

TOWN OF LENOX

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

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

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FORMS

- Form A. Application for the Endorsement of Plan Believed Not to Require Approval**
- Form B. Application for Approval of Preliminary Plan**
- Form C. Application for Approval of Definitive Plan**
- Form D. Covenant**
- Form E. Certificate of Performance**
- Form F. Covenant Approval Process**

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

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

SECTION I – PURPOSE & AUTHORITY

A. PURPOSE

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access 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 a planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions." (See Section 81-M of Chapter 41, G.L.)

B. Objectives and Criteria: Site Design

The following objectives and criteria shall be used, where applicable, in evaluating all subdivision plans. The proposed subdivision plan shall be designed in a manner that will:

- a. be compatible with the existing natural features of the site and the surrounding area; will preserve the existing land form in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of vegetation that may result there from, particularly from development on steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption;
- b. provide adequate facilities for the occupants of the subdivision and will provide for the functional design of facilities, structures and site construction, in accordance with recognized design standards and criteria accepted by the Town of Lenox;
- c. promote a high standard in the design of sites being developed, will enhance the natural character and appearance of Lenox, will minimize awareness of the existence of a subdivision, particularly a commercial subdivision, by screening views of the subdivision from nearby streets, single family neighborhoods or Town property by the effective use of existing land forms, or alterations thereto, such as berms, and by existing vegetation or supplemental planting;
- d. locate intersections of subdivision streets with the Town's arterial or collector streets so as to minimize the risk of accidents and traffic congestion;
- e. permit adequate access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment;

- f. permit easy and barrier free access for persons with physical handicaps or other special needs to the public facilities, such as sidewalks, within the subdivision;
- g. provide a system of routes for pedestrians, including bicycles, with minimal conflicts with vehicles;
- h. locate and design open space on the site, particularly such common open space and usable open space as may be required by the Zoning By-Law, so as to increase the visual amenities for the surrounding area as well as for the occupants of the subdivision;
- i. provide improved access to, or the development of additional links and connections to, a Town system of public facilities such as conservation areas, recreation facilities, footpaths or bicycle paths, streets or utility systems;
- j. either place electric, telephone, cable TV and other such lines and equipment underground or locate them as inconspicuously as possible; locate and screen support facilities, such as storage, refuse disposal, utility buildings and structures for recreational activities, to visually screen them as effectively as possible;
- k. insure that new structures and facilities protect the design of buildings or places of historic or architectural significance, to the extent feasible;
- l. not create adverse impacts on the public services and facilities serving the subdivision, including those that are off the site, such as the sanitary sewer system, the storm drainage system, the public water supply, the street system for vehicular traffic, the sidewalks and footpaths for pedestrian traffic, and, in addition, for residential developments, the recreational facilities; or where there is insufficient capacity in, or adverse impacts on, such services and facilities, improvements will be made to provide sufficient capacity or potential adverse impacts will be mitigated in connection with the approved subdivision;
- m. not present a demonstrable adverse impact on the surrounding area during construction resulting from:
 - 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses legally permitted in the surrounding area,
 - 2) emission or discharge of noxious or hazardous materials or substances,
 - 3) pollution of water streets or ground water;
- n. take all measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area of a proposed development, such as, but not limited to, minimizing the velocities of water runoff, maximizing protection of disturbed areas from stormwater runoff, and retaining sediment within the development site following disturbances; or
- o. insure that no subdivision causes downstream properties, water courses, channels, or conduits to receive stormwater runoff at a higher peak flow rate, or to receive other unreasonable impacts,

than would have resulted from the same storm event occurring over the site of the proposed subdivision in its natural undeveloped condition.

C. AUTHORITY

Under the authority vested in the Planning Board of the Town of Lenox by Section 81-Q of Chapter 41 of the General Laws, said Board hereby amends the rules and regulations governing the subdivision of land in the Town of Lenox which were adopted by vote of the Board following a public hearing December 28, 1966. These amended regulations supersede all previous Subdivision Control Regulations and are effective September 20, 1973. A public hearing was held on the amended regulations on September 19, 1973.

SECTION II – GENERAL

A. BASIC REQUIREMENTS

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

B. INTERPRETATION

The provisions of these regulations shall be the minimum requirements adopted for the promotion of health, safety and welfare of the people of the Town of Lenox. These regulations are not intended to repeal, abrogate, annul, or in any manner interfere with any existing laws, covenants, or rules. It is provided, however, where these regulations impose a greater restriction than is required by such existing laws, covenants, or rules, that the provision of these regulations shall govern.

C. DEFINITIONS

1. **APPLICANT:** shall include an owner or his agent or representative, or his assigns.
2. **BOARD:** The Planning Board of the Town of Lenox.
3. **DEFINITIVE PLAN:** The final map, drawings, and all required supporting data upon which the subdivider's plan of a subdivision is presented to the Planning Board for approval, and which plan, if approved, will be submitted by the applicant to the Registry of Deeds or Land Court for recording.
4. **EASEMENT:** A right acquired by public authority or other person to use or control property for a utility or other designated public or private purposes.
5. **GENERAL LAWS** (Abbreviated G.L.): The General Laws of Massachusetts; in case of rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

6. **IMPACT STATEMENT (IS):** A documented, written analysis of a proposed subdivision which provides the Planning Board and its agents with information necessary for plan review. Prepared by the applicant, an IS shall follow the format presented in Appendix A.
7. **LOT:** An area of land in one ownership or one leasehold with ascertainable boundaries established by deed or deeds of record, or a segment of land ownership defined by lot boundary lines on a land division plan duly recorded, said plan having been either approved by the Planning Board under the Subdivision Control Law, or endorsed by the Planning Board “Approval under the Subdivision Control Law not Required.”
8. **LOT FRONTAGE:** The straight line distance between the side lot lines at the street line.
9. **LOT WIDTH:** The width of a lot, measured at the street building setback line, measured parallel to the lot frontage.
10. **PRELIMINARY PLAN:** A Plan or Plans of a proposed subdivision and all the required supporting data indicating the proposed manner of layout of the subdivision to be submitted to the Planning Board for its consideration. (See Section 81-L, Chapter 41, G. L., Ter. Ed.)
11. **RIGHT-OF-WAY:** the width, between property lines, of a street, alley, crosswalk, or easement.
12. **SCREENING:** A screen shall consist of one of the following: (a) Plant materials, at least three feet in height at the time of planting, which are of a type that may be expected to form a year-round dense screen and will reach a height in maturity of at least five feet. A screen of this type shall not be higher than eight feet. (b) A masonry wall or a wooden or fabricated fence from five to six feet in height, at least fifty percent solid, designed in an attractive manner to obscure any view. (c) Any existing growth of trees and shrubs if in the judgement of the Planning Board such growth provides equivalent screening.
13. **STREET:** A public or private way for vehicular and pedestrian traffic and utilities, included within a Right of Way.
14. **SUBDIVISION:**

