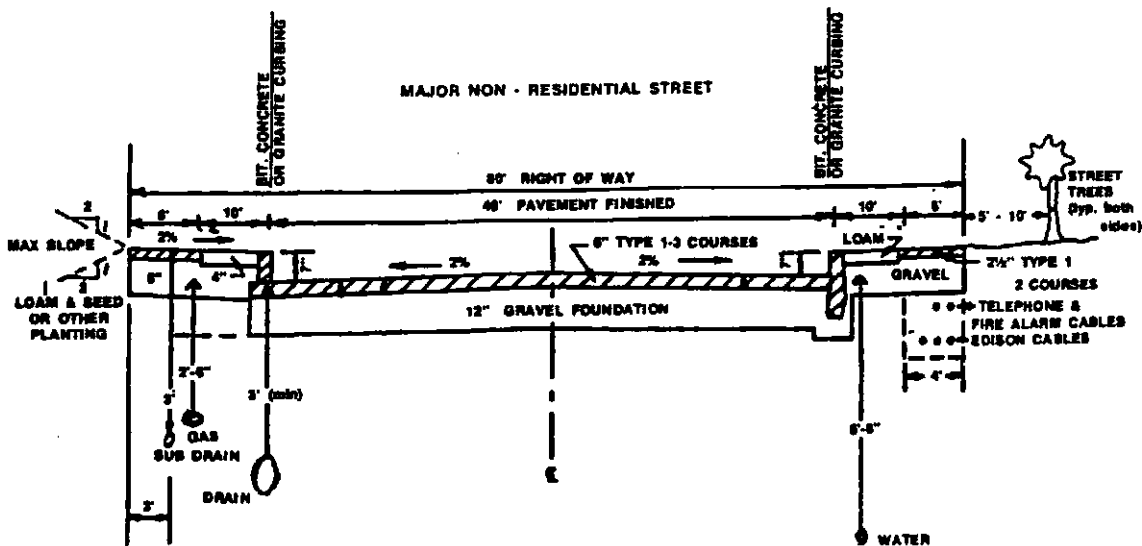


SCHEDULE C

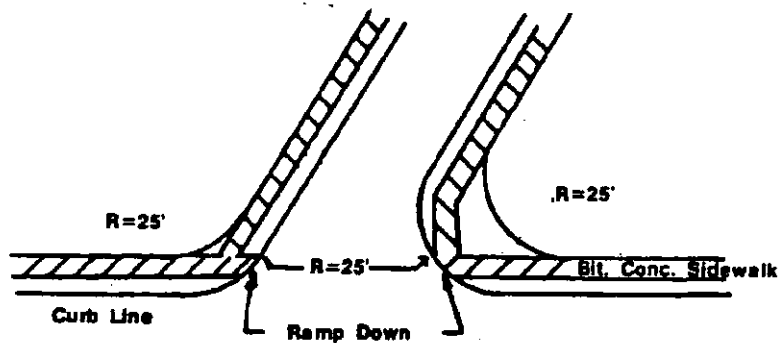
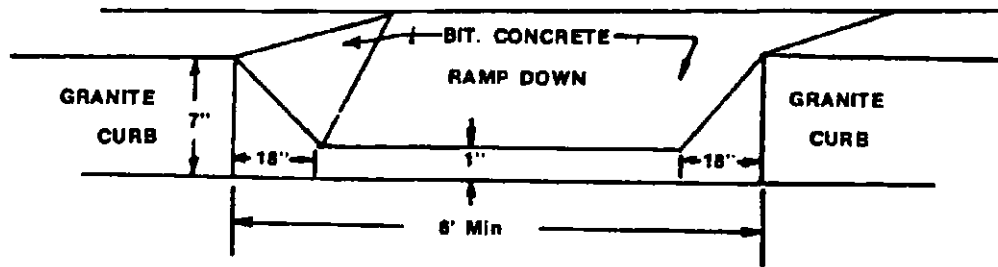
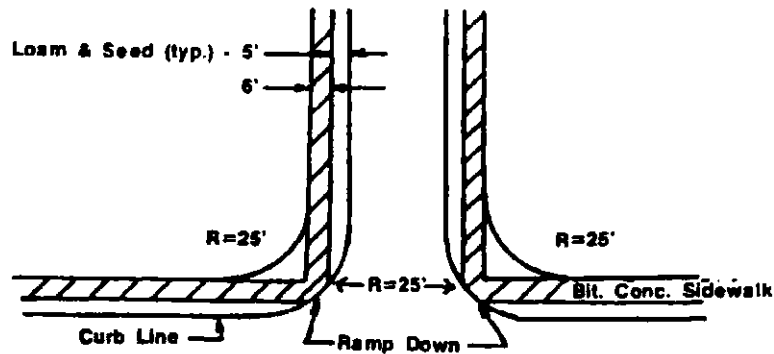


TYPICAL STREET CROSS SECTIONS

(NOT TO SCALE)



SCHEDULE D



STREET LINES & CURB LINE DETAILS AT STREET INTERSECTIONS (NOT TO SCALE)

SCHEDULE E

ENVIRONMENTAL IMPACT STATEMENT

1. The environmental impact statement shall clearly and methodically assess the relationship of the implementation of a proposed development to the natural and man-made environment of the Town. The statement shall utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in the planning and designing of the proposed project. The elements of the statement shall be prepared by professionals registered in Massachusetts to practice in their fields where so specified or by authorities recognized in their field having reached a professional status or its recognized equal.

2. To insure the adequate preparation and consideration of the statement, it is strongly recommended that a draft statement be prepared and submitted together with the submission of the preliminary plan of the proposed development.

3. It is intended that the statement be a guide to the Planning Board in its judgment and deliberation on the proposed development and its compatibility with existing conditions and planning efforts of the Town. Failure of the plans or of the impact statement of the proposed development to indicate such compatibility may be grounds for re examination and/or the re-submission thereof at the determination of the Planning Board.

4. An environmental impact statement shall be prepared when required by the Planning Board, other Town By-Laws, State or Federal Laws or Regulations.

(a) The Planning Board may require any private person, firm or corporation to prepare an environmental impact report for any and all work, project or activity which may cause damage to the environment, and for which no funds of the Commonwealth are to be expended.

(b) This report shall be limited in scope to the purposes of the Subdivision Control Law, Sections 81-K through 81-GG.

Further, the environmental statement concerning each character of the subdivision shall contain at least the elements required as noted except as modified or required by the Planning Board.

5. Each environmental statement shall consist of four (4) separate sections, each section to address one of the following concerns:

(a) The environmental impact of the proposed development (See Paragraph 6 below for required elements of impact disclosure).

(b) Any adverse environmental impacts which cannot be avoided should the proposed development be implemented.

SCHEDULE E

(c) Alternatives to the proposed development which are expressly allowed or allowed by permit by the Zoning By-Law.

(d) All measures available, and those measures to be used to minimize adverse environmental impacts (or maximize beneficial impacts).

6. The section on environmental impact shall consist of the elements and sub-elements as required by the Planning Board.

(a) An Aesthetics Element to consist of the following sub-elements:

(i) Architecture - Type or style of architecture of the buildings shall be described; its relation to prevailing types of architecture for similar buildings; and its compatibility with the function of the building and to the architecture of adjacent buildings. Sketches, photos, elevations and renderings are encouraged to illustrate architectural appropriateness as well as innovation. Consultation with the Building Inspector is recommended.

(ii) Landscaping - Provisions for landscaping shall be described including type, location and function. Consultation with the Highway Department and the Planning Board is recommended.

(iii) Lighting - The type, design, location, function and intensity of all exterior lighting facilities shall be described. Attention given to safety, privacy, security, and daytime and nighttime appearance shall be detailed. Consultation with the Highway Department, KeySpan Energy, Rowley Municipal Light Department and the Planning Boards Volunteer Lighting Advisor is recommended.

(iv) Visual - Attention given to views into the site and from the site shall be described. Included shall be long distance views as well as views to and from adjacent properties. Visual impact may be related to the preceding sub-elements concerning the overall aesthetics of the proposed development.

(b) A Master Plan Element to detail the compatibility of the proposed development and its alternatives to established plans of record of the Planning Board, Conservation Commission, Highway Department, and other Town and State agencies as applicable. If not compatible, the reasons therefore shall be detailed.

(c) A Municipal Benefit/Cost Element - A primary part of this element shall be an analysis of the net benefit or cost to the Town in dollars, as complete as is practicable. This municipal benefit/cost analysis should follow standard and usual procedures and parameters for measuring both the benefits to be derived and costs to be incurred by the Town of Rowley

SCHEDULE E

as a result of the implementation of the proposed development. It will be helpful to provide one or more benefit/cost analyses for alternative uses to provide for a basis for comparison. Except in unusual cases, or when the construction of a proposed development is scheduled to take place in distinct and separate phases and each phase may be functional and operable without any or all of the others, the municipal benefit/cost analysis may assume full and complete development and occupancy. In phased development or in other unusual cases, the Planning Board may require more than one analysis (an analysis for each phase) and/or more than one environmental impact statement. This element may also estimate net benefits or costs of non-qualifiable environmental impacts.

(d) A Neighborhood and Community Element to consist of the following sub-elements:

(i) Existing Neighborhood Land Use - Compatibility with adjacent or nearby existing land uses, or approved private development plans, if known, for adjacent or nearby land use changes to occur during the life of the proposed development. If not compatible, reasons therefore shall be detailed. Consultation with the Planning Board is strongly recommended.

(ii) Fire - Expected fire protection needs; on-site fire fighting capabilities; on-site alarm or other warning devices; fire-flow water needs, source and delivery system and other needs shall be presented. Coordination with the Fire Department is recommended.

(iii) Police - Expected impact on police service, time and manpower needed to protect the proposed development; provision for special alarm or warning devices or agents and other needs shall be presented. Coordination with the Police Department is recommended.

(iv) Recreation - On-site recreation provisions shall be detailed and off-site recreation demands shall be estimated. Provision for public open space, either dedicated to the Town or available to its residents shall be described. Open space available primarily or exclusively for residents or employees shall also be described. Coordination with the Open Space and Recreation Committee is recommended.

(v) Schools - Expected impact on the school system pre- primary, primary and secondary levels, by type of housing (single-family, garden apartment, town-house, high rise, etc.), and by bedroom (one-bedroom, two-bedroom, etc.). The number of students; school bus routing changes if found necessary; and impact if any on

SCHEDULE E

parochial systems. Coordination with the Superintendent of Schools is recommended, particularly for large residential developments.

(e) A **Physical Element** to consist of the following sub-elements:

(i) **Air Pollution** - Changes in local air quality caused by the proposed development shall be predicted. Sources shall be identified, and consideration shall be given to changes in air quality both during construction and after completion of the project. Except in large residential developments (one hundred (100) dwelling units or more) or in high density multi-family developments and in non-residential subdivisions, air pollution impacts may be identified and expressed in relative terms. For these large and/or high density residential developments and for non-residential developments, the Planning Board may require a detailed, technical report to be prepared. This sub-element shall consider not only impacts caused by the proposed development and its alternatives, but also impacts on it by adjacent existing or proposed developments.

(ii) **General Ecology** - Relation of the proposed development to the major botanical, zoological, geological and hydrological resources of the site shall be examined. Consideration of these resources adjacent to the site shall also be made where deemed appropriate by the Planning Board. Consideration shall also be given to rare or endangered species of plant and wildlife found on the site.

(iii) **Noise Pollution** - The same requirements for air pollution sub-element shall govern.

(iv) **Soils** - Potential dangers of erosion and sedimentation caused by both the construction, operation and maintenance of the proposed development and its alternatives shall be detailed and may also be related to sub-element (v) below. It shall also deal with the compatibility of existing soils with the proposed development.

(v) **Surface and Sub-surface Water Pollution** - Impact of storm water run-off on adjacent and downstream surface water bodies and sub-surface ground water and the water table shall be detailed. Coordination with State and Town water quality agencies including the Board of Health and Conservation Commission is recommended so that necessary agreements and responsibilities can be included in the study of the proposed development and its alternatives. The relationship of the proposed development to navigable streams and flood plains and municipal water supply impoundments and reservations shall be shown.

SCHEDULE E

(f) A Public Utility Element prepared by a professional engineer registered in Massachusetts, to consist of the following sub- elements:

(i) Sewage Treatment - Average daily and peak demand; any unusual composition or concentration of component flows into the public system, the method to serve the buildings on the site including size of pipe, existing and proposed; and the cost and proposed responsibility for bearing or sharing the cost shall be detailed. Coordination with the Board of Health, and if deemed advisable, appropriate State agencies, is strongly recommended for the reasons in (iv) below.

(ii) Solid Waste- The average weekly demand; expected contents; recycling potential; on-site incineration, reduction or compaction; and method of delivery to the Town facilities shall be detailed. Coordination with the Board of Health is strongly recommended, for the reasons in (iv) below.

(iii) Storm Drainage - The same requirements for the water supply and distribution sub-element shall govern.

(iv) Water Supply and Distribution - Average daily and peak demand; method to supply the buildings on the site including sizes of mains, existing and proposed; and the cost and the proposed responsibility for bearing or sharing the cost shall be detailed. Coordination with the Rowley Water Department is strongly recommended so that necessary agreements and responsibilities can be included in the study of the proposed development and its alternatives.

(g) A Transportation Element to consist of the following sub-elements:

(i) Mass Transit - Consideration shall be given to the relation of the proposed development to existing mass transit (bus, rail or other modes) and how the proposed development may be served.

(ii) Street Maintenance - Methods, responsibility, and projected cost to the Town shall be detailed. Coordination with the Highway Department is recommended.

(iii) Traffic Generation- Existing traffic volume, composition, peak hour levels and street capacities shall be shown. Overall average daily traffic generation, composition, peak hour levels, and directional flows shall be estimated. The methodology used to derive these predictions shall be included.

SCHEDULE E

(h) A Socio-Economic Element to consist of the following sub-elements:

(i) Employment- In all non-residential developments and in large residential developments the number and types of job skills to be employed shall be detailed. This shall include both construction labor and full-time work force when the development is in operation; employment by shift; estimates as to the amount of local labor which is intended to be used; and minority-group labor opportunities. Coordination with the Development and Industrial Committee (if available) is recommended for industrial and commercial development.

(ii) Low/Moderate Income Housing - In residential developments, provisions for low and/or moderate income housing shall be identified as to type of housing and bedroom count; State or federal subsidies proposed to be applied; and indication, if any, from the appropriate agencies including the Housing Authority as to its desirability and feasibility for its location, financing, and operating subsidy.

(iii) Population- In residential development, the overall population; ranges in expected family size by housing type and bedroom count; ranges in expected income and other relevant social data shall be estimated.

7. The remaining three (3) sections, paragraphs 5 (b) thru 5(d) of the environmental statement shall be in sufficient detail to enable the Planning Board to determine whether unavoidable impacts have been fully recognized; whether alternatives to the proposed development have been fully explored; and whether all reasonable measures to minimize adverse or unavoidable impacts (or maximize beneficial impacts) have been taken.

SCHEDULE F

PROJECT INFORMATION SUMMARY (PIS) INSTRUCTION SHEET

This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please fill out this form as accurately as possible. Answers to these questions will be considered as part of the application for approval of a subdivision and may be subject to further verification and public review.

Please submit any additional information to document how any known impacts, whatever the magnitude, will be dealt with in the design process. This additional information will help in the review of the PIS, and will reduce time delays by addressing potential impacts early on in the process.

Applicants need not fill out every part in the PIS. Please complete only those parts applicable to the type of project proposed.

The Planning Board will, in its review of the application, determine what elements of the Environmental Impact Statement must be included in the application for approval of the Definitive Plan for a proposed subdivision.

PROJECT INFORMATION SUMMARY FORM

PART 1 - GENERAL INFORMATION

Name of Project: _____

Name and Address of Owner: _____

Business Phone: _____

Name and Address of Consultant/Engineer

Business Phone: _____

Name and Phone of Contact Person: _____

Business Phone : _____

Description of Project (Briefly describe type of project): _____

A. PROJECT INFORMATION

1. ___ Variance or Special Permit —Specify: _____

___ Rezoning — From: _____ To: _____

___ Residential Development — # of Units: _____

___ Business Development — Type: _____

___ Industrial Development — Type: _____

___ PUD/Cluster

2. Location of Project

a. Address: _____

b. Distance and direction from nearest intersection(s): _____

c. Tax Account Number: _____

3. Present Zoning: _____

4. Dominant zoning within 1/4 mile of Site: _____

5. Present land use: _____

6. Dominant land use within 1/4 mile of site: _____

Name of Project: _____

7. Project Extent

- a. Total number of acres in parcel: _____ acres
- b. Number of acres already developed: _____ acres
- c. Number of acres to be developed under this application: _____ acres
- d. Anticipated construction dates — From: _____ To: _____
- e. Anticipated capital expenditure: \$ _____.
- f. If expansion of existing project: _____ % expansion.

8. Total height of tallest proposed structure _____ feet

B. NATURAL FEATURES OF SITE

1. Approximate acreage of site by use (Note: Land should not be classified in more than one category. Total current acreage = total after completion):

	<u>Current</u>	<u>After Completion</u>
Active Agriculture:	_____ acres	_____ acres
Active Recreation Facility:	_____ acres	_____ acres
Forested:	_____ acres	_____ acres
Idle Agriculture:	_____ acres	_____ acres
Meadow or Brushland	_____ acres	_____ acres
Roads, Buildings, Pavement:	_____ acres	_____ acres
Unvegetated (rock, gravel):	_____ acres	_____ acres
Water Surface Area (ponds, lakes, streams):	_____ acres	_____ acres
Wetlands and Aquifers:	_____ acres	_____ acres
Other:	_____ acres	_____ acres
Other specify: _____		
<hr/>		
Total	_____ acres	_____ acres

Name of Project: _____

2. Will disturbed area be in or within 100' of any of the following? (If YES, please specify):

	YES	NO
Agricultural Land _____		
Designated Open Space _____		
Designated Sensitive _____		
Environmental Area _____		
Historic Site _____		
Known Archeological _____		
Site _____		
Parkland _____		
Plant or animal species _____		
identified as threatened _____		
or endangered (specify) _____		

Recreational Facilities _____		
Steep Slopes _____		
Stream _____		
Classification: _____		
Unique Architectural Site _____		
Unique Ecological Site _____		
Unique Geological Site _____		
Water body _____		
Wetlands _____		
Woodlands _____		

3. Are there any known drainage ways, drainage ditches or seasonal flows of water on or through the site?

YES _____ (specify on a separate sheet) NO _____

C. PLANNING CONSIDERATIONS

1. Is the site served by:

a. Sanitary sewer _____ Septic systems _____ Other _____
b. Storm sewer _____ Open drainage _____

Name of Project: _____

c. Public water _____ Wells _____ Other _____

d. Other utilities (specify) _____

2. Is the site contiguous to any of the following?

- _____ County Road
- _____ State Road
- _____ Town Street
- _____ Undesignated Road

3. Is there a property line boundary within 100' of the proposed disturbed area?

YES _____ NO _____

4. Is the site served by public transportation?

YES _____ NO _____

5. Are any of the following within 1000' of the site?

- | | |
|--------------------------------------|-------------------------------------|
| _____ Ambulance Station | _____ Firehouse |
| _____ Cemetery Library | _____ Government or Public Building |
| _____ Church | _____ High Voltage Electrical |
| _____ Cultural Center (Museum, etc.) | _____ Transmission Line |
| _____ Electrical Generating Facility | _____ School |

6. Will the action result in the preservation of any open space? YES _____ NO _____

Is site presently used by the community as open space or recreation area?

