

## SECTION I

### AUTHORITY

A. Authority

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

B. Purpose

These Subdivision Regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town by regulating the layout and construction of ways in subdivisions providing access to the several lots therein, but which have not become proper cases parks and open areas. The powers of the Planning Board and of the Board of Appeals under these regulations 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 minimizing 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 bylaws; 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, with the public ways in the Town and with the ways in neighboring subdivisions.

## SECTION II

### GENERAL

#### A. Definitions

In construing these Regulations, the definitions in Section 81-L of Chapter 41 of the General Laws shall apply (unless a contrary intention clearly appears). In addition, the following words shall have the following meanings.

1. Applicant –The person who applies for the approval of a Plan of a proposed subdivision. The applicant or applicants must be the owner or owners of all the land included in the proposed subdivision. An agent, representative or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of the officers and designated authority to sign legal documents shall be required for a corporation.
2. Board – The Planning Board of the Town of Auburn.
3. Building – A dwelling, industrial structure, commercial structure, or garage, etc.
4. Definitive Plan – A map of a proposed subdivision, one acetate or Mylar overlay, and a Development Impact Statement, submitted to the Planning Board for its approval.
5. Developer or Subdivider – The owner of land being subdivided, acting directly or through an authorized agent, engineer, planner, or attorney or assigns.
6. Development Impact Statement (DIS) – 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, a DIS shall follow the format presented in Appendix A of this document.
7. Owner –The owner of record as shown by the records in the Worcester County Registry of Deeds.
8. Streets
  - (a) Major Street--a street which, in the opinion of the Board, is likely to carry substantial volumes of through traffic.
  - (b) Secondary Street--a street other than a major street which, in the opinion of the Board, is likely to carry traffic other than just to or from lots on that street.
  - (c) Minor Street--a street which is likely to be used only by vehicles travelling to or from lots on that street.
  - (d) Dead End Street/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.

#### B. Plan Believed Not to Require Approval

A division of a tract of land into two or more lots will not require approval under the Subdivision Control law if every lot within the tract so divided has frontage for the distance required in the Dimensional Table on (A) a way legally accepted by Town Meeting vote, or (B) a way established by County,

State or Federal authority with the exception of limited access highways, or (C) a way established by a subdivision plan approval in accordance with the Subdivision Control Law, or (D) any other way that was in existence when the Subdivision Control Law became effective in Auburn (February 12, 1940), which has in those portions that provide a means of reaching the premises in question: a right of way width generally of 40 feet or more; horizontal and vertical alignment of the travelled way providing at least 150 feet stopping sight distance; grades not exceeding 8 percent except for short distances; adequate provisions for drainage and snow removal; travelled way width that is at least 18 feet wide with at least 8 inches of compacted gravel and, in cases where the way potentially provides access to ten or more dwelling units, bituminous paving in accordance with the Town of Auburn Construction Standards.

Frontage shall be functional so as to provide practical access to the main or buildable part of the lot (building site) for fire, police and emergency vehicles.

Any person who wishes to cause to be recorded in the Registry of Deeds a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application (Form A) to the Planning Board and notice thereof to the Town Clerk accompanied by the necessary evidence to show that the plan does not require such approval. Four copies of said plan shall be furnished to the Board. If the Board determines that the plan does not require approval, it shall forthwith without a public hearing endorse on the plan the words "Planning Board approval under the Subdivision Control Law not required." If the Board determines that the plan does require approval under the Subdivision Control Law it shall within twenty-one days of submission of said plan, so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination. (revised 2-27-89)

C. Basic Requirements

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 or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Board as hereinafter provided, and subsequently recorded at the Worcester County Registry of Deeds.

D. Zoning

Subdivisions shall meet the Rules and Regulations pertaining to lot size and restrictions to water courses under existing zoning laws. No subdivision rules can affect the size, shape, width, frontage or use of lots except that compliance with the requirements of the Zoning By-law will be required.

E. Engineering

The Definitive Plan shall be prepared by a Registered Land Surveyor. Construction details shall be designed by a Registered Professional Engineer.

## SECTION III

### PRELIMINARY PLAN

#### A. General

Prior to the submission of a Preliminary Plan, a developer is encouraged to discuss his intentions with the Board. A Preliminary Plan of a residential subdivision may be submitted by the subdivider for discussion and approval by the Board. A Preliminary Plan for a nonresidential subdivision must be submitted by the subdivider for discussion and approval by the Board. The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Such plan must be filed to allow the Board sixty (60) days in which to study and make recommendations toward the preparation of the Definitive Plan. It is strongly recommended that a Preliminary Plan be filed in every case, especially where the developer intends to submit a series of Definitive Plans (including, in part, similar actions before the Zoning Board of Appeals) for approval over a relatively extended time span or where the developer intends to develop only part of the total contiguous parcel. In this case, the Preliminary Plan shall show the future intended us or alternate uses for that part of the parcel not to be developed at the present. In both cases, the Preliminary Plan will show proposed divisions and uses of the entire contiguous parcel.