The division of a tract of land into two or more lots including re-subdivision, and, when appropriate to the context, relating to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if, at the time when it is made, every lot within the tract so divided has a frontage on

- (a) a public way, or a way which the Town Clerk certifies is maintained and used as a public way, or
- (b) a way shown on a plan previously 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 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 the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Lenox Zoning By-Law for erection of a building on such lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the town into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

D. FEES

The following application fees shall be paid at the time of filing of subdivision applications:

1. ANR/Form A: \$125 per plan
2. Preliminary Subdivision Plan: \$350 plus \$50 per lot
3. Definitive Subdivision Plan: \$500 plus \$75 per lot
4. Definitive Subdivision Plan if no Preliminary Plan: \$1,000 plus \$150 per lot
5. Amendment to a Definitive Subdivision Plan: \$350 plus \$50 per affected lot
6. Subdivisions with dedicated affordable housing: The per lot fee for each dedicated affordable housing lot shall be waived.

SECTION III – PLAN BELIEVED NOT TO REQUIRE APPROVAL

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 shall submit two copies of his plan and application Form A (see Appendix) to the Planning Board at a regular meeting of the Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or certified mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said plan and application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse on the plan the words, "Approval Under the Subdivision Control Law Not Required."

The plan will be returned to the applicant, and the Planning Board shall notify the Town Clerk and the building inspector of its action.

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant and return the plan. The Planning Board will also notify the Town Clerk and the building inspector of its action.

If the Board fails to act upon a plan submitted under this section or fails to notify the Clerk of the Town and the person submitting the plan of its action within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith., the Town Clerk shall issue a certificate to the same effect. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Planning Board, or in case of the certificate, by the Town Clerk, to the person submitting such plan. The Planning Board of a Town which has authorized any person, other than a majority of the Board, to endorse on a plan the approval of the Board or to make any other certificate under the Subdivision Control Law, shall transmit a written statement to the register of deeds and the recorder of the land court, signed by a majority of the Board, giving the name of the person so authorized.

The endorsement under this section may include a statement of the reason approval is not required. (See Section 81-P of Chapter 41, G. L.)

SECTION IV - PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A subdivision plan shall be considered as submitted to the Planning Board when delivered at a meeting of the Board or when sent by Certified or Registered Mail to the Planning Board, care of the Town Clerk, together with properly filled out application form, fee and supporting documents.

A. PRELIMINARY PLAN

1. General:

Prior to the submission of a Preliminary Plan, a developer is encouraged to discuss his intentions with the Board. The submission of a Preliminary Plan will enable the subdivider, the Board, other municipal agencies, and the owners of the property abutting the subdivision to discuss and clarify issues regarding such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A Preliminary Plan of a subdivision should be submitted by the subdivider to the Planning Board and to the Board of Health. The Water Department, Sewer Commissioners, Highway Superintendent, Conservation Commission and Fire Department may also review the Preliminary Plan for discussion and approval, modification, or disapproval by each Board.

For all Preliminary Plans filed, the Board shall have forty five (45) days in which to review and act on the plan. During discussion of the Preliminary Plan, the complete information required for the Definitive Plan (Section IV B. 2 - Contents) and the financial arrangements (Section IV B. 6 - Performance Guarantee) will be developed.

The applicant shall file with the Board the following:

- a. Application form (Form B)

- b. The appropriate fee (see Section II-D)

2. Contents:

The Preliminary Plan shall be drawn on mylar at a scale not smaller than one (1) inch equals 100 feet and two (2) prints shall be filed with the Planning Board showing the following information:

- a. The subdivision name, boundaries, north point, date, scale, legend, and title - "Preliminary Plan";
- b. The names of the record owner, applicant, and the Professional Civil Engineer, and Land Surveyor;
- c. The names of all abutters as determined from the most recent tax list;
- d. The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner;
- e. A locus or location plan at U.S.G.S. scale showing the subdivision and its location to the surrounding roadways and physical features.
- f. The location, size, and direction of flow of existing and proposed sewers, culverts, and storm drains;
- g. The approximate boundary lines of proposed lots with approximate areas and dimension;
- h. The names, approximate location and widths of adjacent streets and any intersecting streets within 300 feet of the boundary of the subdivision;
- i. The topography of the land in a general manner as well as a study of the natural surface and sub-surface drainage and its effect on the total project design;
- j. Proposed street names for all new streets and numbers for all new lots, even numbers on right side of street, and odd numbers on left side of street.
- k. Zoning districts of all areas shown on the plan.
- l. The applicant is urged to prepare a Development Impact Statement with the Preliminary Plan in order to expedite Planning Board Review.

3. Approval:

Within forty-five (45) days after submission, the Planning Board shall notify the applicant either that the plan has been given approval, with or without modification, and shall notify the Town Clerk of their actions thereon. One copy of the plan shall be retained by the Planning Board and the others returned to the subdivider. Such approval does not constitute approval of a subdivision.