YES _____ NO _____

7. Will the project result in any major visual impacts? YES _____ NO _____

8. Will the project affect any important views or vistas? YES _____ NO _____

9. Special Planning Considerations: is the site within any of the following?

- _____ Flood Plain District
- _____ Historic Preservation District
- _____ 500 feet of a state or county road, parkland, or municipal boundary
- _____ 100 year floodplain as defined by FEMA Flood Insurance maps

Name of Project: _____

10. Has any provision been made for solar or other alternative sources of energy for this project? YES _____ NO _____
(specify: _____)

11. Has provision been made for siting the project to make use of natural solar heating or shading? YES _____ NO _____

12. Will this project require the relocation of any other project or facility? YES _____ NO _____
(specify: _____)

PART 2 - GEOLOGY & HYDROLOGY

A. What is the predominant soil type(s) on the project site? _____

B. What is the depth to bedrock? _____ feet (Info. source: _____)

C. Are there any bedrock outcroppings on the site? YES _____ NO _____

D. What is the general slope of the land?

0—10% _____ % 10—15% _____ % 15% or greater _____ %

E. What is the depth to the water table? _____ feet

(Information sources: _____)

F. Will surface area of any existing lakes, ponds, streams, bays or other surface water areas be increased or decreased by project?

YES _____ NO _____ (specify on separate sheet)

G. Will any stream channels be modified? YES _____ NO _____

H. What additional percentage of the site will be covered by impervious materials as a result of the project? _____ % more than existing.

I. Are any mitigation measures being designed into the project to minimize the effects of impervious surfaces on drainage and runoff? YES _____ NO _____

(If YES, please attach a narrative explanation on separate sheet)

J. Are there any existing drainage problems on the site, upstream, or downstream? YES _____ NO _____

(If YES, please attach a narrative explanation on separate sheet)

Name of Project: _____

K. How much on-site storage of runoff will be provided? _____ acre-feet

L. Are sedimentation ponds to be provided? YES _____ NO _____

M. 1. Are retention or detention ponds to be provided? YES _____ NO _____

2. Which? Temporary _____ or Permanent _____

PART 3 - GRADING AND SITE DEVELOPMENT

A. How much natural material will be removed from the site of the project?

Rock _____ cubic yards Topsoil _____ cubic yards

Subsoil _____ cubic yards

B. How much natural material will be brought onto the site of the project?

Rock _____ cubic yards Topsoil _____ cubic yards

Subsoil _____ cubic yards

C. How much natural material will be redistributed on the site of the project?

Rock _____ cubic yards Topsoil _____ cubic yards

Subsoil _____ cubic yards

D. How many square feet of vegetation (trees, shrubs, ground cover) will be disturbed on this project site? _____ square feet

E. Are there any plans for revegetation? YES _____ NO _____
(specify on separate sheet)

F. Will blasting occur during construction? YES _____ NO _____

G. How will demolition debris (if any), vegetation waste, and similar materials be disposed of?

H. Will existing contours be altered by more than 3 feet of:

Cut: YES _____ NO _____
Fill: YES _____ NO _____

I. 1. What will be the maximum gradient of roadways within the project? _____ %

2. What will be the maximum gradient of driveways within the project? _____ %

PART 4- RESIDENTIAL

A. Is project to be single phased, _____ or multi-phased _____ ?

Name of Project: _____

B. If multi-phased project:

- a. Total number of phases anticipated: _____
- b. Anticipated date of phase 1 commencement (including any necessary demolition):
month _____ year _____
- c. Approximate date of completion of final phase:
month _____ year _____
- d. Is phase #1 financially dependent upon subsequent phases? YES _____ NO _____

C. Number and type of housing units to be constructed:

	One Family	Two Family	Multi-Family	Condominium or Co-op
Initial	_____	_____	_____	_____
Ultimate	_____	_____	_____	_____

D. If project is not on public sanitary sewers:

1. Type of on-site sewerage system(s) to be installed:

_____ package plant
_____ raised fill systems
_____ standard leach field(s)
_____ other

(specify: _____)

2. If any surface outflow, name of stream into which effluent will be discharging,

If project involves storm sewers:

1. Where do storm sewers discharge? _____

2. What volume of storm water runoff is planned for? _____ cfs at point of discharge.

F. Solid Wastes:

1. Where will solid wastes be disposed of?

Name of facility _____ location _____

2. Will any waste not go to a sanitary landfill? YES _____ NO _____

G. 1. If water supply is from existing wells, indicate pumping capacity: _____ gal/min

Name of Project: _____

2. If water supply is to be from new wells, what impact can be expected on the local water table? _____

3. If water supply is from source other than public water supply, what is the quality of the water to be provided? _____

H. Total anticipated water usage per day: _____ gal/day

I. Number of off-street parking spaces: _____ existing _____ proposed

PART 5 - BUSINESS

A. Orientation of development: _____ Neighborhood _____ Regional

B. Estimated employment generated: during construction: _____
during operation: _____

C. Total gross floor area proposed: _____ square feet

D. Number of off-street parking spaces: _____ existing _____ proposed

E. 1. Is surface or subsurface liquid waste disposal involved? YES _____ NO _____

2. If YES to #1, type of waste: _____

3. If surface outflow, name of stream into which the effluent will be discharged:

F. If not on public sanitary sewers, how will liquid wastes be treated?

If project is on public sanitary sewers, name of sewage treatment facility to which the effluent will be directed: _____ location _____

H. If project involves storm sewers:

1. Where do storm sewers discharge? _____

2. What volume of storm water runoff is planned for? _____ cfs at point of discharge

I. Maximum vehicular trips generated per hour upon completion of project: _____

J. If multi-phased project:

a. Total number of phases anticipated: _____

b. Anticipated date of phase 1 commencement (including any necessary demolition):
month _____ year _____

c. Approximate date of completion of final phase:
month _____ year _____

Name of Project: _____

d. Is phase #1 financially dependent upon subsequent phases?

YES _____ NO _____

K. Solid Wastes:

1. Where will solid wastes be disposed of?

Name of facility _____ location _____

2. Will any wastes not go to a sanitary landfill? YES _____ NO _____

3. Will compactors be utilized for on-site waste? YES _____ NO _____

4. Have provisions been made for on-site storage? YES _____ NO _____

5. If project involves a take-out food facility, have any provisions been made to restrict carry-out litter? YES _____ NO _____
(specify: _____)

L. Will project routinely produce odors (more than 1 hr/day)? YES _____ NO _____

M. Will project produce noise exceeding the local ambient noise levels:

during construction? YES _____ NO _____

after construction? YES _____ NO _____

N. Will dust control techniques be employed during or after construction of this project?
YES _____ NO _____

(If Yes specify on separate sheet)

O. Will the project result in any potential contraventions of any State or Federal air quality standards? YES _____ NO _____
(specify: _____)

P. Will project use herbicides? YES _____ NO _____
(specify: _____)

Q. Will project use pesticides? YES _____ NO _____
(specify: _____)

R. Will project be landscaped to provide visual and sound screening?

YES _____ NO _____

S. Has project been designed for energy efficiency? YES _____ NO _____
(specify: _____)

Name of Project: _____

PART 6 - INDUSTRIAL

Please complete Part V - Business, and continue below:

- A. Are any liquid (or solid) substances produced as wastes that cannot be adequately treated (or safely disposed of) at a standard municipal sewage treatment plant (or sanitary landfill)? YES _____ NO _____

(If YES, please explain on separate sheet)

- B. Are any hazardous and / or toxic materials produced? YES _____ NO _____
or utilized? YES _____ NO _____

- C. Have any provisions been made to utilize any waste heat produced for productive purposes? YES _____ NO _____
(specify: _____)

PART 7 - PERMITS AND/OR APPROVALS REQUIRED

- A. Does the project involve any State or Federal funding or financing?

YES _____ NO _____

(specify: _____)

- B. Status of Permits and/or Approvals:

AGENCY

APPROVAL REQUIRED (TYPE)

SUBMITTED (DATE)

APPROVED (DATE)

Board of Health
Board of Selectmen
Highway Department
MA DEQE
MA Department of Public Health
MA Department of Transportation
Other Federal Agency
Other Municipal Agency
Other State Agency
Planning Board
US Army Corps of Engineers
US Department of Transportation
US Environmental Protection
Agency
Zoning Board and/or Board of
Appeals

Name of Project: _____

Attach any additional information as may be required to clarify your project. If there are or may be any adverse impacts associated with the proposal, please discuss such impacts and the measures which can be taken to mitigate or avoid them.

I hereby certify that the information given above is true and accurate to the best of my knowledge.

Preparer's Signature: _____

Title: _____

Representing: _____

Date: _____

SCHEDULE G

BOARD OF HEALTH REVIEW

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

At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with the following information:

- A. A statement in writing concerning the status of the proposed project in relationship to the removal, fill or dredge of any bank flat marsh, meadow or swamp bordering on any inland water. (Hatch Act - General Laws C. 131 Sec. 40.).
- B. If the disposal system is to be on site, the applicant must comply with all the provisions of the State Environmental Code, including 310 CMR 15:00 covering percolation tests. Arrangements at the applicant's cost shall be made to conduct said tests in accordance with said regulations in the presence of the Board of Health if so required. The applicant must file a written report signed by a registered professional engineer or registered sanitarian with the Board of Health within thirty (30) days of filing of the Definitive Plan, which indicates exactly the procedure used and test results and a conclusion based upon the test results concerning whether the soil conditions on each lot are suitable for the sewerage disposal purposes intended.

Sewerage to be disposed in excess of 2,000 gallons per day must be approved by the Massachusetts Department of Public Health. (Gen. Laws C. 111, Sec. 17)

- C. The Board of Health reserves the right to make further and additional requirements as, in its judgment, it may determine to be necessary in a particular case.
- D. Failure to comply with this procedure may result in the Board of Health's disapproval of said plan. (Gen. Laws C. 41, Sec. 81U) The Board of Health shall within forty-five (45) days after filing of the plan report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health.

SCHEDULE H-1

TECHNICAL/PLANNING AGENT REVIEW

(Site Plan)

Review by the Technical Review Agent

The Planning Board shall direct its Technical Review Agent to review and report on the technical, engineering and planning aspects of the proposed project. The Technical Review Agent shall review the project in two (2) phases as follows:

Initial review - Phase I

A. REVIEW OF FEES

1. Review fee requirements of the Town of Rowley Protective Zoning By-Law (P.Z.B.) under Section 6.6. to assure compliance with same.
2. Prepare an estimate of technical/planning review and consultation fee and submit same to the Planning Board.

Upon receipt of notice from the Planning Board and direction to proceed with the review –
Phase II

B. SUBMISSION REQUIREMENTS

1. Review the requirements of P.Z.B. under Section 6.6. to determine the completeness of submission.
2. Review the Town of Rowley Planning Board Rules and Regulations (P.B.R. & R.) "APPLICATION FOR APPROVAL OF A SITE PLAN".
3. Identify and list all materials submitted including plan or supporting document titles, dates, scales, preparer's name, title and address.

C. ZONING REVIEW

1. Review the submission for compliance with the Protective Zoning By-Law of the Town of Rowley (P.Z.B.).
2. Identify zoning district(s), conformance to proposed use and compliance with zoning area and dimensional requirements.
3. Review and/or identify any special review procedure requirements such as the need for special permits, variances, Town water supply protection permits, flood plain permits, State, Federal or other local permit procedures.

D. PLAN AND DOCUMENT CONTENT REQUIREMENTS

1. Review the project submission for compliance with the Town of Rowley Planning Board Rules and Regulations Governing Site Plans.

SCHEDULE H-1

2. Review the project submission for compliance with P.B.R. & R. "SITE PLAN REVIEW CHECKLIST".
3. Review procedural action of the Applicant and Planning Board reference P.Z.B. Section 6.6.6. (Procedure) and review responses from other Town departments/officials.

E. DESIGN AND CONSTRUCTION REQUIREMENTS

1. Review the project submission: plans, details, specifications, reports and supporting documents for compliance with the P.B.R. & R. Section 4.0 (Design Requirements) and Section 5.0 (Construction Requirements) where same are applicable.
2. Request and/or perform on-site samplings and/or testing, special studies, and site evaluations as necessary to assure compliance with the P.B.R. & R. Sections 4.0 (Design Requirements) and Section 5.0 (Construction Requirements) where same are applicable.

F. STANDARD PLANNING AND ENGINEERING PRACTICES

Review the project submission on the basis of sound planning and engineering practices to ensure use of adequate and acceptable design criteria for the promotion of public safety and welfare of the project, surrounding area and Town.

G. COORDINATE REVIEW COMMENTS BY OTHERS

Interpret and respond to comments by other Town departments, as necessary. Quantify and collate these responses for use by the Planning Board.

H. PUBLIC HEARINGS/OTHER MEETINGS

1. Schedule and attend meetings with the applicants and his/her consultants as directed by the Planning Board.
2. Attend Public Hearings or other public or Town department meetings relative to the project submission as directed by the Planning Board.

I. FOLLOW UP PERMITTING

1. As directed by the Planning Board, perform and prepare follow-up reviews and reports relative to the project submission.
2. Make final recommendation to the Planning Board relative to submission approval and/or rejection.
3. Follow-up any conditions made as a part of approval and assure procedural compliance with the P.Z.B. Section 6.6.6.2.
4. As directed by the Planning Board, prepare cost estimates for use in establishing Performance Guarantees, if and where applicable.

SCHEDULE H-2

TECHNICAL/PLANNING AGENT REVIEW

(Special Permit)

Review by the Technical Review Agent

The Planning Board shall direct its Technical Review Agent to review and report on the technical, engineering and planning aspects of the proposed project. The Technical Review Agent shall review the project in two (2) phases as follows:

Initial review - Phase I

A. REVIEW OF FEES

1. Review fee requirements of the Town of Rowley Planning Board Special Permit Rules and Regulations (P.B.S.P.R. & R.) under Section 4.0 to assure compliance with same.
2. Prepare an estimate of technical/planning review and consultation fee and submit same to the Planning Board.

Upon receipt of notice from the Planning Board and direction to proceed with the review - Phase II

B. SUBMISSION REQUIREMENTS

1. Review the requirements of P.B.S.P.R. & R. under Section 3.0. (Submission) to determine the completeness of submission.
2. Review the Town of Rowley Planning Board Rules and Regulations (P.B.R. & R.) "APPLICATION FOR APPROVAL OF A SPECIAL PERMIT".
3. Identify and list all materials submitted including plan or supporting document titles, dates, scales, preparer's name, title and address.

C. ZONING REVIEW

1. Review the submission for compliance with the Protective Zoning By-Law of the Town of Rowley (P.Z.B.) as may apply.
2. Identify zoning district(s), conformance to proposed use and compliance with zoning area and dimensional requirements.
3. Review and/or identify any special review procedure requirements such as the need for variances, Town water supply protection permits, flood plain permits, State, Federal or other local permit procedures.

D. PLAN AND DOCUMENT CONTENT REQUIREMENTS

1. Review the project submission for compliance with the Town of Rowley Planning Board Rules and Regulations Governing Special Permits, Section 1.0.
2. Review the project submission for compliance with Town of Rowley Planning Board Rules and Regulations Governing Special Permits, Section 2.0."

SCHEDULE H-2

E. DESIGN AND CONSTRUCTION REQUIREMENTS

1. In conjunction with Site Plan review, review the project submission: plans, details, specifications, reports and supporting documents for compliance with the P.B.R. & R. Section 4.0 (Design Requirements) and Section 5.0 (Construction Requirements) where same are applicable.
2. In conjunction with Site Plan review, request and/or perform on- site samplings and/or testing, special studies, and site evaluations as necessary to assure compliance with the P.B.R. & R Sections 4.0 (Design Requirements) and Section 5.0 (Construction Requirements) where same are applicable.

F. STANDARD PLANNING AND ENGINEERING PRACTICES

Review the project submission on the basis of sound planning and engineering practices to ensure use of adequate and acceptable design criteria for the promotion of public safety and welfare of the project, surrounding area and Town.

G. COORDINATE REVIEW COMMENTS BY OTHERS

Interpret and respond to comments by other Town departments, as necessary. Quantify and collate these responses for use by the Planning Board.

H. PUBLIC HEARINGS/OTHER MEETINGS

1. Schedule and attend meetings with the applicants and his/her consultants as directed by the Planning Board.
2. Attend Public Hearings or other public or Town department meetings relative to the project submission as directed by the Planning Board.

I. FOLLOW-UP PERMITTING

1. As directed by the Planning Board, perform and prepare follow-up reviews and reports relative to the project submission.
2. Make final recommendation to the Planning Board relative to submission approval and/or rejection.
3. Follow-up any conditions made as a part of approval and assure procedural compliance with same.
4. As directed by the Planning Board, prepare cost estimates for use in establishing Performance Guarantees, if and where applicable.

SCHEDULE H-3

TECHNICAL/PLANNING AGENT REVIEW

(Preliminary and/or Definitive Subdivision Plan)

Review by the Technical Review Agent

The Planning Board shall direct its Technical Review Agent to review and report on the technical, engineering and planning aspects of the proposed project. The Technical Review Agent shall review the project in two (2) phases as follows:

Initial review- Phase I

A. REVIEW OF FEES

1. Review fee requirements of the Town of Rowley Planning Board Rules and Regulations (P.B.R. & R.) under Section 2.5. to assure compliance with same.
2. Prepare an estimate of technical/planning review and consultation fee and submit same to the Planning Board.

Upon receipt of notice from the Planning Board and direction to proceed with the review - **Phase II**

B. SUBMISSION REQUIREMENTS

1. Review the requirements of P.B.R. & R. under Sections 3.2.1. and/or 3.3.1. to determine the completeness of submission.
2. Identify and list all materials submitted including plan or supporting document titles, dates, scales, preparer's name, title and address.

C. ZONING REVIEW

1. Review the submission for compliance with the Protective Zoning By-Law of the Town of Rowley (P.Z.B.).
2. Identify zoning district(s), conformance to proposed use and compliance with zoning area and dimensional requirements.
3. Review and/or identify any special review procedure requirements such as the need for special permits, variances, Town water supply protection permits, flood plain permits, State, Federal or other local permit procedures.