B. DEFINITIVE PLAN

1. General:

- A. Definitive Plan of a subdivision must be submitted to the Planning Board. Said plan shall be governed by the Subdivision Regulations in effect at the time of submission of such plan, or in effect at the time of submission of a Preliminary Plan, provided that a Definitive Plan evolved therefrom shall have been submitted to the Planning Board within seven (7) months from the date of submission of the Preliminary Plan.
- B. Definitive Plan shall also be governed by the zoning in effect at the time of submission of such plan or at the time of submission of a Preliminary Plan from which a Definitive Plan is evolved, in accordance with the appropriate provisions of Chapter 40A of the General Laws, as amended.

Any person submitting a Definitive Plan shall give written notice thereof to the Town Clerk by delivery or registered mail; such notice shall identify the tract, the date of submission and the name and address of the owner (Form C). The applicant shall file the original drawing of the Definitive Plan Map, six (6) contract prints, and six (6) copies of a Development Impact Statement (DIS) with the Planning Board. The applicant shall also file one set of contract prints and a DIS with the Board of Health. The Land Use Clerk shall distribute one copy to each of the following agencies: Building Inspector, Water Department, Sewer Commissioners, Highway Superintendent, and Conservation Commission.

Within forty-five (45) days after the date of submission, the Board of Health, Building Inspector, Water Department, Sewer Commissioners, Highway Superintendent, and Conservation Commission shall notify the Planning Board of their approval or disapproval of the Plan, and shall list their reasons in writing.

Two (2) prints of the proposed subdivision shall have the significant features illustrated according to the following color scheme:

- a. Roads – dark grey
- b. Streams and Water bodies – blue
- c. Open space and Recreation areas – green
- d. Wetlands - solid red;
- e. One hundred year floodplains - orange;
- f. Pedestrian and Bicycle paths – brown
- g. Subdivision boundaries – black

In addition, the applicant shall file with the Board the following:

- a. Application form (Form C)
- b. Professional Civil Engineer or Land Surveyor's Seal (Form D)
- c. Certified List of Abutters (Form F)
- d. Approval with Covenant Contract, notarized in duplicate, if no performance bond or certified check is to be posted (Form I)
- e. The appropriate fee (see Section II-D)

2. Contents:

The Definitive Plan shall be prepared by a professional civil engineer or land surveyor registered in Massachusetts and shall be clearly and legibly drawn on mylar. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, north point, date, and scale.
- b. Name and address of record owner, subdivider and engineer or surveyor.
- c. Names of all abutters as they appear on the most recent tax list.
- d. Lines and widths of existing and proposed streets, ways, lots, easements, public or common areas within the subdivision, and intersections within 300 feet. The proposed names of proposed streets shall be shown in pencil until the Planning Board has approved them.
- e. Boundary lines, areas and dimension of all proposed lots.
- 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.
- g. Location of all permanent monuments properly identified as to whether existing or proposed.
- h. Location, names and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision.
- i. Indication of purpose of easements or restrictions.
- j. Suitable space to record the action of the Planning Board, the Board of Health, and the Town Clerk. Items k, l, m, n, o, and p may be submitted on the same sheet as the Definitive Plan or on separate sheets.

- k. Existing and proposed topography at a suitable contour interval determined by discussion with the Planning Board.
- l. Existing (if not changed) and proposed (if changed) locations, cross sections and profiles of all brooks, streams, drainage, and the method of stabilization.
- m. Directly above or below the layout plan of each road, a profile showing existing and proposed grades along the centerline and sidelines of that road, together with figures of elevation at the top and bottom of all even grades and at 25-foot intervals along all vertical curves. Intersecting roads shall be clearly indicated on the profile. The horizontal scale of the profiles shall be 40 feet to one inch, and the vertical scale shall be four feet to one inch. Only one road plan and profile shall be drawn on a sheet except by permission of the Planning Board.
- n. Proposed layout of storm drainage, water supply, sewage disposal systems and electrical service giving size and type of all lines and inverts as appropriate.
- o. Location and species of trees intended for preservation within the street right of way.
- p. Watercourses, ponds, marshes, rock outcrops, stone walls, trees of over eight (8) inch caliper (unless otherwise specified by the Board) and other significant natural features.
- q. Zoning districts of all areas shown on the plan, including adjoining properties.
- r. Any other information pertaining to the natural characteristics of the site that may be needed in the opinion of the Planning Board or the Board of Health for determination of the suitability of the land for proposed purposes shall be furnished at the developer's expense.

C. IMPACT STATEMENT

The applicant shall also submit a statement of environmental impact, the purpose of which is to enable the officials of the Town to determine what methods are used by the applicant to promote the environmental health of the community and to minimize adverse effects on the natural resources of the Town. This shall accompany any land subdivision plan of ten (10) or more lots or a lesser number if deemed appropriate by the Planning Board.

In preparing the statement, the applicant should refer to the set of Natural Resources Planning Program Maps, the Soil Survey Maps, and the Flood Hazard Maps as applicable prepared for Lenox by the Soil Conservation Service, U.S. Department of Agriculture on file with the Planning Board. The statement should include specific references to the appropriate plans and maps. The statement should be a technical document with references for all statements whenever possible.

In reviewing the statement, the Town boards will consider the degree to which water is recycled into the ground, the maintenance and improvement of the flow and quality of surface water, watersheds, and waterways and bodies; the preservation or promotion of wildlife refuges, historic sites, unique geological, botanical and archaeological features, existing or potential trails and accesses to open space areas; and the health and safety of the inhabitants of the area.

The Planning Board may waive any section, or sections, of the Statement which it deems inapplicable to the proposed project. The developer should discuss the requirements with the Board prior to preparation of the Statement, preferably prior to the submission of a preliminary plan.

The Statement shall include the following:

1. Description of the Project

- a. Name of the Project
- b. Address and parcel number for Project area
- c. Owner
- d. Total Acreage
- e. Zoning Districts
- f. Number of Units & Type of Ownership:

Total ____ Below 50% Median Income ____ Below 80% Median Income ____

Total ____ Single Family ____ Two Family ____ Other ____

Private ownership ____ Rental ____ Common Ownership ____ Other ____

- g. Approximate price/unit:

Private _____ Rental _____ Common Ownership _____ Other _____

2. Physical Environment.

- a. Describe the general physical conditions of the site, including vegetation, topography, unusual geologic, scenic and historical features, trails and open space links and indigenous wildlife.
- b. Describe how project will affect these features.
- c. Provide a complete physical description of the project, and relationship to surrounding area.