D. PLAN AND DOCUMENT CONTENT REQUIREMENTS

1. Review the project submission for compliance with the P.B.R. & R. Sections 3.2.2. and 3.3.2.
2. Review work completed and documentation submitted referencing Sections 3.3.3. (Staking), and 3.3.4. (Soil Survey and Percolation Tests).
3. Review procedural action of the Applicant and Planning Board referencing Section 3.3.5. (Procedure) and review responses from other Town departments/officials.

SCHEDULE H-3

E. DESIGN AND CONSTRUCTION REQUIREMENTS

1. Review the project submission: plans, details, specifications, reports and supporting documents for compliance with the P.B.R. & R. Section 4.0 (Design Requirements) and Section 5.0 (Construction Requirements).
2. Request and/or perform on-site samplings and/or testing, special studies, and site evaluations as necessary to assure compliance with the P.B.R. & R. Sections 4.0 (Design Requirements) and Section 5.0 (Construction Requirements).

F. STANDARD PLANNING AND ENGINEERING PRACTICES

Review the project submission on the basis of sound planning and engineering practices to ensure use of adequate and acceptable design criteria for the promotion of public safety and welfare of the project, surrounding area and Town.

G. COORDINATE REVIEW COMMENTS BY OTHERS

Interpret and respond to comments by other Town departments, as necessary. Quantify and collate these responses for use by the Planning Board.

H. PUBLIC HEARINGS/OTHER MEETINGS

1. Schedule and attend meetings with the applicants and his/her consultants as directed by the Planning Board.
2. Attend Public Hearings or other public or Town department meetings relative to the project submission as directed by the Planning Board.

I. FOLLOW-UP PERMITTING

1. As directed by the Planning Board, perform and prepare follow-up reviews and reports relative to the project submission.
2. Make final recommendation to the Planning Board relative to submission approval and/or rejection.
3. Follow-up any conditions made as a part of approval and assure procedural compliance with the P.B.R. & R. Sections 3.3.5. thru 3.3.9.
4. As directed by the Planning Board, prepare cost estimates for use in establishing Performance Guarantees.

SCHEDULE J

PLANNING BOARD AGENT-PROJECT INSPECTION

(Preliminary and/or Definitive Subdivision Plan)

Inspection by the Technical Review Agent

The Planning Board shall direct its Technical Review Agent to inspect and report on the progress of the construction and compliance by the Contractor with the approved plans, supporting documents and certificate of vote or approval conditions. The Technical Review Agent shall perform the following project inspection services:

A. SCHEDULED AND RANDOM INSPECTIONS

1. Inspect and report on the construction methods, procedures and progress upon notice by the Contractor of specific operations (e.g. pipe installation, road base preparation, paving, etc.).
2. Inspect and report on the construction methods and procedures without notice and at random.

B. INSPECTIONS FOR PAY ESTIMATES. BOND RELEASE OR OTHER GUARANTY REDUCTION OR RELEASE

1. Upon request by the Applicant/Contractor, inspect the work completed and materials stored in order to estimate release of escrow funds, guaranty reduction, or pay estimates.
2. Report same to the Planning Board.

C. CONSTRUCTION PROBLEMS AND CHANGES

1. Inspect and report on any problems arising from the project construction.
2. Review and recommend action by the Planning Board on any changes to the plans as a result of on-site field conditions.

D. TESTING

1. Request and/or perform on-site testing of materials such as gravel base, bituminous pavement, etc.
2. Report results of same to the Planning Board.

E. RECORD (AS-BUILT) PLANS

1. Provide consultation and recommendations relative to requirements for record (as-built) plans.
2. Review record (as-built) plans and report and recommend action to the Planning Board.

SCHEDULE J

F. FOLLOW-UP

1. As directed by the Planning Board, perform and prepare follow-up review and reports relative to the project's completion.
2. Provide technical and administrative review of procedural action by the Applicant and Planning Board as relates to the P.B.R. &R. Section 3.3.9. (Conveyance of Utilities and Easements to the Town), Section 5.1.7. (Maintenance of Improvements) and Section 6.3. (Building Permit).

SCHEDULE K
PLANNING BOARD AGENT-PROJECT INSPECTION
(Site Plan)

Inspection by the Technical Review Agent

The Planning Board shall direct its Technical Review Agent to inspect and report on the progress of the construction and compliance by the Contractor with the approved plans, supporting documents and certificate of vote or approval conditions. The Technical Review Agent shall perform the following project inspection services:

A. SCHEDULED AND RANDOM INSPECTIONS

1. Inspect and report on the construction methods, procedures and progress upon notice by the Contractor of specific operations (e.g. pipe installation, road base preparation, paving, etc.).
2. Inspect and report on the construction methods and procedures without notice and at random.

B. INSPECTIONS FOR PAY ESTIMATES. BOND RELEASE OR OTHER GUARANTY REDUCTION OR RELEASE

1. Upon request by the Applicant/Contractor, inspect the work completed and materials stored in order to estimate release of escrow funds, guaranty reduction, or pay estimates.
2. Report same to the Planning Board.

C. CONSTRUCTION PROBLEMS AND CHANGES

1. Inspect and report on any problems arising from the project construction.
2. Review and recommend action by the Planning Board on any changes to the plans as a result of on-site field conditions.

D. TESTING

1. Request and/or perform on-site testing of materials such as gravel base, bituminous pavement, etc.
2. Report results of same to the Planning Board.

E. RECORD (AS-BUILT) PLANS

1. Provide consultation and recommendations relative to requirements for record (as-built) plans.
2. Review record (as-built) plans and report and recommend action to the Planning Board.

F. FOLLOW-UP

1. As directed by the Planning Board, perform and prepare follow-up review and reports relative to the project's completion.

SCHEDULE L
PLANNING BOARD AGENT-PROJECT INSPECTION
(Special Permit)

Inspection by the Technical Review Agent

The Planning Board shall direct its Technical Review Agent to inspect and report on the progress of the construction and compliance by the Contractor with the approved plans, supporting documents and certificate of vote or approval conditions. The Technical Review Agent shall perform the following project inspection services:

A. SCHEDULED AND RANDOM INSPECTIONS

1. As requested by the Planning Board; inspect the premises and survey the use and operation for compliance with the Special Permit granted.
2. Inspect and report on the construction methods, procedures and progress upon notice by the Contractor of specific operations (e.g. pipe installation, road base preparation, paving, etc.) all in conjunction with Site Plan review and approval.
3. Inspect and report on the construction methods and procedures without notice and at random, all in conjunction with Site Plan review and approval.

B. TESTING

1. Request and/or perform on-site testing of materials, soils tests, noise level tests, traffic movements/counts, illumination surveys, other.
2. Report results of same to the Planning Board.

C. FOLLOW-UP

1. As directed by the Planning Board, perform and prepare follow-up review and reports relative to the project's completion and/or Special Permit use granted.
2. Provide technical and administrative review of procedural action by the Applicant and Planning Board as requested.

ATTACHMENT A

TABLE OF REQUIRED OFF-STREET PARKING SPACES

USE

Dwelling - for each dwelling unit in a building containing three (3) or more dwelling units

Uses Accessory to the Above

Public Housing for the Elderly

Hotel, Motel, Inn or Bed and Breakfast

Convalescent, rest or nursing home

Retail business commercial or personal service establishment

Office, professional, business, or public

Medical or dental office or clinic

Restaurant, taverns, or other place serving food or beverage

(Page 1 of 2)

REQUIRED PARKING SPACES

Two and one-half parking spaces per dwelling unit plus one-half (1/2) additional space for each bedroom in excess of two (2) in any unit therein.

In addition to the above, one (1) space plus one (1) space for each non-resident employee.

One space per unit.

One and one-half (1 1/2) space for bedrooms.

One (1) space for each two (2) beds, plus one (1) space for each employee on the largest shift.

One space for each two hundred (200) square feet of floor area up to fifty thousand (50,000) square feet plus one (1) space for each four hundred (400) square feet thereafter.

One (1) space for each one hundred (100) square feet of floor area.

One space for each two hundred (200) square feet of floor area.

One (1) space for each two (2) seats, permanent or otherwise, plus one (1) space for each employee on the largest shift.

Industrial, manufacturing, warehouse storage, laboratories or similar uses.

One (1) space for each one thousand (1,000) square feet of floor area, plus one (1) space for each employee on the largest shift.

Repair garages and gasoline service stations

Two (2) spaces for each service bay and one (1) space for each employee on largest shift.

Pre-school including Day Care Center

One (1) space for each teacher or other employee anticipated during normal school hours plus one (1) space for each three students.

The Board recognizes the fact that some uses require less parking, the final number of parking spaces could be reduced.

The above spaces may be calculated as total of both paved and reserved parking spaces. The Board encourages a meeting with the Developer to determine the exact number of paved spaces, based on the individual characteristics of the site proposal.

(Page 2 of 2)

FORM A

PLANNING BOARD-TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN# _____

SUBDIVISION NAME _____

APPLICATION FOR ENDORSEMENT OF A PLAN BELIEVED NOT TO REQUIRE APPROVAL

To the Planning Board of the Town of Rowley:

The undersigned wishes to record the accompanying plan and requests a determination by said Board that approval by it under the subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons:

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage, area and depth required by the Rowley Zoning By-law and is on a public way, namely, _____, or a private way, namely _____.

Assessors Maps dated _____, Sheet _____, Lot # _____.

2. The division of land shown on the accompanying plan is not a subdivision for the following reason(s): _____

The owner's title to the land is derived under deed from: _____

Dated _____, 20 _____, and recorded _____

Certificate of Title Number _____, registered in _____

District Book _____ Page _____.

Received by Town Clerk

Date _____

Time _____

Signature _____

Applicant's Signature _____

Applicant's Address _____

Owner's Signature and Address if not

the Applicant _____

PLEASE HAVE ASSESSORS' OFFICE CERTIFY THE ABOVE LAND IS/IS NOT CLASSIFIED IN CHAPTER 61, 61A OR 61B.

Assessors _____

FORM B

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

To the Planning Board of the Town of Rowley:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

By _____ dated _____, 20 _____.

being land bounded as follows: _____

_____ Assessors Maps dated _____,

block _____, lot # _____, hereby submits said plan as a PRELIMINARY subdivision plan in accordance with the Rules and Regulations of the Rowley Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____

by deed dated _____ and recorded in the Essex County Registry of Deeds Book _____, Page _____, registered in the _____ Registry District of the Land Court, Certificate of Title No. _____.

Received by Town Clerk

Date _____

Time _____

Signature _____

Applicant's Signature _____

Applicant's Address _____

Owner's Signature _____

and Address if not _____

the Applicant

This is to certify that the above noted plan conforms to the Assessors' latest records.

Assessors _____

FORM B-1

PLANNING BOARD-TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN# _____

SUBDIVISION NAME _____

CERTIFICATE OF APPROVAL OF A PRELIMINARY PLAN

It is hereby certified by the Planning Board of the Town of Rowley, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20____, it was voted to approve a Preliminary Plan entitled: _____

Submitted by: _____

Originally filed with the Planning Board on _____, 20____.

Concerning property located _____

For the following reasons: _____

A copy of this CERTIFICATE OF APPROVAL is to be filed with the Rowley Town Clerk and a copy sent to the applicant.

A true copy, attest:

Clerk, Rowley Planning Board

Rowley Planning Board

FORM B-2

PLANNING BOARD-TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN# _____

SUBDIVISION NAME _____

CERTIFICATE OF DISAPPROVAL OF A PRELIMINARY PLAN

It is hereby certified by the Planning Board of the Town of Rowley, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20____, it was voted to disapprove a Preliminary Plan entitled: _____

Submitted by: _____

Originally filed with the Planning Board on _____, 20____.

Concerning property located _____

For the following reasons: _____

A copy of this CERTIFICATE OF DISAPPROVAL is to be filed with the Rowley Town Clerk and a copy sent to the applicant.

A true copy, attest:

Clerk, Rowley Planning Board

Rowley Planning Board

FORM C

PLANNING BOARD-TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

1. to install utilities in accordance with the Rules and Regulations of the Planning Board, the Highway Surveyor, the Board of Health, and all general as well as Zoning By-Laws of the Town of Rowley. as are applicable to the installation of utilities within the limits of ways and streets: and,

2. to complete and construct the streets or ways shown thereon in accordance with Section 5 of the Rules and Regulations of the Planning Board and the approved DEFINITIVE plan, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole or part of said land, and assigns of the undersigned: and,

3. (i) to complete (except in the case of any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.3.6.1. the required improvements for the subdivision, specified in Section 5.0. within three (3) years of the date of such approval, (ii) to complete the required improvements for any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.3.6.1, within two (2) years of the date of the performance bond or within three (3) years of the date of the Board's approval of the Definitive Plan, whichever date shall occur the earlier, and (iii) that no structure will be occupied until at least the basic course of the bituminous concrete, as specified in Section 5.0, has been applied to the streets which serve those structures.

Received by Town Clerk

Applicant's Signature _____

Date _____

Applicant's Address _____

Time _____

Owner's Signature and Address if not

Signature _____

the Applicant _____

This is to certify that the above noted plan conforms to the Assessors latest records.

Assessors _____

(Page 1 of 2)

FORM C

PLANNING BOARD-TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN# _____

SUBDIVISION NAME _____

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

To the Planning Board of the Town of Rowley:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____, 20 _____

being land bounded as follows: _____

_____ Assessors Maps dated _____,

Sheet _____, Lot # _____, hereby submits said plan as a DEFINITIVE plan in accordance with the Rules and Regulations of the Rowley Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____ by deed

dated _____ and recorded in the Essex County Registry of Deeds Book _____

Page _____, registered in the _____ Registry District of the Land Court, Certificate of Title No. _____; and said land is free of encumbrances except for the following: _____

Said plan has () has not () evolved from a preliminary plan submitted to the Board on _____, 20 _____ and approved (with modifications) () (disapproved) () on _____, 20 _____.

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's Rules and Regulations. The undersigned hereby further covenants and agrees with the Town of Rowley upon the approval of said DEFINITIVE plan by the Board:

(Page 2 of 2)

FORM C-1

PLANNING BOARD – TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN

It is hereby certified by the Planning Board of the Town of Rowley, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20_____, it was voted to approve a Definitive Plan entitled: _____

Submitted by: _____

Originally filed with the Planning Board on _____, 20____

Concerning property located _____

With the following conditions: _____

A copy of this **CERTIFICATE OF APPROVAL** is to be filed with the Rowley Town Clerk and a copy sent to the applicant.

A true copy, attest:

Clerk, Rowley Planning Board

Rowley Planning Board

FORM C-2

PLANNING BOARD – TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN

It is hereby certified by the Planning Board of the Town of Rowley, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20 _____, it was voted to disapprove a Definitive Plan entitled: _____

Submitted by: _____

Originally filed with the Planning Board on _____, 20 _____

Concerning property located _____

For the following reasons: _____

A copy of this **CERTIFICATE OF DISAPPROVAL** is to be filed with the Rowley Town Clerk and a copy sent to the applicant.

A true copy, attest:

Clerk, Rowley Planning Board

Rowley Planning Board

FORM D

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

LAND SURVEYOR'S CERTIFICATE

To the Planning Board of the Town of Rowley:

In preparing the plan entitled _____

I hereby certify that the above named plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Rowley, Massachusetts, and my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____ to _____
_____ dated _____ and recorded in the _____
_____ Registry in Book _____, page _____.

2. Other plans, as follows _____

3. Oral information furnished by _____

4. Actual measurement on the ground from a starting point established by _____

5. Other sources _____

(Seal of Land Surveyor)

Signed _____

(Registered Land Surveyor)

Address _____

FORM D - 1

PLANNING BOARD TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

ENGINEER'S CERTIFICATE

To the Planning Board of the Town of Rowley

In preparing the plan entitled

_____ I hereby certify that the above named plan and accompanying data is true and correct in accordance with the requirements of the current Rules and Regulations Governing the Subdivision of Land in Rowley, Massachusetts, and that the designs contained herein are in accordance with commonly accepted engineering practice and in compliance with applicable laws and regulations of the Commonwealth of Massachusetts and Bylaws of the Town.

1. Sources of data are listed as follows _____

2. Oral information furnished by _____

3. Actual measurements on the ground and other field determinations _____

4. Other sources _____

(Seal of Land Surveyor)

Signed _____

(Professional Engineer)

Address _____

NOTE: A certified copy of the valid, current Registration **MUST** be attached to this Form.

FORM E

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

CERTIFIED LIST OF ABUTTERS

To the Planning Board of the Town of Rowley:

The undersigned, being an applicant for approval of a Definitive Plan of a proposed subdivision entitled _____

submits the following sketch of the land in the subdivision listing the names of the adjoining owners and the abutters to the adjoining owners in their relative positions and indicating the address of each abutter on the sketch or in a separate list, including owners of land separated from the subdivision only by a street.

Signature of Applicant _____

Address _____

_____, Massachusetts

_____, 20 ____.

To the Planning Board of the Town of Rowley

This is to certify that at the time of the last assessment for taxation made by the Town of Rowley the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above were as above written, except as follows:

Assessor _____

FORM F

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

PERFORMANCE BOND - SURETY COMPANY

Know all men by these presents that _____

as Principal, and _____

a corporation duly organized and existing under the laws of the State of _____

_____ and having a usual place of business in _____

_____ as Surety, hereby bind and obligate themselves and their

respective heirs, executors, administrators, successors and assigns, jointly and severally,

to the Town of Rowley, a Massachusetts municipal corporation, in the sum of _____

_____ Dollars, (\$ _____).

The condition of this obligation is that if the Principal shall fully and satisfactorily observe and perform in the manner and in the time therein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application signed by the Principal and dated _____, 20 _____, under which approval of a definitive plan of a certain subdivision, entitled _____

and dated _____, 20 _____, has been or is hereafter granted by the Rowley Planning Board, then this obligation shall be void, less ten per cent (10 %) for the necessary period, otherwise it shall remain in full force and effect and the aforesaid sum, reduced as necessary, shall be paid to the **Town of Rowley** as liquidated damage.

The Surety hereby assents to any and all changes and modifications that may be made of the aforesaid covenants, conditions, terms and provisions to be observed and performed by the Principal, and waives notice thereof.

IN WITNESS WHEREOF have hereunto set our hands and seals this _____ day of _____, 20 _____.

Principal _____

By _____

(Title)

Surety _____

by _____

Attorney-in-Fact

FORM G

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

PERFORMANCE BOND - SECURED BY DEPOSIT

Know all men by these presents that _____

_____ hereby binds and obligates himself/itself/his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Rowley, a Massachusetts municipal corporation, in the sum of _____ Dollars, (\$ _____), and has secured this obligation by the deposit with the treasurer of said Town of Rowley of said sum in money or negotiable securities with proper stock powers.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns shall fully and satisfactorily observe and perform in the manner and in the time herein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application signed by the Principal and dated _____, 20 _____, under which approval of definitive plan of a certain subdivision, entitled _____

_____ and dated _____, 20 _____, has been or is hereafter granted by the Rowley Planning Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said Town of Rowley as liquidated damage.

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this _____ day of _____, 20 _____.

Principal

By: _____

Title

FORM H

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

COVENANT

Know all men by these presents that whereas the undersigned has submitted an application dated _____, 20 _____, to the Rowley Planning Board for approval of a Definitive Plan of a certain subdivision entitled _____

and dated _____, 20 _____, and has requested the Board to approve such plan without requiring a performance bond.

NOW THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Rowley Planning Board approving said plan without requiring a performance bond, and in consideration of one (1) dollar in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the Town of Rowley as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.

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

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

3. The undersigned represents and covenants that undersigned is the owner* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

**If there is more than one owner, all must sign.*

(Page 1 of 2)

FORM H

PLANNING BOARD- TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

COVENANT

IN WITNESS WHEREOF the undersigned, applicant as aforesaid, does hereunto set his hand and seal this day of _____, 20 _____.

Owner (s) if not Applicant

Applicant

Description of Mortgages:

Give complete names and Registry of Deeds reference)

Assents of Mortgagees:

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 20 _____

Then personally appeared the above named _____

_____ and acknowledged the foregoing instrument
to be _____ free act and deed, before me.

Notary Public

My Commission expires: _____

(Page 2 of 2)

FORM I

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

**AGREEMENT BY APPLICANT AS TO PUBLIC IMPROVEMENTS
TO BE MADE IN PROPOSED SUB-DIVISION**

To the Planning Board of the Town of Rowley:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L
for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____, 20 ____.

in consideration of approval of the aforementioned plan, the undersigned agrees, at the
sole expense of the undersigned, to construct and install, within three (3) years from the
date you approved the aforementioned plan or within such further time allowed by the
Planning Board of the Town of Rowley, the following public improvements in the
subdivision: _____

all in accordance with the Rules and Regulations Governing the Subdivision of Land of
the Planning Board of the Town of Rowley.

Applicant's Signature

Applicant's Address

FORM J

PLANNING BOARD- TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

RELEASE FORM

The undersigned, being a majority of the Planning Board of the Town of Rowley, hereby certify that:

The requirements for the construction of ways and municipal services called for by the Performance Bond, Surety, or _____ and dated _____, 20____, and by the Covenant dated _____, 20____, and recorded in the Essex County South District Registry of Deeds, Book _____, Page _____, (or registered in _____ Land Registry District as Document No. _____ and noted on Certificate of Title No. _____ in Registration Book _____, Page _____), has been partially completed, to the satisfaction of the Planning Board to adequately serve the enumerated lots shown on Plan entitled " _____ " recorded by the Essex County South District Registry of Deeds, Plan Book _____, Page _____, (or registered in said Land Registry District, Plan Book _____, Plan _____), and said lots are hereby released from the restrictions as to sale and building specified thereon, _____

Lots designated on said Plan as follows: _____

Executed as a sealed instrument this _____ day of _____ 20____.

PLANNING BOARD OF THE TOWN OF ROWLEY

Chairman

Clerk

(Page 1 of 2)

FORM J

COMMONWEALTH OF MASSACHUSETTS

_____ ss _____ 20 _____

Then personally appeared _____, one of the
above named members of the Planning Board of the Town of Rowley, Massachusetts,
and acknowledged the foregoing instrument to be the free act and deed of said Planning
Board, before me

Notary Public

My commission expires: _____

FORM K

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

CONVEYANCE OF EASEMENTS AND UTILITIES

_____, of _____
_____ County, Massachusetts, for good and
adequate consideration, grant to the Town of Rowley a municipal corporation in Essex
County, Massachusetts, the perpetual rights and easements to construct, inspect, repair,
renew, replace, operate and forever maintain, water and sewer mains and drainage
systems with any manholes, pipes, conduits, easements and other appurtenances
thereto, and to do all acts incidental thereto, in, through and under the following
described land: _____

appearing on a plan entitled _____

And, for the consideration aforesaid, the said grantor does hereby give, grant, transfer
and deliver unto the Town of Rowley all water and sewer mains and drainage systems,
manholes, pipes, conduits, easements and all appurtenances thereto that are now or
hereafter constructed or installed in, through, or under the above described land by the
grantor and the grantor's successors and assigns.

The grantor warrants that the aforesaid easements are free and clear of all liens or
encumbrances, that he (it) has good title to transfer the same, and that he will defend the
same against claims of all persons.

For grantor's title see deed from _____
dated _____, 20 _____, and recorded in _____
District Registry of Deeds, Book _____ Page _____, or under Certificate
of Title No. _____, registered in _____
District of the Land Court, Book _____ Page _____.

(Page 1 of 2)

FORM K

And (to be completed if a mortgage exists) _____
(name and address) _____

the present holder of a mortgage on the above described land, which mortgage is dated _____, 20 _____, and recorded in said Deeds, Book _____, Page _____, for consideration paid, hereby releases unto the Town forever from the operation of said mortgage, the rights and easements hereinabove granted and assents thereto.

IN WITNESS WHEREOF we have hereunto set our hands and seals this day of _____
_____ 20 _____.

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 20 _____

Then personally appeared the above named _____
_____ and acknowledged the foregoing to be

free act and deed, before me.

Notary Public

My Commission Expires: _____

FORM L

PLANNING BOARD -TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

REFERRAL FORM

Rowley, Massachusetts

_____, 20 _____

Conservation Commission

Highway Surveyor

Water Commissioners

Building Inspector

Electric Light Department

Board of Fire Engineers

Police Department

Board of Assessors

The attached definitive plans were submitted to the Planning Board on _____

_____, 20 _____. A public hearing has been scheduled for _____ P.M. on

_____, 20 _____, to discuss these plans.

May we have your comments and recommendations concerning this subdivision by no later than _____. Please return this form with a letter containing your

comments and recommendation.

Thank you

Clerk Planning Board

FORM M-1

PLANNING BOARD -TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

CONTROL FORM AND PRELIMINARY PLAN CHECKLIST

Subdivision Name _____

Applicant (Name) _____ Locus of Plan _____

Address _____

Engineer (Surveyor) _____

Preliminary Plan -Date Submitted (S) _____

Approval date (S+45) _____

I. Form "B" Completed: () Yes () No Fee Paid: () Yes () No

a. Date Filed - Town Clerk _____, 20 ____.

2. See Form Q for Document Distribution

3. Plans to include following information (See Section 3.3.2 - Contents)

a. Subdivision name & date, boundaries, north point & scale _____

b. Name & address of developer/or owner _____

c. Owners of abutting property _____

d. Locus of land _____

e. Existing and proposed streets, ways and easements _____

f. Major features of the land _____

g. Proposed sewerage disposal system _____

h. Bounds of proposed lots, areas and dimensions _____

i. Adjacent streets _____

j. Topography of land _____

k. Soil types _____

l. Proposed Street names _____

m. Profiles _____

(Page 1 of 2)

FORM M-1

- n. Adjoining land _____
- o. Zoning classification _____
- p. Easements and rights of way _____
- q. Project Information Summary _____
- r. Wetland areas _____
- s. Proper page format - No. pages _____

4. Date Form M-1 and set of preliminary plans sent to following (S+10)

- a. Board of Health _____
- b. Conservation Commission _____
- c. Highway Surveyor _____
- d. Building Inspector _____
- e. Police Department _____
- f. Fire Department _____

FORM M -2

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

CONTROL FORM AND DEFINITIVE PLAN CHECKLIST

Subdivision Name _____

Applicant (Name) _____ Locus of Plan _____

Address _____

Engineer (Surveyor) _____

1. Definitive Plan - Date Submitted (S) _____

2. Preliminary Plan Submission Date _____ Date of Action _____

3. **Form C (and I)** Completed: () Yes () No

Fee Paid: () Yes () No

a. Date Filed - Town Clerk _____

4 Approval Deadline Date (S+90) or (S+135) as applicable _____

5. Hearing Date (H) _____

6. Date of Letters to Abutters (H-14 days) _____

7. Date of Newspaper Notices (1st) (H-14 days) _____

8. Date of Newspaper Notices (2nd) _____

9. Plan to include the following information (See Section 3.3.2 -Contents)

a. Title, subdivision name, date _____

b. Northpoint, boundaries _____

c. Owners of abutting property (Form E) _____

d. Major features of the land _____

e. Lines of existing and proposed streets _____

f. Lengths and bearings of street, way, lot lines _____

g. Monuments _____

h. Adjacent streets _____

i. Zoning classifications _____

j. Covenants, restriction, Z.B.A. _____

k. Land Court references _____

l. Space to record Board action _____

m. Profiles _____

(Page 1 of 3)

FORM M-2

- n. Topography _____
- o. Water, sewerage, drainage _____
- p. Drainage calculations _____
- q. Street trees _____
- r. Typical cross-sections _____
- s. Street lights, sidewalks and fire alarm system _____
- t. Area tabulations complete _____
- u. Environmental Impact Statement _____

10. Date Form M-2 and set of definitive plans sent to following (S+10) (See Form Q)

- a. Board of Health _____
- b. Conservation Commission _____
- c. Highway Surveyor _____
- d. Board of Fire Engineers _____
- e. Police Department _____
- f. Water Commissioners _____
- g. Building Inspector _____
- h. Electric Light Department _____
- i. Board of Assessors _____

11. Date Form M-2 and set of definitive plans returned from the following (S - 45 days= Deadline)

- a. Board of Health _____
- b. Conservation Commission _____
- c. Highway Surveyor _____
- d. Board of Fire Engineers _____
- e. Police Department _____
- f. Water Commissioners _____
- g. Building Inspector _____
- h. Electric Light Department _____
- i. Board of Assessors _____

12. Planning Board Action (A) _____ Date _____

13. Date of Bond Approval and Name of Company _____

(Page 2 of 3)

FORM M -2

14. Date of Covenant Approval _____
15. Vote Filed (Form C-1 or C-2) with Town Clerk (Date) _____, 20 ____ .
16. Applicant Notified of Vote (Form C-1 or C-2) (Date) _____, 20 ____ .
17. Statutory Appeal Period Elapsed (A+20) (Date) _____
18. Appeals Entered () Yes () No
19. Endorsement of Approval on the Original Plan (Date) _____
20. Date Record Plans Endorsed _____
21. Date Plans and Restrictive Agreement Recorded _____
Book No. _____ Page No. _____
22. Release of Performance Guarantee Requested _____
23. Statements of Approval and Inspections completed and initialed on a Form P received from:
- a. Planning Board Agent _____
 - b. Fire Department _____
 - c. Gas Company _____
 - d. Light Department _____
 - e. Telephone Company _____
24. Compliance Certificate Signed _____
25. Applicant and Town Clerk notified by Planning Board of deficiencies (if necessary) _____
26. Applicant and Town Clerk notified by Planning Board on Form J of completed construction and installations (Date C) _____
27. Planning Board request Director of Public Works for final inspection report (C+16 mos.) _____
28. Planning Board publish notice of inspection (C+16 mo.) _____
29. Acceptance Plan Filed _____
30. Planning Board recommendation to Board of Selectmen (C+18 mo.) _____
31. Planning Board notify Town Treasurer to return remaining value of bond to developer (C+18 mo.) _____

FORM N

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____ PLAN # _____

SUBDIVISION NAME _____

LEGAL NOTICE OF PUBLIC HEARING

TOWN OF ROWLEY, MASSACHUSETTS



LEGAL NOTICE OF PUBLIC HEARING

_____ having submitted a definitive plan of a

(Applicant)

proposed subdivision of land in _____, a copy of
which is on file with the Planning Board, located _____

is shown on plan by _____

(Engineer or Surveyor)

dated _____, 20 _____, a public hearing will be held thereon at
_____ on _____, 20 _____, at _____ P.M.,

in accordance with the provisions of General Laws, Chapter 41, Section 81-T, as
amended.

Rowley Planning Board

Chairman

FORM O

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

RECIEPT FOR SUBDIVISION PLAN

Received from _____ a copy of

() Preliminary () Definitive Subdivision Plan entitled _____

_____ application for approval for which has been made to the Rowley Planning Board.

<u>Destination</u>	<u>Received by (signature)</u>	<u>Title</u>	<u>Date</u>
Board of Health	_____	_____	_____
Conservation Commission	_____	_____	_____
Highway Surveyor	_____	_____	_____
Board of Fire Engineers	_____	_____	_____
Police Department	_____	_____	_____
Water Commissioners	_____	_____	_____
Building Inspector	_____	_____	_____
Electric Light Department	_____	_____	_____
Board of Assessors	_____	_____	_____

Instructions: (a) Make original and (1) one copy.

(b) Return original to Planning Board and retain the copy for developer records.

Original received by the Rowley Planning Board

Clerk

Date of Filing

FORM P

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

INSPECTION FORM*

Name of Subdivision _____ From Sta. _____ to Sta. _____

Name of Applicant _____ Applicant's Phone

Number _____

	<u>Responsible</u>	<u>Initials</u>	<u>Inspection</u>
<u>Subject</u>	<u>Agency</u>	<u>of Agent</u>	<u>Date</u>
1. Right-of-way Clearance	Highway Surveyor	_____	_____
2. Excavation	Highway Surveyor	_____	_____
3. Sub-grade Drain	Highway Surveyor	_____	_____
4. Sub-grade Preparation	Highway Surveyor	_____	_____
5. Sewer installation and Testing	Board of Health	_____	_____
6. Water Installation, Testing & Disinfecting	Water Commissioners _____	_____	_____
7. Drainage Installation and Testing	Planning Board or its agent	_____	_____
8. Gas Installation and Testing	KeySpan Energy	_____	_____
9. Embankment Grading	Highway Surveyor	_____	_____
10. Filling & Compaction	Highway Surveyor	_____	_____
11. Gravel Base	Highway Surveyor	_____	_____
12. Curb, Curb Cut & Gutter Installation	Highway Surveyor	_____	_____
13. Binder Course(s)	Highway Surveyor	_____	_____
14. Electric Line Installation & Testing	Municipal Light Dept.	_____	_____
15. Telephone Line	Verizon	_____	_____
16. Fire Alarm Installation & Testing	Fire Engineers	_____	_____
17. Street Light Installation & Testing	Light Dept.	_____	_____

(Page 1 of 2)

FORM P

18. Sidewalk, Bikeway, Walkway

Construction

Highway Surveyor _____

19. Grass Plots

Highway Surveyor _____

20. Binder Course Pavement

Highway Surveyor _____

21. Street Trees, Planting,

Environmental Protection

Highway Surveyor _____

22. Lot Clearance & Grading

Highway Surveyor _____

23. Monuments

Highway Surveyor _____

24. Street Signs

Highway Surveyor _____

25. Final Cleanup

Highway Surveyor _____

26. Maintenance

Highway Surveyor _____

**Responsible agency and Planning Board shall be notified in writing at least 48 hours before each required inspection as listed. No inspection may be waived except by joint approval of Planning Board and responsible agency.*

FORM Q

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

DOCUMENT CONTROL SHEET

Distribution of Plans-Date

AGENCY	Approval under Subdivision Control Law not required	SUBDIVISION PLANS		
		Date/ Preliminary	Date/ Definitive	Date/ Approved
Applicant	Original returned	Original returned	Original returned	Original returned
Registry of Deeds	Applicant files	— — — —	— — — —	Applicant files
Planning Board	Original & 2 prints	Original & 7 prints	Original & 7 prints	8 prints
Town Clerk	Form A	Form B	Form C	— — — —
Board of Health	— — — —	1 print from Planning Bd.	2 prints from Applicant	1 print from Planning Bd.
Conservation Commission	— — — —	1 print from Planning Bd.	1 print from Planning Bd.	1 print from Planning Bd.
Highway Surveyor (A)	— — — —	1 print from Planning Bd.	1 print from Planning Bd.	1 print from Planning Bd.
Town Counsel	— — — —	— — — —	(C)	— — — —
Building Inspector	— — — —	1 print from Planning Bd.	1 print from Planning Bd.	1 print from Planning Bd.
Water Department	1 print from Planning Board	1 print from Planning Board	1 print from Planning Board	1 print (D) from Planning Board
Police Department	— — — —	1 print from Planning Bd.	1 print from Planning Bd.	1 print (D) from Planning Bd.
Fire (A) Department	— — — —	1 print from Planning Bd.	1 print from Planning Bd.	1 print (D) from Planning Bd.
Telephone (B) Company	— — — —	— — — —	— — — —	1 print (D) from Applicant
Electric (B) Company	— — — —	— — — —	— — — —	1 print (D) from Applicant
Gas (B) Company	— — — —	— — — —	— — — —	1 print (D) from Applicant

Note: Except for prints of Preliminary and Definitive Subdivision Plans, all Tracings and prints shall have the signature of at least four members of the Planning Board.

(A)- Fire Dept., Highway Surveyor, and Developer agree on location of hydrants.

(B)- Developer to confer regarding the location of underground utilities.

(C)- Print and Easement Description from Planning Board.

(D)- That part of the approved plan showing streets and lots.

(E)- That part of the approved plan showing underground utilities.

FORM R

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

PLAN # _____

SUBDIVISION NAME _____

AREA WITHIN A SUBDIVISION

SHEET NO. _____ of _____

A. Total area of original tract shown on this sheet equals _____

(1) Area in lots –Nos. 1, 2, 3, etc., equals _____

(2) Area in streets-- A-B-C equals _____

(3) Area reserved for parks, bikeways, etc., equals _____

B. Total area of subdivision (should equal A above) _____

(1) Street - Station _____ to Station _____ equals _____

(2) Street - Station _____ to Station _____ equals _____

(3) Street - Station _____ to Station _____ equals _____

C. Total Area of streets (should equal A(2)) _____

D. All area not included in A (1) or A (2)

Sewer Easement – Station _____ to Station _____ equals _____

Drainage Easement - Station _____ to Station _____ equals _____

Utility Easement - Station _____ to Station _____ equals _____

Other (specify) _____

Total (should equal A (3)) _____

FORM S

PLANNING BOARD - TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

SUBDIVISION NAME _____

PERFORMANCE - SECURED BY MORTGAGE (TRI-PARTITE)

Agreement made pursuant to Massachusetts General Laws, Chapter 41, Section 81U, this _____ day of _____, by and between _____ hereinafter referred to as the "Lender" and _____ hereinafter referred to as the "Applicant".