3. Surface Water and Soils.

- a. Describe location, extent and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project.
- b. Describe the methods to be used during construction to control erosion and sedimentation; i.e., use of sediment basins and type of mulching, matting, or temporary vegetation; describe approximate size and location of land to be cleared at any given time and length of

time and exposure; covering of soil stockpiles; and other control methods used. Evaluate effectiveness of proposed methods on the site and on the surrounding areas.

4. Describe the temporary and permanent methods to be used to control erosion and sedimentation. Include description of:
 - a. any areas subject to flooding or ponding;
 - b. proposed surface drainage system;
 - c. proposed land grading and permanent vegetative cover;
 - d. methods to be used to protect existing vegetation;
 - e. the relationship of the development to the topography;
 - f. any proposed alterations of wetlands as defined in Ch 131, Sec 40;
 - g. any existing or proposed flood control or wetland easements;
 - h. estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.
5. Completely describe sewage disposal methods. Evaluate impact of disposal methods on surface water, soils and vegetation.
6. Sub-surface Conditions.
 - a. Describe any limitations on proposed project caused by sub-surface soil and water conditions, and methods to be used to overcome them.
 - b. Describe procedures and findings of percolation tests conducted on the site, if applicable.
 - c. Evaluate impact of sewage disposal methods on quality of sub-surface water.
7. Town Services
 - a. Describe estimated traffic flow at peak periods and proposed circulation pattern.
 - b. Describe locations and number of vehicles accommodated in parking areas.
 - c. Describe how a pedestrian and bicycle system will be incorporated into the plan.
 - d. Describe effect of project on policies and fire protection services.
 - e. Describe effect of project on public works department services.
 - f. Describe effect of project on educational services.

- g. Describe effect of the project on the town water supply and distribution system.
- h. Describe effect of the project on the town sewer collection and treatment system.

8. Human Environment.

- a. Provide a tabulation of proposed buildings by type, size, (number of bedrooms, floor area), ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, parking and other paved vehicular areas, and usable open space.
- b. State proximity to transportation, shopping and educational facilities.
- c. Indicate the distance, capacity, and present enrollment of the nearest elementary and secondary schools.
- d. Describe proposed recreational facilities, including active and passive types; and age groups participating, and state whether recreational facilities and open space are available to all Lenox residents.

9. Environmental Impact

Briefly summarize with supporting reasons the environmental impact on entire town. Include a description of measures taken to:

- a. prevent surface and ground water contamination.
- b. maximize ground water recharge.
- c. prevent erosion and sedimentation.
- d. maintain slope stability.
- e. preserve wildlife habitat.
- f. preserve significant views.

10. Plans

Describe how the project relates to the following guidelines;

- a. Village concept and village plans
- b. Open Space and Recreation Plan
- c. Master Plan
- d. Regional Land Use Plan prepared by the Berkshire Regional Planning Commission

D. DEFINITIVE PLAN APPROVAL

1. General Impact

- a. If the development of the site will take place over more than one year, supply a schedule showing how the development will be phased.
- b. Review by Board of Health as to Suitability of the Land: At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health two contact prints of the Definitive Plan, dark line on white background. The Board of Health shall, within forty-five days after filing of the Plan, report to the Planning Board in writing approval or disapproval of said plan. The Board of Health shall determine whether the land involved can be used in whole or in part for the subdivision. The greatest stress will be laid on soil condition for septic systems and upon the effects of surface and subsurface drainage as dangers to health. In those subdivisions to be serviced by municipal sewer, the Board of Health's failure to report within 45 days shall be deemed approval. In those subdivisions to be serviced by septic systems, the Board of Health must give its decision before any Planning Board approval can be granted. If the Board of Health disapproves said plan or portion thereof, it shall make specific findings as to which, if any, of the lots shown on said plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible, shall make recommendations for the adjustment thereof.

Applicant's Civil Engineer should be prepared to discuss the effects of surface and subsurface drainage and their effect not only on individual lots but between lots. The Planning Board is concerned about underground springs and heavily compacted soils.

See Chapter VII "Regulation of Sewer Use" in By-Laws of the Town of Lenox, Massachusetts, as most recently amended.

The Board of Health may require as a condition of the subdivision approval that a performance bond or deposit of money or negotiable securities be furnished by the subdivider to guarantee the construction of subsurface drainage improvements recommended by the Board. Such performance guarantee may be released only after completion of the work to the satisfaction of the Board of Health. In viewing possible drainage problems the Board is not limited to lots as shown on the subdivision plan, but may in appropriate cases consider areas outside the subdivision.

2. Public Hearing:

- a. Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Planning Board at least 14 days prior thereto by advertisement in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing or if there is no such newspaper in the town, then by posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing and by mailing a copy of such advertisement to the applicant and to

all owners of land abutting upon the land included in such plan appearing on the most recent tax list.

- b. The applicant and his engineer and surveyor shall be present at the public hearing.
 - c. A hearing by the Conservation Commission may be required under the provisions of the Wetlands Protection Act, Chapter 131, Section 40, of the General Laws.
3. Performance Guarantee: Before approval of a Definitive Plan of a subdivision, the subdivider shall agree to complete the required improvements specified in Section V for any lots, in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant:
- a. Final Approval with Bonds or Surety. The subdivider shall either file a letter of credit, performance bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under "b" hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer, and shall be contingent on the completion of such improvements within two (2) years of the date of the bond.
 - b. Final Approval with Covenant. The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in Section V, not covered by bond or deposit under "a" hereof, shall be provided and approved to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.
4. Reduction of Bond or Surety: The penal sum of any such bond, or the amount of any deposit held under clause "a" above, may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by the 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.
5. Release of Performance Guarantee:
- a. Upon the completion and approval by appropriate town officials of improvements required under Section 6, 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 subdivider may make a written request and agree upon terms of release with the Planning Board, or he shall send by Certified Mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Section 6, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by Certified Mail to the applicant and to the Town Clerk the details wherein said construction and installation fails to comply with the requirements under Section 6. Upon failure of the Planning Board to act within forty-five (45) days after receipt by the Town

Clerk of the applicant's 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 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 Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

- b. Before the final release by the Planning Board of the Town's interest in a performance bond, deposit or covenant, the applicant shall file two (2) "As Built" plans of water, sewer, storm water system, and roads with the Town Clerk. In addition, the applicant shall file a certificate (Form E) by a registered Massachusetts professional civil engineer and land surveyor declaring that streets, storm drains and all other construction on the ground have been properly completed in accordance with plans approved by the Board.
- c. Release of Bond or Covenant During Poor Weather Conditions: No bond, deposit or covenant shall be recommended for release during any period of time which requires that inspection of the work performed be conducted under weather conditions not amenable to the proper inspection of such work by the appropriate Town departments.
- d. See Section V-A-11-a "Street Trees" for reference to financial arrangement.

6. Certificate of Approval:

The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified with the Town Clerk and sent by Certified Mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Planning Board with four prints thereof for distribution to the Assessors, Building Inspector and Fire Department, and one for the Planning Board. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision, nor does it indicate compliance with the provisions of the Wetlands Protection Act, Chapter 131, Section 40, of the General Laws, as most recently amended.

7. Submission of Documents:

Easements, and bond and/or covenant, shall be submitted within twenty (20) days from the date of approval of the Definitive Plan to the Planning Board, which then shall submit the documents to the Town Counsel for approval as to form and legality.

8. Recording of Plan and Notification of the Board

- a. Approval of all subdivisions is subject to the condition that, unless an appeal has been taken from such approval as provided by statute, the subdivider will record the subdivision plan in the Berkshire Middle District Registry of Deeds, or the Land Court, within six (6)

months from the date of its approval. If the applicant delays recording of such plan past the required six-month period, such plan shall not be accepted for recording in the Registry of Deeds or Land Court unless and until it has endorsed thereon, or recorded therewith and referred to thereon, a certificate of the Planning Board, or the Town Clerk, dated within thirty (30) days of such recording, that the approval has not been modified, amended or rescinded, nor the plan changed. Such certificate shall, upon application, be made by the Board or the Town Clerk unless the records of the Board or the Town Clerk receiving the application show that there has been such modification, amendment, rescission or change.

- b. The applicant shall notify the Board in writing of the date of such recording and show evidence of the recording. Upon receipt of notification of recording the Board shall file one print of the Definitive Plan with the Building Inspector. A copy of this plan and all subsequent modifications or amendments will be made available to the Department of Public Works. In accordance with the statute, where approval with covenant is noted thereon, the Building Inspector shall not issue any permit for the construction of a building on any lot within the subdivision without receipt of a copy of the Certificate of Performance (Use Form J) from the Board.

9. Ownership and Maintenance of Subdivision Improvements

- a. Acceptance: Approval by the Board of a Definitive Subdivision Plan shall not constitute acceptance by the Town of any street, sidewalk or other municipal service within the subdivision.
- b. Ownership: The Applicant shall retain title to the fee of each street, path or easement in, or appurtenant to, the subdivision until conveyed to the Town and shall maintain and repair the streets and improvements in a manner satisfactory to the Town, acting by and through its Board, during this period. A notation shall be made on the plans which indicates the Applicant's ownership of said street(s) pending acceptance by the Town.

If the Town must maintain a portion of, or enter the subdivision for the purpose of public safety, emergency purposes, or otherwise, the Town reserves the right to charge the Applicant for services rendered.

Prior to final release of security, the Applicant shall submit to the Board all the necessary documentation for street acceptance including, but not limited to, plans in a form acceptable to the Registry of Deeds or the Land Court, a street layout plan, legal descriptions, easements, a list of owners and mortgagees of lots having rights in the street(s), and all other necessary grants, of deeds or instruments affecting a locus.

- c. Maintenance by Applicant: The Applicant shall be responsible for maintaining in good repair all streets in the subdivision after release of the security until the streets are accepted by the Town Meeting. To assure such responsibility, the Applicant shall guarantee the maintenance of the streets in the subdivision in a condition which meets all the requirements of these Rules and Regulations to the satisfaction of the Board, by posting with the Town a maintenance security, in an amount sufficient in the determination of the Board, to secure the aforesaid maintenance. The applicant shall be responsible for maintenance of all improvements within the street, from edge to edge of the right-of-way.

10. Completion within three years

The Board may impose as a condition of approval on a Definitive Plan that construction of all ways and all installation of municipal services shown on the plan be completed within three (3) years of the date of approval. If the construction and installation is not completed within a three (3) year period, the approval shall automatically lapse and no way shall be laid out, constructed or opened for public use unless and until a new Definitive Plan application has been filed in accordance with the Rules and Regulations then in effect and the new plan has been approved by the Board.

11. Right of Entry

The Board, its officers and agents, may, as far as they deem necessary in carrying out the subdivision control law, enter upon any lands and there make examinations and surveys or to place and maintain monuments and marks.

SECTION V - DESIGN STANDARDS

A. RELATIONSHIP TO PLANS

All proposed plans shall show how they relate to the Town's plans and regional land use plan by the Berkshire Regional Planning Commission.

B. PROTECTION OF NATURAL FEATURES

All natural features such as water bodies, flood prone areas, wetlands, scenic points and historic sites shall be preserved to the greatest extent feasible.

C. STREETS

1. General

- a. All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout and its adaptation to the existing topography in order to obtain the maximum livability and amenity of the subdivision.
- b. The proposed streets shall conform, so far as is practicable, to any Master Plan as adopted in whole or in part by the Planning Board.
- c. The specific type and design of street or streets shall be in the following manner:
 - i. Dead End Streets/Cul-de-sac – a public or private vehicular right of way, which affords the principal means of access to abutting property and which joins another thoroughfare at only one end. Total maximum number of units shall not exceed 4 house lots.