Whereas the Lender has recorded a first mortgage covering the premises shown on a Definitive Plan dated _____, approved _____, entitled _____

Whereas, said first mortgage has been given by the Lender to the Applicant as security for advances to be made to the Applicant by the Lender;

Now Therefore, this agreement provides for the retention by the Lender of funds otherwise due the Applicant to secure the construction of ways and the installation of municipal services in said subdivision in accord with the standards contained in the Rules and Regulations Governing the Subdivision of Land, adopted by the Rowley Planning Board, and the Definitive Plan entitled _____, except

_____ and further, as approved by the Rowley Planning Board. A schedule of said disbursements which may be made to the Applicant upon completion of various stages of the work, is attached hereto and incorporated as Exhibit "A".

In the event that the work is not completed and approved by the Planning Board within the time set forth by the Applicant, below, any funds remaining undisbursed shall be available for completion of said work.

Such funds shall be in an amount or amounts which shall from time to time be reduced with the approval of the Planning Board so that the amount retained by the Lender shall continue to reflect the actual expected cost of work remaining to be completed for the construction of ways and the installation of municipal services. The construction to be performed under this agreement shall begin no later than _____ and shall be completed by _____.

(BANK)

(DEVELOPER)

(Page 1 of 2)

FORM S
EXHIBIT "A"

Scheduled Disbursements
Tripartite Agreement

The _____ Subdivision
Rowley, Massachusetts

The following represents the work to be completed in the Subdivision and amounts securing proper completion thereof:

Construction Task

Amount

TOTAL

WITNESS our hands and seals as of date set forth on the Tripartite Agreement.

BANK

ROWLEY PLANNING BOARD

(Page 2 of 2)

**TOWN OF ROWLEY PLANNING BOARD
RULES AND REGULATIONS GOVERNING
SITE PLANS**

SECTION 1.0 GENERAL INFORMATION

The Rowley Protective Zoning Bylaw ("the RPZB") requires site plan review by the Planning Board ("the Board") for various proposed uses in Town. The Board has promulgated these rules and regulations to provide applicants for site plan review with guidance in the preparation of their plans. These rules and regulations are intended to encourage exemplary projects and good design, while avoiding adverse impacts on neighboring properties and the Town.

The standards specified herein are not intended to be exhaustive, and additional requirements may be applied to a project, if the Board determines that such additional requirements are appropriate. The standards specified herein are in addition to, and do not supplant, the standards established by the RPZB. Moreover, in reviewing an application for site plan review, the Board will look for guidance to the Design and Construction requirements of the Planning Board Rules and Regulations Governing the Subdivision of Land.

Many proposed uses in Rowley require a special permit, in addition to site plan review. If a special permit is required, the special permit application will be considered in conjunction with the application for site plan review, as required by section 7.8.1.2 of the RPZB.

All applicants for site plan review are encouraged to request an informal, pre-application meeting with the Board to obtain input from the Board on their development proposals and to resolve anticipated issues.

SECTION 2.0 STANDARDS

The Board will review the application for site plan review to verify that the Applicant has proposed adequate provisions for the following: traffic circulation and pedestrian access; emergency access; loading and off-street parking; outdoor lighting and signage; utilities and water supplies; stormwater drainage; the preservation of scenic views, natural features, and historic structures; landscaping; and the protection of abutting properties and neighborhoods from adverse impact. In addition to these general standards, the following specific standards apply:

2.1 Architectural Style

The proposed buildings should be in harmony with the prevailing character of existing buildings in the area, in terms of scale, building materials, screening, and architectural

design. Moreover, notwithstanding the prevailing character of existing buildings in the area, proposed buildings for retail, service, restaurant, or office use should incorporate architectural features consistent with a Colonial or New England-village style atmosphere. In general, variation in detail, form, and siting should be used to provide visual interest.

2.2 Traffic Circulation and Safety

The project shall be designed to maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. The Applicant should estimate the daily and peak hour vehicle trips to be generated by the project, and should identify traffic flow patterns for vehicles and pedestrians. The Board may require an assessment by a Registered Traffic Engineer with respect to traffic impacts or safety issues.

2.3 Preservation of Existing Natural Features and Topography

Finished site contours shall approximate the character of the natural site. In designing the proposed development, every effort shall be made to reduce the volume of cut and fill, the areas of disturbance to the natural landscape, wetland alteration, and impervious surfaces. Proposed buildings shall relate harmoniously to the terrain, and to the use, scale, and siting of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings. All buildings and structures shall be sited and designed to minimize disruption of the topography.

Every effort should be made to preserve existing walking or riding trails, and to relocate such trails if preservation is impossible. The site plan shall show the impact of the development on existing trails, and show any deletions, alterations, extensions, or enhancements proposed to those systems.

2.4 Stormwater Drainage

The stormwater run-off measures proposed for the site shall conform to the best management practices described in the Commonwealth's Stormwater Management Handbook, Volumes 1 and 2. In general, projects should be designed to maximize ground water recharge and water quality protection.

2.5 Exterior Lighting and Signage

All signs and advertising features shall be reviewed as an integral element in the design and planning of the proposed use. Signage shall comply with sections 8.4 and 8.6 of the RPZB, as applicable. Outdoor lighting shall comply with section 8.6 of the RPZB.

2.6 Utilities and Water Supplies

All utilities shall be underground. All projects shall be served by the Town's water supply.

2.7 Erosion Control and Temporary Stabilization

The developer shall limit the amount of vegetation that is disturbed or removed from the site to the minimum amount that is required to accommodate and construct the proposed development. Construction trucks and equipment must stay within the areas of proposed work as shown on the approved site plan.

Temporary vegetation, mulching, or other protective measures must be provided for disturbed areas. The Board may require a specific type of temporary stabilization for a given area within the development. If a disturbed area will be exposed for longer than one year, permanent grasses or other approved cover must be planted.

Temporary sediment controls are required for unpaved roads, paved roads where curbing has not been installed, drainage inlets and outfalls, all unpaved driveways, and disturbed lots that slope toward the road. Such control devices shall include silt fences, filter strips, double-row staked hay bales, silt traps, sediment basins, crushed rock berms, or other methods specified by the Board. The controls must be placed along roadsides where runoff may occur and around drainage inlets and outfalls. All sediments must be removed from the roadway or other collection areas at least weekly.

2.8 Landscaping Plans, and Replanting Requirements for Disturbed Areas

The applicant shall submit a landscaping plan, prepared by a Registered Landscape Architect ("RLA"), detailing the proposed landscaping of the site. The landscaping plan shall show the following: (1) existing and proposed grades; (2) the existing vegetative cover, including trees of six-inch or greater caliper to be retained, and the location, size, and type of such vegetation, (3) a plan and plant schedule giving botanical and common names of plants to be used, size at time of planting, mature size, rate of growth, quantity of each, location and method of any excavation and soil preparation, and the spacing and location of all proposed trees, shrubs, and ground covers; (4) existing and proposed building footprints, walls, fences, parking spaces, loading bays, driveways, walks, storage areas, public rights-of-way, easements, and the location of structures on, and the uses of, abutting properties; and (5) proposed street furniture, such as regulatory and informational signs, benches, hydrants, street lighting standards, postal boxes, transformer pads, and the like.

The landscaping plan shall create a total pattern for the site, and shall be designed to create a pleasant site character, and to shield neighboring properties from storage and loading areas, and other objectionable features. Buffering elements that provide a

logical and attractive transition to abutting properties or uses shall be provided. The use of natural land features and vegetation to provide adequate buffers is encouraged.

The applicant's RLA will normally be expected to attend the public hearing to discuss the provisions of the landscaping plan. All disturbed areas that are not developed shall be replanted with a mix of trees, shrubs, groundcover, or grasses. A minimum of six (6) inches of topsoil is required. The topsoil shall be free of roots, stones, and twigs, and shall contain a minimum organic matter content of 2% and a texture of sandy loam.

The planting shall conform to the following number of trees per one thousand (1,000) square feet of disturbed area. Species listed below are suggestions; the Board may allow other species as well.

Category	Species	Size	Plants/1000 SF
Shade Tree	Quercus Rubra	2.5-3"	2.88
Flowering Tree	Malus Hup.	2.5-3"	5.15
Evergreen Tree	Pinus Strobus	6-8'	5.15

In landscaped areas, the spaces between trees shall be planted with shrubs and ground covers/grasses, based on the following guidelines.

Category	Species	Size	Plants/1000 SF
Deciduous Shrub	Cornus Stolon.	2-3'	46.1
Evergreen Shrub	Junip. Chin. S.	12-15"	72.5
Ground Cover	Euonymus Fort.	12-15"	46.1

Indigenous species are preferred. The invasive plant species listed in "A Guide to Invasive Plants in Massachusetts" shall not be used. As a general rule, evergreen trees should be included in the plantings. The Board will make the final determination as to the numbers and types of plantings required.

The applicant is responsible for the maintenance and care of all plantings. If a surety is required to insure completion of the landscaping plan, pursuant to section 7.6.5.2 of the RPZB, the surety shall be held by the Board for a period of at least one year from the time of planting. Prior to the issuance of an occupancy permit or, if a surety has been given, prior to the release of the surety, the Board may, at the applicant's expense, engage an RLA or similar professional, to verify the applicant's compliance with the requirements of this section, the approved site plan, and acceptable landscape practices.

2.9 Parking Requirements

As a general matter, the Applicant should provide the number of off-street parking spaces specified in the Board's Table of Required Off-Street Parking Spaces (Attachment A). However, if the Applicant believes that the application of the Table would result in an excessive number of parking spaces for the development, the Board will consider a reduction in the number of required spaces.

Parking lots shall be separated from public ways by a minimum fifty (50) foot strip of landscaping (a wider strip may be required, as specified in section 6.1.3.2.4(b) of the RPZB). Such landscaping strip shall contain at least four (4) trees per two hundred (200) linear feet that may be expected to reach a mature height of greater than thirty (30) feet.

Parking lots shall contain visual relief from expanses of unbroken pavement. In parking areas exceeding one-quarter (1/4) of an acre, trees greater than six (6) feet in height shall be provided at a rate of at least one (1) tree per twelve (12) parking spaces. These trees shall be placed in vegetated islands at least eight (8) feet wide, and spaced with reasonable regularity throughout the parking lot. At least half of these trees shall be of a species expected to mature to a height greater than thirty (30) feet. Landscaping in islands shall be protected from damage from parking cars and snow removal operations.

2.10 Sewage Disposal

The proposed method of sanitary sewage and solid waste disposal for all buildings on the site shall be described in the application and shown on the plans.

SECTION 3.0 FEES

Each Applicant for site plan review will be required to pay a Filing Fee, an Administrative and General Review Fee, and an Outdoor Lighting Review Fee.

The Filing Fee shall be one thousand dollars (\$1,000), or two (2) cents per square foot of land for the first 120,000 square feet of land, plus one half (½) cent per square foot of land for the remaining lot area, whichever sum is greater. The Filing Fee shall be paid by check, made payable to the Town of Rowley, and shall be presented to the Planning Board at the time of submission of the site plan.

The Administrative and General Review Fee will be in an amount to be determined by the Board. The fee will be used by the Board to pay for all advertising, public notice, and other administrative costs incurred by the Board in connection with the application, and to obtain an independent, professional review of the project by the Board's Technical Consultant. The fee shall be held by the Town, and expended to review and process the application and to pay for any post-approval inspections or review activities. Any remaining funds shall be returned to the Applicant when, in the Board's opinion, all work required by the approved plan and any subsequently approved modifications, and conditions placed upon such approvals, has been completed.

The Outdoor Lighting Review Fee shall be one hundred and fifty dollars (\$150.00), and should be paid by check, made payable to the Board's Outdoor Lighting Consultant. Such fee will cover review of site plan photometrics, technical luminaire specifications, bylaw/regulation compliance, and final on-site inspection and close-out report.

Requests for amendments that would constitute a significant change to the approved Site Plan shall be considered new applications, requiring the payment of new fees.

Any failure by the Applicant to pay a fee required by this section shall be grounds for disapproval of the application for site plan review, or for rescission of any prior approval.

SECTION 4.0 PUBLIC HEARING

Pursuant to section 7.6.4.2 of the RPZB, the Board is required to hold a public hearing on each application for site plan review. The Board is required to open the public hearing within 65 days of the date on which the application is filed in proper form with the Board, and to issue a decision on the application within 90 days of the close of the public hearing, except that these deadlines may be extended by agreement of the Board and the Applicant.

SECTION 5.0 WAIVERS

The Board may waive a requirement of these rules and regulations, if it determines, based on the special circumstances of the proposed development, that strict compliance with the requirement would impose an undue hardship on the Applicant, and that a waiver would be in the public interest. The Applicant should submit any request for a waiver with its initial application for site plan review.

PLANNING BOARD- TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

APPLICATION FOR APPROVAL OF A SITE PLAN

This application is made in accordance with all sections of Rowley Zoning Bylaw 7.6 "Site Plan Review". If a Special Permit is required, this application must be accompanied by an Application for Special Permit, in conformance with Rowley Planning Board Rules and Regulations for Special Permit.

This application (and application for Special Permit) will be determined to be complete by the Planning Board only when all submission requirements have been fulfilled by the applicant under Rowley Zoning Bylaws Section 7.6 and Rowley Planning Board Rules and Regulations.

Name of Owner: _____

Address: _____ Zip Code: _____

Telephone: _____

Name of Applicant: _____

Address: _____ Zip Code: _____

Telephone: _____

Name of Engineer & Land Surveyor: _____

Address: _____ Zip Code _____

Date on Site Plan: _____ Revision(s) date(s): _____

Number of Plan Sheets: _____

Title of the plan/development, if any: _____

Location of the property, including number of acres, brief details of topography, slopes, number of lots, etc.: _____

If location is on Route 1 or 1A, have you obtained approval for cut(s) from the Department of Public Works? _____ Yes _____ No **If so, please attach copy of approval.**

Variances or other approvals received from other Town or State departments, boards, or agencies: _____

Date of this filing:(is received by the Board at a regular posted Wednesday meeting)

_____ 20 _____.

Description of buildings proposed for the site; include square footage of area, number of buildings, uses intended for within buildings; architectural style of the buildings, etc.:
(preliminary of final architectural drawings, facades, and floor plans must be included within Site Plan Approval submission: _____

Estimated number of vehicle trips per day: _____ per peak hours: _____

Number of parking spaces total: _____ number of employees: _____

Customers _____ handicapped: _____

Length proposed for access ways: _____ width of access drive: _____

Width of proposed pavement: _____

Improvement(s) to adjacent ways: _____

Number and location of dumpsters: _____

Schedule of trash removal: _____

Details as to size, lettering, illumination, number of, and location of signs as per Rowley Protective Zoning Bylaw, Section 8.4 and 8.6: _____

Details of exterior lighting, including number of poles, direction of illumination, volume of illumination, height of poles, etc.: _____

Describe what business/activity currently exists on site: _____

Describe what is proposed for business/activity on the site: _____

Have you obtained Board of Health approval: _____ Yes _____ No

Supplemental information for review of surface and subsurface drainage:

(I.E. number of catch basins, locations within the site, etc.)

If Site Plan Approval is for multi-family structures, include information as to number of bedrooms per unit, number of units, club facilities, and all documents required under Section 6.2. of Rowley Zoning Bylaws: _____

Brief description of environmental impact to the site, including aquifer sources, wetlands, trees, etc.: _____

Describe any future development planned for the site, excluding what is proposed within this site plan application: _____

List any other Special Permits required from Board of Selectmen under Section 8.1 or 4.9.2 of the Rowley Zoning Bylaws: _____

Details as to the off-loading areas and truck delivery areas proposed: _____

Filing Fee submitted: _____

Signature of Applicant: _____

Signature of Owner: _____

**TOWN OF ROWLEY PLANNING BOARD
RULES AND REGULATIONS GOVERNING
SPECIAL PERMITS**

SECTION 1.0 GENERAL INFORMATION

1.1 Information Relative to the Application for Approval of a Special Permit

1.1.2 Application for Approval of a Special Permit is made ONLY in conjunction with Application for Approval of a Site Plan, in conformance with Rowley Protective Zoning Bylaws. Site Plan Approval information is found within Rowley Zoning Bylaws Section 7.6.

Application for Approval of a Special Permit is made in accordance with the Rowley Planning Board Rules and Regulations for a Special Permit. However each application has its own unique qualifications. Therefore, some applications may not be applicable to all Special Permit Rules and Regulations.

Therefore, the Planning Board encourages each applicant to make an agenda appointment to meet with the Board to review his/her proposal, prior to submission. The Board can determine, at that time, whether the project requires conformance to all regulations, or whether it would be applicable to waive one or more of the regulations.

Some regulations may not be applicable on the basis of desired use, location of the site, topography of the land, size of business, etc. If the waivers are granted prior to submission, the applicant will not be made to expend unnecessary time and energy.

The Board would like the opportunity to work with the applicants, relative to both Special Permit and Site Plan Applications. Contact the Planning Board office at (978) 948-5549, to schedule an agenda appointment. Special Permit Rules and Regulations, Applications for Site Plan Approval and Special Permit, and schedules of filing fees are available at the Boards Town Hall Annex office and at the Town Clerks office. Rowley Protective Zoning Bylaws, including Site Plan requirements under Section 7.6., are available at the Town Clerk's office. Copies of individual sections can be made at the Planning Board's office.

Thank you for your cooperation in this process.

SECTION 2.0 SPECIAL PERMIT RULES AND REGULATIONS

2.1. General Information

2.1.2 The Planning Board encourages a meeting between the applicant/developer and the Planning Board, prior to submission of the Application for Special Permit.

2.1.3. The purpose of this meeting would be to aid the applicant in completing the application, to discuss the proposal, and to discuss any waivers which may be applicable to the applicant/developer.

2.1.4 Procedure for submission, review, and action of an Application for Special Permit shall be in accordance with M.G.L. Chapter 40A.

SECTION 3.0 SUBMISSION

3.1. Applicant shall file 10 (ten) copies of Application for Special Permit. Application must include applicable zoning provision(s) and specific desired use(s) intended. Application must be accompanied by a filing fee, as provided under Section 4.0 of Rowley Planning Board Rules and Regulations Governing Special Permits.

3.2. Application for Special Permit must be accompanied by Application for Site Plan Approval and all other submission requirements under Site Plan Review, Section 7.6 of the Rowley Protective Zoning Bylaws, Section 7.6.2.