- ii. Rural Residential Access Streets – a street, which is likely to be used only by vehicles traveling to or from, lots on that street having no more than 5 lots. It is designed to carry a very low volume of traffic but may carry a small amount of traffic to other streets.
- iii. Residential Neighborhood Streets – a street which serves a larger neighborhood type of subdivision with moderate density. A Residential Neighborhood Street may provide access to up to 15 house lots as well as other smaller streets or cul-de-sacs in the neighborhood or subdivision. Sidewalks are usually on one or both sides of the street.
- iv. Residential Major Streets – a street which, in the opinion of the Board, is likely to carry substantial volumes of traffic and may also serve as access to house lots along its frontage. It must be a through road which may also function to serve other smaller streets or cul-de-sacs in the subdivision or neighborhood. The street will normally have sidewalks on both sides of the street.

Street Design Criteria				
Street Type	Min. Width of Traveled Way	Sidewalk or Landscaping Strip	Min. Right of Way Width	Max. Grade*
Dead End/Cul-De-Sacs	20'	LS	50'	10%-12%
Rural Residential Access Streets	20'	LS	50'	10%
Residential Neighborhood Streets	24'	1 SW 1 LS	50'	7.5%
Residential Major Streets	24'	2 SW	60'	7.5%

Notes:

* Grades of streets shall be not less than 0.5%.

a. LS = landscape strip (grassed or street trees); SW = Sidewalk

b. Divided streets may be considered, upon approval of the Planning Board.

2. Location and Alignment:

- a. Arrangement of streets in the subdivision shall provide for the continuation of streets of adjoining subdivisions and for proper projection of streets into adjoining property which is not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water, and drainage facilities.
- b. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- c. Cross (four cornered) street intersection shall be avoided, where possible.

- d. The minimum centerline radii of curved streets shall be 100 feet. Greater radii may be required for principal streets. L-shaped streets shall be deemed curved, not right angle.
- e. 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 60 degrees.
- f. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 25 feet.
- g. Dead-end streets shall not be longer than 750 feet, unless in the opinion of the Planning Board a greater length is necessitated by topography or other local conditions. In the event length will be 1,000 feet or more, the Planning Board may require parkway type construction, incorporating a median strip and permitting one way traffic in opposite directions on either side of the median strip. At appropriate distances the median strip shall be interrupted to permit car passage from one side to the other. Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet, and a property line diameter of at least 125 feet, except in the case of parkway arrangements where a rotary effect shall be created with dimensions to be determined by the Board, taking into consideration the lot size requirements of the zoning district.

3. Grade:

- a. Roads having grades in excess of 3% grade are to be provided with additional gutter width of 3 feet on each side to handle surface drainage. Roads with grades of less than 3% shall have 3 feet wide shoulders on each side, which are essentially flat.
- b. The grade of a street within 50 feet of a street intersection shall not exceed 1.0% to provide a level area for traffic safety.
- c. Crown of roadway shall be four inches and the traveled way shall be constructed centrally within the street right of way.

4. Subsurface:

- a. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.
- b. The full length and width of the traveled way, plus two feet in width, shall be excavated or filled, as necessary, to a depth of at least 16 inches below the finished surface as shown on the profile on the Definitive Plan. However, if the soil is soft and spongy, or contains undesirable material such as clay, sandpockets, peat or any other material detrimental to the subgrade, such material shall be removed and replaced with suitable well-compacted material.
- c. All parts of the traveled way and the shoulders or gutters, whichever apply, shall be brought to a finished grade as shown on the profiles of the Definitive Plan with at least 12 inches

consisting of well-compacted, uniformly graded, binding gravel. The gravel, meeting MHD Standard specifications M1.03.0 Type b gravel barrow, shall be spread and rolled in two layers of about six (6") inches each. Remove all stones larger than four (4") inches before layers are rolled. In addition, four (4") inches of processed gravel, meeting MHD Standard specifications M1.03.1, will constitute the top layer of gravel and will be graded and rolled. Rolling shall be done with a self-propelled roller weighing not less than 8 tons, and shall continue until a firm, even surface, true to line and grade, is obtained.

- d. Stabilization fabric and twelve (12") inches of processed gravel, meeting MHD Standard specifications M1.03.1, may be substituted for paragraph C.4.c. above the discretion of the Superintendent of Public Works.

5. Paving:

- a. The completed gravel surface shall be treated for the full width of the traveled way and gutters in the following manner:

A bituminous concrete mixture shall be applied by a paving machine in two courses consisting of a binder or base course two and one-quarter (2 1/4") inches thick after compaction, followed by a surface coat one and one-quarter (1 1/4") inches thick after compaction. All paving is to be in conformity with Commonwealth of Massachusetts, Department of Public Works specifications for Type I bituminous concrete, both in quality of materials and methods of application. In no case shall the surface be laid until the sub-base has been compacted and approved by the Superintendent of Public Works in writing. Where shoulders are involved, they shall be paved with identical thickness of binder and top as the traveled way.

- b. The subdivider shall repair any settlement or imperfections in this work during a period of one year from the date of final installation of pavement.

6. Drainage:

- a. Adequate disposal of surface water shall be provided. Catch basins and culverts shall be built in conformity with specifications of the Superintendent of Public Works on both sides of the roadway on continuous grades at intervals of not more than 400 feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets.
- b. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right of way, where feasible, or in perpetual unobstructed easements of appropriate width.
- c. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The subdivider's engineer shall be responsible for the design of a facility based on anticipated runoff from a "twenty-five year frequency" storm under conditions of total potential development permitted by the zoning by-law in the watershed. A lesser year frequency storm calculation may be allowed where downstream flooding problems are

minimal. In any event, the Soil Conservation Service Modified Soil Cover Complex Method will be used to determine runoff. The Superintendent of Public Works and Conservation Commission shall approve such design.

- d. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Selectmen and/or the Superintendent of Public Works. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
- e. Land subject to flooding or land deemed by the Board of Health to be uninhabitable shall not be approved by the Planning Board for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board and the Board of Health to remedy said hazardous condition.

7. Plans and Profiles:

- a. Separate street plans and profiles for each street shall be shown. Elevations of the existing ground shall be taken on the center line and each side line at intervals of not more than 50 feet. Show profile of proposed center line. Elevations should be referred to the Town datum when possible.
- b. Indicate on plan with stations the center line of the proposed street, length of side lines, interior angles or bearings, and length and radius of all curves.

8. Utility Wires:

- a. All utility wiring, transformers and other distribution and control devices shall be buried in the ground.
- b. Utility wires or cables, other than those going across roads and those leading directly to individual consumer installations, shall be buried within the road right of way in a strip four and one-half (4) feet wide running parallel to the edge of the right of way, unless soil or terrain requires a different location. No wires or cables may be installed under the traveled portion of the right of way except where crossing a road, and there ducts must be used.
- c. Copies of all plans showing the location of all buried wires or cables and water and sewer connections are to be presented by the subdivider before any paving of roads is started, one copy to be filed with the Planning Board, one with the Town Clerk, one with the Selectmen and one with the Department of Public Works.
- d. If underground installation is found by the Planning Board to be unreasonably costly to the developer, all overhead utility wires and related equipment shall be centered as much as possible on rear or side lot lines, unless this provision is waived by the Board. Easements shall be provided as outlined in Section V-B-1.

9. Monuments:

- a. Permanent monuments shall be installed at all street intersections, at all points of change in the direction or curvature of streets, or property lines between adjoining lots and at other points where, in the opinion of the Planning Board, permanent monuments may be necessary.
- b. The permanent monuments shall be of 3,000 p.s.i. reinforced concrete, and shall measure 5' x 6" x 6" and shall have a suitable reference marker on the top.
- c. No permanent monuments shall be installed until all construction that would destroy or disturb them is completed. The tops of monuments shall be set to the established grades, and backfill material shall be carefully placed around each monument and thoroughly tamped.

10. Street Sign Posts:

- a. Street sign posts shall be installed at the beginning of all new roads and at the intersection of all roads whether existing or proposed within a subdivision. At least one post shall be installed at each intersection identifying the streets in all directions.
- b. Street sign posts shall be in conformance with the Town Highway Department specifications.

11. Street Trees:

- a. It is desired that streets created in a subdivision be lined with trees spaced at 40-50 feet apart. Where full grown healthy trees can be retained, it is preferred that this be done, and where additional trees are needed to accomplish the desired end result, they shall be nursery grown, of not less than 1 " caliper as measured one (1) foot above the root collar, and they shall be of a species approved by the tree warden. Trees shall be planted on each side of every street in a subdivision and in a tree line established by the tree warden. The planting season shall be from March 15 to May 15 and from August 15 to October 15. New trees and existing trees that die within three (3) years from the date of planting, or from the date of acceptance of the street for existing trees, shall be replaced by the subdivider. In the event an existing tree dies within the three-year period, it shall be cut down and removed by the subdivider and the stump shall be cut to a point at least 12" below the ground level. Its replacement shall be as described for a new tree. An existing tree on a new lot that is within 20 feet of the street right of way shall be deemed to be the same as if it were on the tree line established by the tree warden. A sum of money shall be included in the performance bond for the replacement of trees, if needed.

- b. The subdivider is urged to consult with the Conservation Commission prior to the cutting of any trees in his subdivision. It is the opinion of the Board that existing trees be cut only as a last resort and not merely for convenience.
12. Street Side Slopes: The land between the edge of the road shoulder and the edge of the right of way of the street shall have a pitch no greater than 6" vertical for each 2 feet of distance.
13. Culverts: When it is necessary to provide a culvert where a new road crosses a stream the culvert shall be the full 50-foot width of the street right of way and guard rails shall be provided at the boundaries of the street right of way for a length appropriate to the character of the abutting land.
14. Seeding: To prevent erosion, the area between the road shoulder and the street right of way line shall be covered with a 4" depth of topsoil properly compacted and planted with grass seed. In addition, other erosion and sediment control measures as specified in the Soil Conservation Service "Guidelines for Soil and Water Conservation" may be required by the Planning Board.
15. Sidewalks and Curbing: The Planning Board may require construction of curbing and sidewalks on one or both sides of the streets to be built if deemed necessary.
16. Inspection: The Planning Board shall be notified by the subdivider prior to commencement of each of the major phases of construction, and as each phase is completed. The Planning Board will then make arrangements for inspections by the Planning Board representatives or the Superintendent of Public Works, who shall make inspections and indicate to the Board their approval of the work done or their dissatisfaction with the work done. The subdivider will request inspections at least 24 hours in advance.

D. EASEMENTS

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 12 feet wide.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm water easement or drainage right of way of adequate width to conform substantially to the line of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

E. SEWERS

For specifications, see Chapter VII, "Regulation of Sewer Use," By-Laws of the Town of Lenox.

F. WATER MAINS

Specifications - Installation of Water Mains in Subdivisions:

1. Water mains, and all appurtenances, shall be a minimum of eight (8) inch Class 52 Ductile Iron and shall be installed in all subdivisions where, in the opinion of the Board, connection into the Town system is reasonably accessible. All pipe shall be laid in accordance with the

manufacturer's specifications with at least five (5) feet of cover. All bends, tees, and hydrants shall be blocked against undisturbed earth by concrete or mechanical joint restraints.

2. A Tri-gate valve shall be installed at the location of the tap on the existing Town main, and a line valve every 1,000 feet. A gate valve shall be installed on all other taps and a tri-gate system shall be installed on all branches made for future streets. Provisions shall be made to exhaust air from the pipe at high points, preferably through a hydrant.
3. Hydrants shall be installed on the water line every 1,000 feet, or located so that each house in the subdivision is within 500 feet of a hydrant. Closer spacing may be required in business and industrial districts at the discretion of the Fire Chief. Hydrants shall be of the type approved by the Water Department and each hydrant shall be provided with a gate valve.
4. Water mains may be located in the grass plot at the edge of the road.
5. House service connections from the main in the street shall extend to the street lot line of each lot shown on the subdivision plan. Curb boxes and gate boxes shall be set at the street lot line and brought to a finished grade.
6. A plan showing location of main and ties to all gate boxes and curb boxes shall be filed with the Town Water Department before the bond may be released.
7. Chlorine shall be used to sterilize the main. Fifty (50) P.P.M. shall be the minimum requirement and shall be maintained for twenty-four (24) hours before using the pipe line. The Town Water Department shall supervise turning on and testing of all water mains. The water main must be flushed and dechlorinated to below 1.0 P.P.M, a bacteria sample must be taken and the results are to show zero coliform bacteria.