3.3. Applicant shall submit the following information to the Planning Board with the Application for Special Permit, unless otherwise waived by vote of the Planning Board prior to submission:

- a.) anticipated noise levels before and after business located on the site
- b.) expected hours of operation of business
- c.) anticipated number of employees
- d.) anticipated truck delivery schedule
- e.) anticipated trash removal schedule
- f.) traffic study, to be prepared by a professional engineer qualified to perform traffic analysis, WITH THE SCOPE TO BE DETERMINED WITH THE PLANNING BOARD PRIOR TO SUBMISSION.
- g.) Environmental Impact Statement, as attached to Special Permit Rules and Regulations, as "Schedule E", BUT THE SCOPE TO BE DETERMINED WITH THE PLANNING BOARD PRIOR TO SUBMISSION.
- h.) number of parking spaces, including those delineated for employees, customers, trucks, and handicapped.
- i.) list of toxic or hazardous waste to be stored on site.
- j.) copies of approvals/permits/conditions, required from state and local boards, departments, or agencies.
- k.) brief description of the business or use intended, including specifics as to what operations will be conducted at the site or on the premises.
- l.) all contents of submission under Site Plan, Section 6.6. of the Rowley Protective Zoning Bylaws, including architects drawing of the building, facades, floor plan.
- m.) information relative to lighting on the site, including height of poles, amount of illumination, direction of illumination, number of poles, etc.
- n.) if Special Permit is applied for multi-family use, attach all information required under 6.2. through 6.2.1.16. of the Rowley Zoning Bylaws, and

details as to the number of units, size of units, club facilities, number of proposed buildings, etc. Application for multi-family use includes all information of above sections for submission.

3.4. Application/submission should be submitted to the Planning Board at a regular, first Wednesday meeting of the month, as posted. Other submissions/applications may be accepted, by vote of the Board, on the 2nd, 3rd, or 4th Wednesday meeting of the month. Applications/submissions received during Board office hours shall be considered as mail until presented to the Board for determination of completion of submission.

3.5. Application for submission will be completed by notification to the Town Clerk by the applicant, in accordance with MGL Chapter 40A, Special Permits. Upon the applicant's notification to the Town Clerk of submission of Special Permit, time frame for procedure will commence.

SECTION 4.0 FEES, SPECIAL PERMIT

4.1. All expenses for advertising, publication of notices, engineering, professional planning review, plans, inspection of construction, recording and filing of documents, and all other expenses in connection with processing and reviewing a special permit required by the Planning Board or its Agent shall be borne solely by the Applicant.

4.2. Filing fee shall be \$200 (two hundred). Payment shall be made in form of a check, made payable to the Town of Rowley, and presented to the Planning Board at the time of submission of Application for Special Permit.

SECTION 5.0 PROCEDURE

5.1. Each application for a Special Permit shall be made only in conjunction with Site Plan Approval, as provided in Section 7.6. of the Rowley Protective Zoning Bylaws. No approval can be obtained for a Special Permit without Site Plan Approval.

5.2. The Planning Board shall transmit copies of the Application for Special Permit, and other relative information to the Board of Health, Conservation Commission, and Building Inspector within 10 days of the submission completion. Planning Board shall request written comments to be provided within 30 days.

5.3. The Planning Board may request the Board's technical agent to review and report on the application and submission, such report to be an informational document.

5.4. Planning Board shall hold a Public Hearing within 65 days of completion of submission, and the Board shall take final action within 90 days from date of the Public Hearing.

5.5. Period of review/review process shall conform to requirements of Chapter 40A, Section 9, of the M.G.L.

5.6. Special Permit shall lapse within two (2) years from date of issuance, if construction has not begun by such date.

SECTION 6.0 SPECIAL PERMIT REVIEW CRITERIA

6.1. The following criteria shall be considered by the Board in the review and evaluation of an Application for Special Permit:

- a.) Applicant must obtain Approval of a Site Plan, as provided under Section 7.6. of the Rowley Protective Zoning Bylaws.
- b.) Application for Special Permit must show that the specifics of the intended use are in harmony, are compatible, and are appropriate with the site and the district in which it is located.
- c.) The use, as developed and operated, shall not adversely affect the neighborhood, abutting properties and districts. The following will be considered as to this review: noise, access driveways, lighting, odors, drainage, storage of toxic/hazardous materials, septic disposal, delivery schedule for trucks, customer traffic, aquifer protection, and landscaping.
- d.) The Board will consider safety, appropriateness, and adequacy of loading/unloading facilities, truck delivery access, emergency vehicle access/fire lanes, hours of business operation, parking in terms of number of employees and number/types of vehicles expected to visit the site, access to the site over/from adjacent streets, removal of trash, buffers, signs, and other activities that may be conducted or located on the site.
- e.) Adequate and appropriate facilities shall be provided, for the proper operation of the proposed use.
- f.) Board of Health approval shall be required.
- g.) State DPW approval, if necessary, shall be required.
- h.) Other approvals/permits from town boards/departments, as applicable, shall be required.
- i.) Use shall not adversely affect wetlands, flood plains, watersheds, or aquifers-present and future sources.
- j.) Board will consider safety and appropriateness of lighting, in terms of illumination, direction of illumination, quality & quantity of illumination.

6.2 Lighting Specification: for new and remodeled installations, excluding one to four family owner occupied dwellings.

- a) Luminaires with a lamp or lamps rated at a total of 2000 lumens or more shall utilize full cut-off fixture designs.
- b) Luminaires that are aimed, directed or focused such as to cause light from the luminaires to create hazardous glare to persons operating motor vehicles, shall be shielded, redirected, relocated or its light output controlled as necessary to eliminate such conditions.
- c) Lighting fixtures installed and thereafter maintained should follow industry recommended illumination levels for the type of activity being carried out (i.e. IESNA (Illuminating Engineering Society of North America,

standards). It is recommended that the average illuminance level not be exceeded. Minimum shall not be less. Once an area is closed for business or general public use, lighting levels should be reduced to minimum required security illumination levels to promote energy conservation.

SECTION 7.0 FINAL ACTION

7.1 The Planning Board's final action shall consist of either:

- a.) approval of Special Permit as suitable and in compliance with the criteria of these Rules and Regulations.
- b.) approval of the Special Permit, with any conditions, modifications, and restrictions as the Planning Board may deem necessary.
- c.) a written rejection, stating the reasons for denial.

SECTION 8.0 ENFORCEMENT

8.1 The Special Permit will elapse within two years of date of issuance, if the use has not commenced, or if construction in relation to Site Plan Approval has not commenced, in the opinion of the Planning Board.

8.2 The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of Special Permit. Planning Board may also waive, by vote, the Rules and Regulations of Special Permits, except the requirements under Chapter 40A of the M.G.L.

PLANNING BOARD- TOWN OF ROWLEY, MASSACHUSETTS

DATE _____

APPLICATION FOR APPROVAL OF A SPECIAL PERMIT

Name of Applicant: _____

Address: _____ Zip Code _____

Name of Owner, if not Applicant: _____

Address: _____ Zip Code _____

Specific Zoning Bylaw Section under which Application for Special Permit is made:

Section (s): _____

(list ALL specific sections which apply)

Specific uses within the above listed Zoning Bylaw Section, for Special Permit approval:

Use(s) _____

(list ALL uses for which applicant desires approval-uses as per listed in the Zoning Bylaws)

Address of Property: _____

Assessors: _____ Map Number _____ Parcel Number _____

Further description of Property: _____

(include acreage, number of lots, description of topography, etc.)

Supplemental Information: _____

Description of Site Plan-include number of sheets, plan date, name and address of engineer, any revision dates, name of record owner, etc.)

Date of submission of Application for Special Permit and Site Plan approval filed with the Rowley Planning Board: _____ 20 ____.

Anticipated number of Employees: _____

Anticipated hours of business operation: _____

Anticipated truck delivery schedule—include days in the week, approximate times in which trucks will be loading/unloading/making deliveries on site. _____

Anticipated noise levels:(include before construction/after construction): _____

List of all Toxic and/or Hazardous materials to be stored on site: _____

Expected days for trash pick-up: _____

Description of Sign:(include total area, height, lettering, location, illumination, etc.)(attach drawing of sign) _____

Anticipated number of vehicle trips per day expected to be generated from the site:
(attach traffic study)

Estimated number of vehicle trips per day: _____

Number of Parking spaces:

Number of parking spaces total: _____ Trucks _____

Customers _____ handicapped: _____

Brief description of Business-include information as to operation on site, i.e. baking, repairing, industrial operation, etc.) _____

Other permits required from Board of Selectmen, Conservation Commission, etc.

Zoning District in which site is located: _____

If application is made for multi-family: Please read Zoning Bylaw Sections 6.2 through 6.3. Attach all documents required under Zoning Bylaw Sections 6.2 through 6.2. 1. 16.

Number of Multi-family units: _____

Description of Units:-include number of bedrooms, size of units, number of buildings on site, number of units per building, recreational facilities, etc.: _____

Signature of Applicant: _____

Signature of Owner: _____

Attach to this application:

1. Certified list of abutters
2. Filing Fee
3. Copies of Approvals from Board of Health, other town depts.
4. Application for Approval of a Site Plan
5. Approval for Request to Department of Public Works, if required
6. Other information, if applicable, under Rowley Planning Board Rules and Regulations for Special Permits.

ROWLEY PLANNING BOARD RULES AND REGULATIONS GOVERNING STORMWATER MANAGEMENT

Section 1.0 Purpose and Intent

The purpose and intent of stormwater management shall include:

- A.) for quantitative control of stormwater runoff, a system of native specie vegetation and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land, and
- B.) for qualitative control of stormwater runoff, a system of native specie vegetation, structural and other measures, that reduce or eliminate pollutants that might otherwise be carried off by surface runoff.

Section 2.0 Management Policies and Regulations:

The applicant shall follow all regulations and policies for proper stormwater management for the following activities:

- A.) all new residential subdivisions
- B.) all new multi-family developments
- C.) facilities or activities requiring or creating twenty thousand (20,000) square feet or more of total impermeable surface area, or resulting in fifteen percent (15%) or more of the project area being rendered impervious:
- D.) all roadway construction and upgrading projects;
- E.) any activity within wetlands and a three hundred (300) foot buffer zone, Parker River/Essex Bay "Area of Critical Environmental Concern and a 300 foot buffer zone, Flood Plain and Watershed Protection District, and Town Water Supply Protection District, and involving any maintenance, alteration, use or improvement to an existing stormwater management structure changing or affecting the quality, rate, volume, or location of surface water discharge.

Section 3.0 Submission Requirements

The applicant shall submit all pertinent information in the preliminary planning stages for such facilities or activities. Certain informational requirements may not be applicable to the proposed activity, in such a case the relevant sections may be waived by the Planning Board/Conservation Commission prior to or at the time of plan submission.

It shall be the responsibility of the applicant to submit a Stormwater Management Plan containing sufficient information for the Planning Board to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on the resource areas and districts as noted above, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The Stormwater Management Plan

shall contain maps, charts, graphs, tables, photographs, narrative descriptions, calculations, plans showing construction details of all systems and structures, and citations to supporting references, as appropriate to communicate the information as required by these regulations.

The existing environmental and hydrological conditions of the site and of receiving waters and wetlands shall be described in detail, including but not limited to the following:

- A.) the direction, flow rate, and volume of surface runoff under existing conditions; the required information shall be based on the 2 year, 10 year, and 100 year storm events for the 24 hour duration, and the duration which coincides with the time of concentration of the watershed; the method of calculation shall be TR-55 or Rational Method for drainage areas under 100 acres and TR-55 for drainage areas of 100 acres or more;
- B.) the location of areas of the site where stormwater collects or percolates into the ground;
- C.) a description of all surface watercourses, waterbodies, and wetlands on or entering a site, or adjacent to the site, or into which stormwater flows. Information regarding their water quality and the current water quality classification shall be included;
- D.) depth to seasonal high groundwater levels;
- E.) location of flood plains as per the Town of Rowley Watershed and Flood Plain Protection District Zoning Bylaw and Map on file with the Town Clerk's office;
- F.) principal vegetation types;
- G.) topography described in full contour detail, at two (2) foot intervals, with areas of steep slopes (over 10%) highlighted;
- H.) soils, with an accompanying analysis of the best use potential of the soils and the hydrological group classification; the soils map and use potentials analysis prepared by the U.S. Soil Conservation Service shall be used as the basis for this analysis.

Proposed alterations of the site shall be described in detail, including but not limited to the following:

- A.) changes in topography, described in full contour details at two (2) foot intervals;
- B.) areas where vegetation will be cleared or otherwise altered;
- C.) areas that will be covered with an impervious surface and a description of the surfacing material.

The proposed development layout shall be described in detail, including but not limited to the following:

- A.) the site arrangement, including the location of structures, roadways, parking areas, sewage disposal facilities, and undisturbed lands.
- B.) all drainage systems to be provided, including the location and design of roadway and individual lot sub-drains; full drainage calculations shall be included, with a 2 year, 10 year, and 100 year storms used as the basis of design.
- C.) the method of calculation shall be the TR-55 or Rational Method for drainage areas under one hundred (100) acres and TR-55 for drainage areas of one hundred (100) acres or more.

Predicted impacts of the proposed development on existing conditions shall be described in detail, including:

- A.) changes in water quality, included but not necessarily limited to ground and surface water;
- B.) changes in groundwater levels;
- C.) changes in the incidence and duration of flooding on the site and upstream and downstream from it;
- D.) adverse impacts on wetlands;
- E.) impacts on vegetation.

All components of the drainage system and any measures for the detention, retention, or infiltration of water, or for the protection of water quality shall be described in detail, including:

- A.) the channel, direction, volume, and rate of the flow, and quality of stormwater that will be conveyed from the site, with a comparison to existing conditions, and to the extent practicable, pre-development conditions;
- B.) detention and retention areas and devices; including:
 - 1.) plans for discharge of contained waters, including the time to draw down from full condition, description of outlet structures;
 - 2.) maintenance plans; including maintenance schedule, an outline of responsible parties and owners, and all pertinent agreements to be executed to insure proper maintenance;
 - 3.) an evaluation of the pollutant removal efficiency of such devices under the existing conditions;
- C.) areas of the site to be used or reserved for percolation including the depth to seasonal high groundwater table, and prediction of the impact on groundwater quality;

D.) areas to be utilized in overland flow, the hydrological soil type of such areas, vegetation present, and the soil susceptibility to erosion;

E.) any other information which the developer or the Planning Board/Conservation Commission believes is necessary for an evaluation of the development.

Section 4.0 Nitrogen and/or Phosphorus Loading Report

For review of water quality impact, an applicant shall submit calculations of anticipated nitrogen and/or phosphorus contribution from roads, lawns, and septic systems. Applicant must determine the "carrying load" or ability to absorb nitrogen and phosphorus loading of all receiving water systems on site.

Section 5.0 Performance Standards

Stormwater Management Plans submitted must demonstrate that the proposed development or activity has been planned and designed and will be constructed and maintained to meet each of the following standards:

A.) ensure that after development, runoff from the site or activity approximates the rate of flow, velocity, volume, and timing of runoff that would have occurred following the same rainfall conditions under existing conditions;

B.) maintain the natural hydrodynamic characteristics of the watershed;

C.) protect or improve the quality of surface and ground waters;

D.) protect, maintain, or improve water quality or existing water quality standards for all receiving waters, water courses, and water bodies.

E.) protect and maintain groundwater levels;

F.) protect the beneficial functioning of wetlands as areas for the natural storage of flood waters, the chemical reduction and assimilation of pollutants, and wildlife and fisheries habitat;

G.) prevent increased flooding and damage that results from improper location, construction, and design of structures;

H.) prevent reverse salt water intrusion;

I.) protect the natural fluctuating levels of salinity in estuarine areas;

J.) minimize alteration to flora and fauna and adverse impacts to fish and wildlife habitat;

K.) otherwise further the objectives of the Stormwater Management Policies and Regulations.

Section 6.0 Design Standards

The design, construction, and maintenance of stormwater systems will be consistent with the following:

- A.) discharging runoff directly into rivers, streams, watercourses, or enlarging the volume, rate, or further degrading the quality of existing discharges/runoff is prohibited. Runoff shall be routed through vegetated swales, using native species and other structural and nonstructural systems designed to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle, and remove pollutants; such systems will utilize overland flow and re-infiltration as priority techniques for the treatment of runoff.
- B.) retention and detention ponds, and methods of overland flow may be used to retain, detain, and treat the increased and accelerated runoff which the development generates.
- C.) there shall be a minimum of two (2) feet of naturally occurring soils between the detention basin bottom and the seasonal high groundwater table.
- D.) water shall be released from detention ponds at a rate and in a manner approximating the natural conditions which would have occurred before development, incorporating the following standards:
 - 1.) peak flow discharges from a 1 year, 2 year, and 100 year storm shall not be increased or decreased by the development or activity;
 - 2.) ponds shall not be placed where their use poses concerns of groundwater contamination through the recharging of pollutants from surface runoff ;
 - 3.) retention ponds shall have a minimum containment time of 36 hours, a minimum sump depth of 3 feet, and whenever possible utilize permeable sides and/or bottoms so as to minimize outflow;
 - 4.) outflow from structural devices shall have flow proceed to native vegetated areas or native vegetated swales when discharging in proximity to watercourses, wetlands, and the estuary; such areas utilized for sheet flow should have hydraulic and vegetative characteristics adequate to insure that stormwater reaching the watercourse, wetland, or estuary does so in a manner at pre-development or existing conditions.
- E.) natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized, or otherwise altered. Water shall be retained or detained before it enters any natural watercourse in order to preserve the natural hydrodynamics of the watercourse and to prevent siltation or other pollution.
- F.) intermittent watercourses such as swales, should be vegetated.

G.) the first one inch of runoff from impervious surfaces, such as rooftops and paved surfaces, shall be treated and re-infiltrated in the site of the development. Applicant shall quantify first one inch of runoff, and specify how treatment and re-infiltration will be accomplished.

H.) runoff from parking lots and roads shall be treated to remove oil and sediment.

I.) the use of drainage facilities and vegetated buffer zones as open space and conservation areas shall be encouraged.

J.) neighboring properties shall not be adversely effected by flooding from excessive run-off.

Section 7.0 General Requirements

Monitoring wells will be installed at the outlet of the retention/detention basin to ensure that no chemical de-icers, fertilizers or pesticides (other than fertilizer contained in the seed mixture) are being used. A baseline sample will be taken prior to construction of the retention basin and semiannually thereafter until such time as a Certificate of Compliance is issued.

Sedimentation must be excavated at least semi-annually from the pond and after every major storm event of two (2) inches or more over any twenty four (24) hour period. Any vegetation uprooted by sedimentation removal must be replaced.

Applicant shall submit an Operation and Maintenance Manual for retention and detention ponds and related stormwater facilities. Said Manual shall address Basin Identification, Final Inspection, Operation, Inspection and Maintenance, Checklist, AS- BUILT Plans, and Town Acceptance. Sample copies may be obtained from the Planning Board.

The applicant/developer shall secure future maintenance of the stormwater system by a proper bond or by deposit of money of an amount as determined by the Planning Board/Conservation Commission. Such bond or deposit must be secured to the satisfaction of the Board/Commission prior to release of any lots within the development and prior to receipt of a building permit.