G. OPEN SPACES

Before approval of a plan, the Planning 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 not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval for a period of three (3) years.

H. PROTECTION OF NATURAL FEATURES

1. Due regard shall be shown for all natural features such as large trees, water courses, scenic points, historic spots, and similar community assets which if preserved will add attractiveness and value to the subdivision and the community. The developer will make the necessary effort to adapt his subdivision to the site to minimize cutting and filling operations.
2. Topsoil shall not be removed from the site except where so authorized by the Planning Board. See Chapter XIII, Section 5, of the By-Laws of the Town of Lenox.

3. Drainage ditches wherever possible shall be graded to resemble natural streams.

I. CLEAN-UP

The entire area of the subdivision must be cleaned up so as to leave a neat and orderly appearance, free from debris and other objectionable materials. The subdivider shall be responsible for providing thoroughly clean and unsilted storm-drain lines within the subdivision.

J. ADMINISTRATION

1. Variation:

- a. Strict compliance with the requirements of these rules may be waived when, by majority vote of the Board and after a public hearing, such action is considered to be in the public interest and not inconsistent with the Subdivision Control Law.
- b. If any one provision of these regulations is found to be illegal and is, therefore, voided, this decision will not void any of the other provisions of these regulations.

2. Reference: For matters not covered by these Rules and Regulations, reference is made to Sections 81-K to 81-GG, inclusive, Chapter 41, of the General Laws of Massachusetts, and to the By-Laws of the Town of Lenox.

3. Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town, without the consent of the Board, and that such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

FORM A
APPLICATION FOR A DETERMINATION OF PLANNING BOARD JURISDICTION
AND FOR ENDORSEMENT THAT PLANNING BOARD APPROVAL UNDER SUBDIVISION
CONTROL LAW IS NOT REQUIRED.

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section III.

Lenox, Massachusetts _____ (Date)

To the Planning Board of the Town of Lenox:

The undersigned, believing that the accompanying plan of his property in the Town of Lenox does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant:

Address: _____

2. Plan Prepared by:

Registered Land Surveyor, Engineer)

Entitled: _____ Dated: _____

3. Deed of Property Recorded in Berkshire Middle District

Registry of Deeds in Book _____ Page _____

4. Location and Description of Property:

5. Applicant believes that Planning Board approval is not required for the following reasons:

a. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the frontage and area required by the Town's Zoning By-Law, and is on a public way, namely, or a private way, namely, which was approved by the Planning Board under the Subdivision Control Law as a subdivision entitled

b. The land shown on the accompanying plan is not a subdivision for the following reason(s):

(Signature)

(Address)

FORM B
APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section IV-A.

Lenox, Massachusetts

_____ (Date)

To the Planning Board of the Town of Lenox:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Lenox for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Lenox.

1. Name of Subdivider: _____

Address: _____

2. Name of Engineer:

Address: _____

3. Name of Land Surveyor: _____

Address: _____

4. Deed of property recorded in Berkshire Middle District Registry of

Deeds in Book _____ Page _____

Form B Continued

5. Location and Description of Property: _____

(Signature of Owner)

(Address)

A list of the names and addresses of the abutters of this subdivision attached.

FORM C
APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section IV-B.

Lenox, Massachusetts

_____ (Date)

To the Planning Board of the Town of Lenox:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Lenox for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Lenox.

1. Name of Subdivider: _____

Address: _____

2. Name of Engineer: _____

Address: _____

3. Name of Land Surveyor: _____

Address: _____

4. Deed of property recorded in Berkshire Middle District

Registry of Deeds in Book _____ Page _____

5. Location and Description of Property: _____

(Signature of Owner)

(Address)

A list of the names and addresses of the abutters of this subdivision is attached.

**FORM D
COVENANT**

The undersigned _____
of _____ County, Massachusetts, hereinafter called the Covenantor, having
submitted to the Lenox Planning Board a definitive plan of a subdivision, entitled
_____ dated _____ made
by _____ does hereby covenant and agree with said Planning Board
and the successors in office of said Board, pursuant to G. L. (Ter. Ed.) C. 41, Sec. 81U, as amended, that:

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

EXECUTED as a sealed instrument this _____ day of _____, 20_____

COMMONWEALTH OF MASSACHUSETTS
_____SS. _____, 1973

Then personally appeared _____ and acknowledged the foregoing
instrument to be _____ free act and deed, before me _____

Notary Public

My Commission Expires: _____

FORM E
CERTIFICATE OF PERFORMANCE

_____, 20____

To the Planning Board of the Town of Lenox:

I hereby certify that the required improvements for the following described subdivision have been constructed and conform in all respects to the Rules and Regulations of the Planning Board and the recommendations of the Board of Health and the specifications of the Board of Selectmen.

Subdivision Names (or Plan Title)_____

Dated_____

Name of Subdivider_____

Street Name(s)_____

Stations _____ to _____

Civil Engineer

Land Surveyor

Address

Address

Registration Number & Seal Registration Number & Seal

FORM F
COVENANT APPROVAL RELEASE

Lenox, Massachusetts

_____, 20____

The undersigned, being a majority of the Planning Board of the Town of Lenox, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated _____, 20____ and recorded in the Berkshire Middle 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 _____) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____, recorded with said Registry, Plan Book _____ Page _____ (or registered in said Land Registry District, Plan Book _____, Page _____) and said lots are hereby released from the restrictions as to sale and building specified thereon.

Covenant Approval Release (Continued)

Lots designated on said plan as follows:

_____ Majority of the _____ Planning Board of the _____ Town of Lenox

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS. _____, 20____

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

Notary Public

My Commission Expires: _____