In the event that the developer does not follow maintenance procedures and programs as approved by the Board and/or Commission, the board/commission shall have the authority to expend any portion of said bond or deposit to provide such maintenance.

In the event that the stormwater system is accepted by the town, and therefore the town assumes the ownership of said system, any remaining portion of this bond or deposit will be refunded to the developer or homeowner's association.

Amendments to the Rowley Planning Board Rules and Regulations

On 3/7/01 the Rowley Planning Board voted at Public Hearing to Amend §2.0 by a vote of 5 in favor

By adding the following new Section:

§2.2.2: In any case where a person has submitted a preliminary or a definitive plan for a residential subdivision, the applicant shall also file a site plan for an Open Space Residential Development under § 5.4 of the Rowley Protective Zoning By-Law. Such site plan shall be utilized by the applicant and the Planning Board in considering the feasibility and desirability of developing the property as an Open Space Residential Development as an alternative to a conventional subdivision.

On 1/18/89 the Rowley Planning Board voted at Public Hearing to Amend, by a vote of 3 in favor, 2 absent,

§3.2.1.1. Submission of a Preliminary Plan by replacing existing section with the following:

3.2.1.1. A Preliminary Plan of a residential subdivision may, and of a non-residential subdivision must, be submitted by the applicant. The Preliminary Plan, fifteen (15) prints of it and the minimum filing fee (see Section 2.5) shall be filed with the Planning Board together with two (2) copies of each of properly executed application Forms B, D, and E (certified list of abuttes) and all other forms, Schedules and documents as are required by these Regulations and are applicable to the plan at a regularly scheduled meeting of the Board. One set of one-half (½) scale reductions of the plan together with eight (8) prints thereof shall also be filed. It is advisable that a meeting be held with the Planning Board, the Applicant and the engineers prior to the preparation of the Preliminary Plan to assure that the Plan to be presented is in compliance with the intent and requirements of these Rules and Regulations. All expenses involved in review and advice concerning said pre-application meeting shall be born by the applicant and shall be paid prior to the submission of the Preliminary Plan application.

On 10/25/95 the Rowley Planning Board voted at Public Hearing to Amend §3.2.1.1. Submission of a Preliminary Plan by

Delete the following:

"The Preliminary Plan, fifteen (15) prints of it"

And replacing it with:

"The Preliminary Plan, ten (10) prints of it".

And also deleting:

"One set of one-half (1/2) scale reductions of the plan together with eight (8) prints"

And replacing it with the following: "One set of one-half (1/2) scale reductions of the plan together with two (2) prints."

On 1/25/95 the Rowley Planning Board voted at Public Hearing to Amend

§3.3.1.1 (a) - Submission of a Definitive Plan

By deleting the following:

"An original drawing of the Definitive Plan and fifteen (15) contact prints thereof, dark line on white background. One set of one-half (1/2) scale reductions of the Plan together with eight (8) prints thereof shall also be filed."

And replacing it with:

"An original drawing of the Definitive Plan and ten (10) contact prints thereof, dark line on white background. One set of one-half (1/2) scale reductions of the Plan together with two (2) prints thereof shall be filed."

On 1/18/89 the Rowley Planning Board voted at Public Hearing to Amend by a vote of 3 in favor, 2 absent

§3.0 By adding the following new section:

Cut and Fill

§3.3.2.11. Grading Plan

A Grading Plan which shall indicate proposed street grades and elevations, building site grades and elevations and drainage patterns throughout the subdivision sufficient to determine the approximate balance between cut and fill. There shall be a general note indicating the disposition of topsoil on the site, which note shall include how topsoil will be handled in areas of cut and fill; how soil will be stockpiled, if applicable; the minimum amount of topsoil to be redistributed to the site; and that no topsoil will leave the site except in accordance with the Rowley regulations.

On 1/30/89 the Rowley Planning Board voted at Public Hearing to Amend

§ 4.0 by a vote of 3 in favor 2 absent.

By adding the following new section:

Road Construction on Poor Soils

§4.1.1.6. No street or roadway shall be designed and/or constructed on soils listed as unsuitable for such construction by the Soil Conservation Service and

no street or roadway shall be designed and/or constructed on soils listed as subject to road failure by the Soil Conservation Service, until and unless engineering drawings showing, to the satisfaction of the Planning Board, that such construction will provide a road not subject to failure because of subsurface conditions.

On 3/7/01 the Rowley Planning Board voted at Public Hearing to Amend by a vote of 5 in favor, §4.1.6.2.

By deleting the existing section:

§4.1.6.2. Dead-end streets shall be discouraged by the Board. However, if they are necessary, dead-end streets and their extensions, if any, shall not be longer than five hundred (500) feet unless in the opinion of the Board, a greater length is necessitated by topography or other local conditions. No dead end street shall be less in length than two and one half (2 1/2) times the lot frontage requirement for the District in which it is located.

And replacing it with:

§4.1.6.2: A dead-end street may not exceed five hundred (500) feet in length, except that, where a greater length is necessitated by topography or other local conditions, the Planning Board may approve a dead-end street in excess of five hundred (500) feet, but only as part of an Open Space Residential Development approved under § 5.4 of the Rowley Protective Zoning By-Laws. The length of a dead-end street shall be measured along the road centerline from its intersection with the side line of the nearest through street to the center point of the turnaround

On 5/11/94 the Rowley Planning Board voted at Public Hearing to Amend §4.1.6.3.

By deleting the existing Section:

§4.1.6.3. Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred and ten (110) feet, and a property line diameter of at least one hundred and thirty (130) feet unless otherwise specified by the Board. There shall be a traffic island in the center having a diameter of fifty two (52) feet, if the dead-end street is not intended to connect with another street at some future time. The turnaround or stub will be located at the property line unless the Board approved otherwise. All turnarounds shall be constructed to the full outside diameter to the construction standards contained herein.

And replacing it with the following:

4.1.6.3 Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100) feet, and a property line diameter of at least one hundred and twenty (120) feet for residential development unless otherwise specified by the Board and for non-

residential development, a right-of-way diameter of up to one hundred forty (140) feet and a paved roadway diameter of up to one hundred twenty (120) feet, both of which may be reduced to not less than one hundred and twenty (120) feet and one hundred (100) feet respectively upon Planning Board's review of the proposed usage. The turnaround or stub will be located at the property line unless the Board approves otherwise. All turnarounds shall be constructed to the full outside diameter to the construction standards contained herein.

On 3/7/01 the Rowley Planning Board voted at Public Hearing to Amend by a vote of 5 in favor,

§4.1.6.4.

By Deleting the following section:

§4.1.6.4. Depending upon proposed roadway use, the Planning Board may require the construction of a divided roadway (with center island separating traffic flow) as a condition of approval for dead-end streets excess of five hundred (500) feet long.

And replacing it with the following:

§ 4.1.6.4: Depending upon proposed roadway use, the Planning Board may require the construction of a divided roadway (with center island separating traffic flow) as a condition of approval of a dead-end street.

On 1/20/93/ the Rowley Planning Board voted unanimously at Public Hearing to Amend §5.2.3.2.

By deleting the existing section:

Pavement of minor and secondary residential subdivision streets shall be laid to a finished depth of four (4) inches laid in two (2) courses; base course shall be two and one-half (2 1/2) inches and top course shall be one and one-half (1 1/2) inches. Pavement on non-residential subdivision streets and on major streets shall be laid to a finished depth of six (6) inches laid in three (3) courses; base course shall be two and one-half (2 1/2) inches, binder course shall be two (2) inches and the top course shall be one and one-half (1 1/2) inches.

And replacing it with the following:

5.2.3.2. Pavement of minor and secondary residential subdivision and non residential subdivision streets shall be laid out to a finished depth of (6) inches laid in three (3) courses; base course shall be two (2) inches; binder courses shall be two (2) inches, and top course shall be in two (2) inches.

On 4/19/00 the Rowley Planning Board voted at Public Hearing to Amend §6.0

By adding the following new section:

6.7 Digital Property Parcel Requirement

Prior to final approval by the Planning Board, the applicant shall submit two (2) Copies of the approved version of the Definitive Plan on two 3-1/2 inch diskettes in AutoCAD version 13 (or any subsequent release that the Town of Rowley adopts) to the Planning Board for review and approval. The computer version of the plan shall be identical, full size, and shall contain all information included on the printed plan. Each feature depicted in the subdivision plan shall have its own distinct data layer within the CAD system (i.e., lines representing each side of a property parcel.) Where property-parcels are depicted, the property parcel data layer shall be a distinct data layer within the system. Polygons representing property parcels **MUST** be closed and no other data layer shall be used to close the polygon. Data shall be produced and depicted using either the Massachusetts State Plane Coordinate System (1927 Datum in feet) OR the Massachusetts State Plane Coordinate System (1983 Datum in meters). Each CAD sheet shall have a minimum of 4 survey quality control points depicted on both the hardcopy maps and the digital CAD file. These control points shall be survey quality and accurate to plus or minus one centimeter. Layer names shall conform to Planning Board standards. Digital files shall be accompanied by information (or a text field) that defines and describes each layer contained within the submittal file(s). Data files shall be provided in an IBM-PC (or compatible) format file system.

A letter from the Planning Board verifying receipt of diskettes and compliance with Planning Board standards shall be submitted to the applicant within ten (10) days. Failure to submit such diskettes to the Planning Board, and to obtain a compliance letter may be cause for the Planning Board to rescind approval or not to endorse said plan.

All diskettes shall be high quality, free from any and all defects and viruses, and labeled as to their contents. Diskettes shall be prepared with a back up and be sequentially numbered. The applicant shall provide to the Planning Board a descriptive list of all files submitted, which documents file contents and intended use.

At a Public Hearing Held on January 18th, 1989 the Rowley Planning Board by a vote of 3 in favor and 2 absent voted to add the following New Sections:

- 1.) General Guidelines, For Information only, Relative to Site Plan Review Criteria
- 2.) Application for Approval of A Site Plan
- 3.) Rowley Planning Board Rules And Regulations Site Plan Fees in Accordance with RPZB Section 6.6
- 4.) General Information Relative to Application For Approval of A Special Permit.
- 5.) Special Permit Rules And Regulations
- 6.) Application for approval of a Special Permit

The Rowley Planning Board's Rules and Regulations were reformatted in September of 2001. During this process the above sections were reorganized and renumbered as follows:

- 1.) General Guidelines..... is now Section 1 of Rules and Regulations Governing Site Plans.
- 2.) Application for Approval of a Site Plan Rowley Planning Board Site Plan Application.
- 3.) Rowley Planning Board Rules and Regulations Site Plan..... Is now Section 2 of Rules and Regulations Governing Site Plans.
- 4.) General Information Relative to Application For Approval of A Special Permit... is now Section 1 of Rules and Regulations Governing Special Permits.
- 5.) Special Permit Rules And Regulations..... is now Section 2 of Rules and Regulations Governing Special Permits.
- 6.) Application for approval of a Special Permit.....is now Rowley Planning Board Special Permit Application.

At a Public Hearing Held on December 5th, 1990 the Rowley Planning Board voted to add the following New Section:

Rowley Planning Board Rules and Regulations, Governing Fees.

The Rowley Planning Board's Rules and Regulations were reformatted in September of 2001. During this process the above section was reorganized and renumbered as follows:

Rowley Planning Board Rules and Regulations Governing Fees for Approval of a Preliminary and/or Definitive Subdivision Plan, Site Plan and Special Permit Applications.

At a Public Hearing Held on April 14th, 1993 the Rowley Planning Board voted to add the following New Section:
Planning Board Rules and Regulations Governing Stormwater Management
The Rowley Planning Board's Rules and Regulations were reformatted in September of 2001. During this process the above section was reorganized and renumbered as follows:
Rowley Planning Board Rules and Regulations Governing Stormwater Management

Form Revisions adopted on 10/25/95 by the Rowley Planning Board

Revision of Form A - delete sentence "This is to certify that the above noted plan conforms to Assessors' latest records."

Replace with the following, "Please have Assessors' office certify the above land is not classified in Chapters 61, 61A or 61B."

Revision of Form D - delete statement 'A certified copy of the valid current Registration MUST be attached to this Form.'

Revision to Form S - Per - Secured by Mortgage (Tri-partite) V L

Schedule Revisions during reformatting in September of 2001.

Schedule E –

Section 6 (c), Public Utility Element:

(i) Last sentence- **replace** *Lunenburg Water District* with: **Rowley Water Department**

Section 6 (d), Neighborhood and Community Element:

(iv) Last Sentence- **replace** *Park* with : **Open Space**

Section 6 (f) Aesthetics Element:

(ii) Delete Last Sentence

"Consultation with the Highway Department and with the Fitchburg Gas and Electric Company is recommended."

and **replace** with the following:

"Consultation with the Highway Department, KeySpan Energy, Rowley Municipal Light Department and the Planning Boards Volunteer Lighting Advisor is recommended."

And;

(iii) Add the words "Planning Board" to the last sentence to read as follows:
Consultation with the Highway Department and the Planning Board is recommended.

Schedule H-1

D. Plan and Document Content Requirements

1. Replace existing section:

"Review the project submission for compliance with the P.B.R. & R. "GENERAL GUIDELINES, FOR INFORMATION ONLY, RELATIVE TO SITE PLAN REVIEW CRITERIA".

With the following new section:

"Review the project submission for compliance with the Town of Rowley Planning Board Rules and Regulations Governing Site Plans, Section 1.0."

Schedule H-2

A. Review Fees:

1. Replace existing section:

"Review fee requirements of the Town of Rowley Planning Board Special Permit Rules and Regulations (P.B.S.P.R. & R.) under Section 2.5. to assure compliance with same."

With the following new section:

"Review fee requirements of the Town of Rowley Planning Board Special Permit Rules and Regulations (P.B.S.P.R. & R.) under Section 4.0. to assure compliance with same."

B. Submission Requirements:

1. Replace the existing section:

"Review the requirements of P.B.S.P.R. & R. under Section 2.0. (Submission) to determine the completeness of submission."

With the following new section:

"Review the requirements of P.B.S.P.R. & R. under Section 3.0. (Submission) to determine the completeness of submission."

D. Plan and Document Content Requirements:

1. Replace the existing section:

" Review the project submission for compliance with the P.B.S.P.R. & R. "GENERAL INFORMATION RELATIVE TO APPLICATION FOR APPROVAL OF A SPECIAL PERMIT."

With the following new section:

"Review the project submission for compliance with the Town of Rowley Planning Board Rules and Regulations Governing Special Permits, Section 1.0."

D. 2. Replace the existing section:

"Review the project submission for compliance with P.B.S.P.R. & R. "SPECIAL PERMIT RULES AND REGULATIONS."

With the following new section:

"Review the project submission for compliance with the Town of Rowley Planning Board Rules and Regulations Governing Special Permits, Section 2.0."

Schedule J –Planning Board Agent-Project Inspection (Site Plan)

To:

Schedule K

Planning Board Agent-Project Inspection (Site Plan)

Schedule J -Planning Board Agent-Project Inspection (Special Permit)

To:

Schedule L- Planning Board Agent-Project Inspection (Special Permit)

In November of 2002 the following changes were made to update the rules and regulations due to the renumbering of the Protective Zoning by-law which occurred in May of 2002.

Page 16- 2.2.2 change "section 5.4" to "section "6.4"

Page 41 change "5.4" to "6.4"

Page 88 Schedule H-1, A. 1 and B. 1 change "Section 6.6" to "Section "7.6"

Page 89 Schedule H-1, D.) 3. Change "6.6.6" to "7.6.4" and I.) 3. Change "6.6.6.2." to "7.6.2"

Page 133 1.1.11 Change "Section 7.4 and 7.6" to "Section 8.4 and 8.6" respectively

Page 134 2.1 change "Section 6.6" to "Section 7.6"

Page 135 1st paragraph change "6.6 Site Plan Approval" to "7.6 Site Plan Review" and in the 2nd paragraph change "6.6" to "7.6"

Page 136 Last question change "Section 7.4 and 7.6" to "Section 8.4 and 8.6" Respectively

Page 137 Change "Section 6.6.3" to "Section 6.2"

Page 138 Change "Sections 7.1 or 3.5.2" to "Section 8.1 or 4.9.2" respectively

Page 139 1.1.2 "Section 6.6" to "Section 7.6" in the first and fifth paragraphs.

Page 140

Change 3.2 "Site Plan, Section 6.6 of the Rowley Protective Zoning Bylaws, Including "contents", Section 6.6.2" to read "Site Plan Review, Section 7.6 of the Rowley Protective Zoning Bylaws, Including "Section 7.6.2"
Change 3.3 n.) "5.2 through 5.2.1.16" to read "6.2 through 6.2.1.16"

Page 141 Change 5.1 "Section 6.6" to read "Section 7.6"

Page 142 Change 6.1 a.) "Section 6.6" to "Section 7.6"

Page 146 4th question change "5.2 through 5.3" and "5.2 through 5.2.1.16" to read "6.2 through 6.3" and "6.2 through 6.2.1.16"

At a Public Hearing opened on September 15, 2004, and continued to September 29, October 20 and October 27, the Rowley Planning Board voted to amend the Rules and Regulations Governing Site Plan Review by deleting in its entirety,

SECTION 1.0 GENERAL INFORMATION

1.1 Informational Guidelines Relative to Site Plan Criteria

The following is a general list of guidelines, which should be considered by applicants for Approval of a Site Plan. These are guidelines, which are basic policies of the Board when reviewing criteria for Approval of a Site Plan. These guidelines may, or may not apply, to every application, and depend on individual locations, topography, and other unique features of the site. The Board hopes these guidelines will help the applicant to prepare for Site Plan process and understand the procedure.

1.1.2. The Planning Board, in its review and evaluation of a site plan, considers consistency with a reasonable use of the site for the purposes permitted by the zoning bylaws of the district in which it is located.

1.1.3. If a proposal requires a Special Permit, this is granted in conjunction with Site Plan Approval and in compliance with Special Permit Rules and Regulations, unless waived by vote of the Planning Board, prior to submission. Planning Board encourages the applicant to schedule an agenda appointment to meet with the Board for a discussion of Site Plan and or Special Permit, prior to filing, to determine if waivers may be applicable, and to help the applicant in preparing for the procedure.

1.1.4. The development should be integrated into the existing terrain and surrounding landscape, and should be designed to protect abutting properties. Efforts should be made to minimize obstruction of scenic views; to preserve unique natural or historic features; to minimize tree, vegetation, and soil removal, as well as grade changes; to maximize open space retention; and to screen objectionable features from neighboring properties and roadways.

1.1.5. Architectural style should be in harmony with the prevailing character and scale of buildings in the district and in the Town, though the use of appropriate

building materials, screening, design, and other architectural techniques. Variation in detail, form, and siting should be used to provide visual interest.

1.1.6. Developments must be served with adequate water supplies and waste disposal systems. Board of Health and Water Department should be consulted.

1.1.7. The Site Plan should show the maximizing of the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. The Plan should describe estimated daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians, IF APPLICABLE. Plan should assure adequate access to and from the site and adequate circulation within the site.

1.1.8. Site Plan should address measures to prevent pollution of surface or ground water, to minimize erosion and sedimentation, to prevent changes in groundwater levels, and to prevent increased run-off and potential flooding. Drainage should be designed so that run-off should not be increased, and groundwater recharge is maximized, while abutting properties are not adversely affected.

1.1.9. Board will review the plan in relation to the impact on town services.

1.1.10. All utilities should be underground.

1.1.11. The Plan should show details of all exterior lighting and signs. Lighting shall be in harmony with the prevailing character of the district in which it is located, and shall not be hazardous to traffic on adjacent ways. Signs and Lighting shall be in conformance with the Rowley Zoning Bylaw Section 8.4. and Section 8.6, and shall not be an obstruction to traffic on adjacent ways or within the site, and shall be in harmony with the prevailing character of the district and the Town.

1.1.12. Lighting Specifications for new and remodeled installations, excluding one to four family owner occupied dwellings:

- a) Luminaires with a lamp or lamps rated at a total of 2000 lumens or more shall utilize full cut-off fixture designs.
- b) Luminaires that are aimed, directed or focused such as to cause light from the luminaires to create hazardous glare to persons operating motor vehicles, shall be shielded, redirected, relocated or its light output controlled as necessary to eliminate such conditions.
- c) Lighting fixtures installed and thereafter maintained should follow industry recommended illumination levels for the type of activity being carried out (i.e. IESNA (Illuminating Engineering Society of North America, standards). It is recommended that the average illuminance level not be exceeded. Minimum shall not be less. Once an area is closed for business or general public use, lighting levels should be reduced to minimum required security illumination levels to promote energy conservation.

1.1.13 Storage areas, machinery, service areas, trash dumpsters, truck loading areas, utility buildings and structures should be set back and screened to protect

the neighbors from objectionable features. The Site Plan shall show provisions for safe and adequate access to and from these areas and structures.

1.1.14. The Site Plan shall comply with Rowley Planning Board Rules and Regulations and with all zoning requirements, for parking, loading, dimensions, and environmental performance standards.

1.1.15. Plan should show any further development which is anticipated by the developer and which may be proposed within the site in the future.

1.1.16. Before approval of a site plan, the Planning Board may request the applicant to submit further details of the proposed design to ensure that the above criteria are met.

SECTION 2.0 FEES

2.1 Site Plan fees, in accordance with the Rowley Protective Zoning Bylaw Section 7.6

NOTE: These rules only apply to a site plan submitted to the Planning Board.

2.1.1 Fees, Site Plan

2.1.1.2 All expenses for advertising, publication of notices, engineering, Professional Planning review, plans, inspection of construction, recording and filing of documents, and all other expenses in connection with processing and reviewing a site plan including without limitation sampling and testing required by the Planning Board or its Agent shall be borne solely by the Applicant.

2.1.2 Filing Fee

2.1.2.1 The filing fee shall be two (2) cents per square feet for the first 120,000 sq. ft. of lot area, with .5 per sq. ft. for all remaining lot area. The MINIMUM filing fee shall be no less than \$1,000. Payment shall be made in the form of a check, made payable to the Town of Rowley and shall be presented to the Planning Board at the time of submission of the Site Plan.

2.1.3. Other Costs

2.1.3.1 Any costs in excess of the filing fee deposit shall be billed to the Applicant and paid by the Applicant, prior to final action taken by the Planning Board.

2.1.3.2 The failure of the Applicant to make the initial deposit, and to pay additional fees required in accordance with this section shall be grounds for rescission of the approval of the plan and for disapproval.

2.1.4 Deposit Return

2.1.4.1 The filing fee shall be held by the Board as a deposit with the Town Treasurer and expended to review and process the Plan until the Board takes final action upon the site plan.

2.1.4.2 The Board in its discretion may waive or refund such filing fee in whole or in part to the extent the Board determines that professional or other services were not required in consideration of the Plan and the amount of the fee was not expended in whole or in part.

2.1.4.3 The remaining funds shall be returned to the Applicant when, in the opinion of the Board, all work required by the approved plan, and conditions placed upon such approval, and any subsequently approved modifications and plans have been completed.

And replacing it with the following new section;

SECTION 1.0 GENERAL INFORMATION

The Rowley Protective Zoning Bylaw ("the RPZB") requires site plan review by the Planning Board ("the Board") for various proposed uses in Town. The Board has promulgated these rules and regulations to provide applicants for site plan review with guidance in the preparation of their plans. These rules and regulations are intended to encourage exemplary projects and good design, while avoiding adverse impacts on neighboring properties and the Town.

The standards specified herein are not intended to be exhaustive, and additional requirements may be applied to a project, if the Board determines that such additional requirements are appropriate. The standards specified herein are in addition to, and do not supplant, the standards established by the RPZB. Moreover, in reviewing an application for site plan review, the Board will look for guidance to the Design and Construction requirements of the Planning Board Rules and Regulations Governing the Subdivision of Land.

Many proposed uses in Rowley require a special permit, in addition to site plan review. If a special permit is required, the special permit application will be considered in conjunction with the application for site plan review, as required by section 7.8.1.2 of the RPZB.

All applicants for site plan review are encouraged to request an informal, pre-application meeting with the Board to obtain input from the Board on their development proposals and to resolve anticipated issues.

SECTION 2.0 STANDARDS

The Board will review the application for site plan review to verify that the Applicant has proposed adequate provisions for the following: traffic circulation and pedestrian access; emergency access; loading and off-street parking; outdoor lighting and signage; utilities and water supplies; stormwater drainage; the preservation of scenic views, natural features, and historic structures; landscaping; and the protection of abutting properties and neighborhoods from adverse impact. In addition to these general standards, the following specific standards apply.

2.1 Architectural Style

The proposed buildings should be in harmony with the prevailing character of existing buildings in the area, in terms of scale, building materials, screening, and

architectural design. Moreover, notwithstanding the prevailing character of existing buildings in the area, proposed buildings for retail, service, restaurant, or office use should incorporate architectural features consistent with a Colonial or New England-village style atmosphere. In general, variation in detail, form, and siting should be used to provide visual interest.

2.2 Traffic Circulation and Safety

The project shall be designed to maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. The Applicant should estimate the daily and peak hour vehicle trips to be generated by the project, and should identify traffic flow patterns for vehicles and pedestrians. The Board may require an assessment by a Registered Traffic Engineer with respect to traffic impacts or safety issues.

2.3 Preservation of Existing Natural Features and Topography

Finished site contours shall approximate the character of the natural site. In designing the proposed development, every effort shall be made to reduce the volume of cut and fill, the areas of disturbance to the natural landscape, wetland alteration, and impervious surfaces. Proposed buildings shall relate harmoniously to the terrain, and to the use, scale, and siting of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings. All buildings and structures shall be sited and designed to minimize disruption of the topography.

Every effort should be made to preserve existing walking or riding trails, and to relocate such trails if preservation is impossible. The site plan shall show the impact of the development on existing trails, and show any deletions, alterations, extensions, or enhancements proposed to those systems.

2.4 Stormwater Drainage

The stormwater run-off measures proposed for the site shall conform to the best management practices described in the Commonwealth's Stormwater Management Handbook, Volumes 1 and 2. In general, projects should be designed to maximize ground water recharge and water quality protection.

2.5 Exterior Lighting and Signage

All signs and advertising features shall be reviewed as an integral element in the design and planning of the proposed use. Signage shall comply with sections 8.4 and 8.6 of the RPZB, as applicable. Outdoor lighting shall comply with section 8.6 of the RPZB.

2.6 Utilities and Water Supplies

All utilities shall be underground. All projects shall be served by the Town's water supply.

2.7 Erosion Control and Temporary Stabilization

The developer shall limit the amount of vegetation that is disturbed or removed from the site to the minimum amount that is required to accommodate and construct the proposed development. Construction trucks and equipment must stay within the areas of proposed work as shown on the approved site plan.

Temporary vegetation, mulching, or other protective measures must be provided for disturbed areas. The Board may require a specific type of temporary stabilization for a given area within the development. If a disturbed area will be exposed for longer than one year, permanent grasses or other approved cover must be planted.

Temporary sediment controls are required for unpaved roads, paved roads where curbing has not been installed, drainage inlets and outfalls, all unpaved driveways, and disturbed lots that slope toward the road. Such control devices shall include silt fences, filter strips, double-row staked hay bales, silt traps, sediment basins, crushed rock berms, or other methods specified by the Board. The controls must be placed along roadsides where runoff may occur and around drainage inlets and outfalls. All sediments must be removed from the roadway or other collection areas at least weekly.

2.8 Landscaping Plans, and Replanting Requirements for Disturbed Areas

The applicant shall submit a landscaping plan, prepared by a Registered Landscape Architect ("RLA"), detailing the proposed landscaping of the site. The landscaping plan shall show the following: (1) existing and proposed grades; (2) the existing vegetative cover, including trees of six-inch or greater caliper to be retained, and the location, size, and type of such vegetation, (3) a plan and plant schedule giving botanical and common names of plants to be used, size at time of planting, mature size, rate of growth, quantity of each, location and method of any excavation and soil preparation, and the spacing and location of all proposed trees, shrubs, and ground covers; (4) existing and proposed building footprints, walls, fences, parking spaces, loading bays, driveways, walks, storage areas, public rights-of-way, easements, and the location of structures on, and the uses of, abutting properties; and (5) proposed street furniture, such as regulatory and informational signs, benches, hydrants, street lighting standards, postal boxes, transformer pads, and the like.

The landscaping plan shall create a total pattern for the site, and shall be designed to create a pleasant site character, and to shield neighboring properties from storage and loading areas, and other objectionable features. Buffering

elements that provide a logical and attractive transition to abutting properties or uses shall be provided. The use of natural land features and vegetation to provide adequate buffers is encouraged.

The applicant's RLA will normally be expected to attend the public hearing to discuss the provisions of the landscaping plan. All disturbed areas that are not developed shall be replanted with a mix of trees, shrubs, groundcover, or grasses. A minimum of six (6) inches of topsoil is required. The topsoil shall be free of roots, stones, and twigs, and shall contain a minimum organic matter content of 2% and a texture of sandy loam.

The planting shall conform to the following number of trees per one thousand (1,000) square feet of disturbed area. Species listed below are suggestions; the Board may allow other species as well.

Category	Species	Size	Plants/1000 SF
Shade Tree	Quercus Rubra	2.5-3"	2.88
Flowering Tree	Malus Hup.	2.5-3"	5.15
Evergreen Tree	Pinus Strobus	6-8'	5.15

In landscaped areas, the spaces between trees shall be planted with shrubs and ground covers/grasses, based on the following guidelines.

Category	Species	Size	Plants/1000 SF
Deciduous Shrub	Cornus Stolon.	2-3'	46.1
Evergreen Shrub	Junip. Chin. S.	12-15"	72.5
Ground Cover	Euonymus Fort.	12-15"	46.1

Indigenous species are preferred. The invasive plant species listed in "A Guide to Invasive Plants in Massachusetts" shall not be used. As a general rule, evergreen trees should be included in the plantings. The Board will make the final determination as to the numbers and types of plantings required.

The applicant is responsible for the maintenance and care of all plantings. If a surety is required to insure completion of the landscaping plan, pursuant to section 7.6.5.2 of the RPZB, the surety shall be held by the Board for a period of at least one year from the time of planting. Prior to the issuance of an occupancy permit or, if a surety has been given, prior to the release of the surety, the Board may, at the applicant's expense, engage an RLA or similar professional, to verify

the applicant's compliance with the requirements of this section, the approved site plan, and acceptable landscape practices.

2.9 Parking Requirements

As a general matter, the Applicant should provide the number of off-street parking spaces specified in the Board's Table of Required Off-Street Parking Spaces (Attachment A). However, if the Applicant believes that the application of the Table would result in an excessive number of parking spaces for the development, the Board will consider a reduction in the number of required spaces.

Parking lots shall be separated from public ways by a minimum fifty (50) foot strip of landscaping (a wider strip may be required, as specified in section 6.1.3.2.4(b) of the RPZB). Such landscaping strip shall contain at least four (4) trees per two hundred (200) linear feet that may be expected to reach a mature height of greater than thirty (30) feet.

Parking lots shall contain visual relief from expanses of unbroken pavement. In parking areas exceeding one-quarter (1/4) of an acre, trees greater than six (6) feet in height shall be provided at a rate of at least one (1) tree per twelve (12) parking spaces. These trees shall be placed in vegetated islands at least eight (8) feet wide, and spaced with reasonable regularity throughout the parking lot. At least half of these trees shall be of a species expected to mature to a height greater than thirty (30) feet. Landscaping in islands shall be protected from damage from parking cars and snow removal operations.

2.10 Sewage Disposal

The proposed method of sanitary sewage and solid waste disposal for all buildings on the site shall be described in the application and shown on the plans.

SECTION 3.0 FEES

Each Applicant for site plan review will be required to pay a Filing Fee, an Administrative and General Review Fee, and an Outdoor Lighting Review Fee. The Filing Fee shall be one thousand dollars (\$1,000), or two (2) cents per square foot of land for the first 120,000 square feet of land, plus one half (½) cent per square foot of land for the remaining lot area, whichever sum is greater. The Filing Fee shall be paid by check, made payable to the Town of Rowley, and shall be presented to the Planning Board at the time of submission of the site plan.

The Administrative and General Review Fee will be in an amount to be determined by the Board. The fee will be used by the Board to pay for all

advertising, public notice, and other administrative costs incurred by the Board in connection with the application, and to obtain an independent, professional review of the project by the Board's Technical Consultant. The fee shall be held by the Town, and expended to review and process the application and to pay for any post-approval inspections or review activities. Any remaining funds shall be returned to the Applicant when, in the Board's opinion, all work required by the approved plan and any subsequently approved modifications, and conditions placed upon such approvals, has been completed.

The Outdoor Lighting Review Fee shall be one hundred and fifty dollars (\$150.00), and should be paid by check, made payable to the Board's Outdoor Lighting Consultant. Such fee will cover review of site plan photometrics, technical luminaire specifications, bylaw/regulation compliance, and final on-site inspection and close-out report. Requests for amendments that would constitute a significant change to the approved Site Plan shall be considered new applications, requiring the payment of new fees.

Any failure by the Applicant to pay a fee required by this section shall be grounds for disapproval of the application for site plan review, or for rescission of any prior approval.

SECTION 4.0 PUBLIC HEARING

Pursuant to section 7.6.4.2 of the RPZB, the Board is required to hold a public hearing on each application for site plan review. The Board is required to open the public hearing within 65 days of the date on which the application is filed in proper form with the Board, and to issue a decision on the application within 90 days of the close of the public hearing, except that these deadlines may be extended by agreement of the Board and the Applicant.

SECTION 5.0 WAIVERS

The Board may waive a requirement of these rules and regulations, if it determines, based on the special circumstances of the proposed development, that strict compliance with the requirement would impose an undue hardship on the Applicant, and that a waiver would be in the public interest. The Applicant should submit any request for a waiver with its initial application for site plan review.

At a Public Hearing held on April 13, 2005, the Rowley Planning Board voted to amend the Rules and Regulations Governing Site Plan Review by;

- (1) deleting sections 3.1.3, 3.1.4, and 3.1.5,
- (2) enacting the following new section 3.1.3:

3.1.3 Action by Board

3.1.3.1 If the Board determines that the plan does not require approval under the Subdivision Control Law, it shall forthwith, and without a public hearing, endorse the plan. The Board may add to such endorsement a statement of the reason approval is not required. The Board shall notify the Town Clerk in writing of its action, and return the original plan to the Applicant.

3.1.3.2 If the Board determines that the plan requires approval under the Subdivision Control Law, it shall notify the Applicant and the Town Clerk in writing of its determination and the reason approval is required. The Board shall return the original plan to the Applicant.

3.1.3.3 If the Board fails to act upon the plan or fails to notify the Town Clerk and the Applicant of its action within twenty-one (21) days after its submission to the Board, the Board shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith endorse the plan and, on its failure to do so, the Town Clerk shall issue a certificate to the same effect.

(3) amending section 4.12.1 to delete the words "shall be discouraged by the Board, however, if permitted",

(4) amending section 5.7.1 to read as follows:

5.7.1 Unless otherwise specified by the Board, sloped granite curbs of the dimensions given for Granite Edgestone (Section M9.04.2) Type SA in the Standard Specifications shall be provided along each edge of the roadway for the full length of the street. Such curbs shall be installed in accordance with the construction methods outlined under Curb, Curb Inlets, Curb Corners and Edging (Section 501).

and (5) deleting sections 5.7.1.1, 5.7.1.2, and 5.7.2.

At a Public Hearing Held on January 18th, 1989 the Rowley Planning Board voted to add the following New Section: The vote was 3 in favor 2 absent.

ATTACHMENT A

TABLE OF REQUIRED OFF-STREET PARKING SPACES

<u>USE</u>	<u>REQUIRED PARKING SPACES</u>
Dwelling - for each dwelling unit in a building containing three (3) or more dwelling units	Two and one-half parking spaces per dwelling unit plus one-half (additional space for each bedroom in excess of two (2) in any unit therein.
Uses Accessory to the Above	In addition to the above, one (1) space plus one (1) space for each non-resident employee.
Public Housing for the Elderly	One space per unit.
Hotel, Motel, Inn or Bed and Breakfast	One and one-half (1/2) space for bedrooms.
Convalescent, rest or nursing home	One (1) space for each two (2) beds, plus one (1) space for each employee on the largest shift.
Retail business commercial or personal service establishment	One space for each two hundred (200) square feet of floor area up to fifty thousand (50,000) square feet plus one (1) space for each four hundred (400) square feet thereafter.
Office, professional, business, or public	One (1) space for each one hundred (100) square feet of floor area.
Medical or dental office or clinic	One space for each two hundred (200) square feet of floor area.

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Restaurant, taverns, or other place serving food or beverage

One (1) space for each two (2) seats, permanent or otherwise, plus one (1) space for each employee on the largest shift.

Industrial, manufacturing, warehouse storage, laboratories or similar uses.

One (1) space for each one thousand (1,000) square feet of floor area, plus one (1) space for each employee on the largest shift.

Repair garages and gasoline service stations

Two (2) spaces for each service bay and one (1) space for each employee on largest shift.

Pre-school including Day Care Center

One (1) space for each teacher or other employee anticipated during normal school hours plus one (1) space for each three students.

The Board recognizes the fact that some uses require less parking, the final number of parking spaces could be reduced.

The above spaces may be calculated as total of both paved and reserved parking spaces. The Board encourages a meeting with the Developer to determine the exact number of paved spaces, based on the individual characteristics of the site proposal.

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