#### B. Filing Procedure

Any person submitting a Preliminary Plan shall give written notice thereof to the Town Clerk by delivery or registered mail; such notices shall identify the tract, the date of submission, and the name and address of the owner. Form G (Application for Approval of a Preliminary Subdivision Plan) shall be filed as well.

The applicant shall file the original drawing(s) or suitable reproducibles and seven (7) contact prints with the Planning Board. The Secretary of the Board shall distribute on copy to each of the following agencies: Town Planner, Building Inspector, Office of the Town Engineer and Conservation Commission. The applicant shall also file one set of contact prints with the Board of Health and obtain a receipt therefor.

#### C. Contents

The Preliminary Plan may be drawn on paper with pencil, at a scale of one inch equals forty feet (1" = 40') for subdivisions of less than fifty (50) lots, and either one inch equals one hundred feet (1" = 100') or inch equals two hundred feet (1" = 200') to be selected in consultation with the Planning Board, for subdivisions of more than fifty (50) lots. The Plan shall show:

1. The subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";
2. The names of the record owner and the applicant and the name of the designer or surveyor;
3. The names of all abutters, as determined from the most recent local tax list;
4. The existing and proposed lines of streets, ways, easement and any public area within the subdivision in a general manner;
5. The proposed system of drainage, including adjacent existing natural waterways, in a general manner;

6. The proposed sanitary sewer system and water distribution system, in a general manner;
7. The approximate boundary lines of proposed lots, with approximate areas and dimensions;
8. The names, approximate location and widths of adjacent streets;
9. The topography of the land in a general manner at 10' contour intervals;
10. An index plan at a scale of one inch equals 200 feet (1" = 200') (when multiple sheets are used);
11. A locus plan at a scale of one inch equals 1,000 feet (1" = 1,000') on all preliminary plans;
12. Zoning districts of all areas shown on the plan;
13. The applicant is urged to prepare acetate or Mylar overlays and a Development Impact Statement with the Preliminary Plan in order to expedite Planning Board review.

D. Approval

The Preliminary Plan, when submitted, will be studied to determine whether it is in compliance with the design standards of these Regulations. Within forty-five (45) days after submission, the board shall approve, disapprove, or approve with modification the Preliminary Plan, noting thereon any changes that should be made, and shall notify the Town Clerk of its actions thereon. One copy of the plan shall be returned to the subdivider and the others retained by the Board. Approval of the Preliminary Plan does not constitute approval of the subdivision but does facilitate the procedure in securing approval of the Definitive Plan.

**SECTION IV**  
**DEFINITIVE PLAN**

A. General

A Definitive 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 the submission of a Preliminary Plan provided that a Definitive Plan evolved therefrom shall have been submitted to the Planning Board within seven (7) months from the date of submission of the Preliminary Plan.

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

B. Filing Procedure

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.

The applicant shall file the original drawing of the Definitive Plan Map, eight (8) contact prints, and six (6) copies of a Development Impact Statement with the Planning Board. (The requirements for a Development Impact Statement may be waived by the Planning Board). The Secretary of the Board shall distribute one copy to each of the following agencies: Town Planner, the Building Inspector, Office of the town Engineer, the Conservation Commission, the Fire Department, the Highway Department, the Assessor's Office (two copies), and the Town Clerk's Office. The applicant shall also file one set of contact prints and a Development Impact Statement with the Board of Health, Sewer Department and Water District. The original drawing and a copy of the Development Impact Statement will be reserved for signatures to be returned to the applicant after approval or disapproval by the Planning Board. The format for a Development Impact Statement may be found in Appendix A. Two (2) prints of the proposed subdivision shall have the significant feature illustrated according to the following color scheme:

Roads -- dark grey;  
Streams and waterbodies -- blue;  
Open space and recreation areas -- green;  
Pedestrian and bicycle paths -- brown;  
Subdivision boundaries -- black.

In addition, the applicant shall, at the discretion of the Planning Board, file with the Board the following:

1. Form C (Application for Approval of a Definitive Subdivision Plan).
2. Designer's certificate.
3. Certified list of abutters from the most recent tax list.
4. Approval with Covenant Contract, notarized in duplicate, if no performance bond or certified check is to be posted.
5. A fee of \$100.00 to cover Planning Board costs and recording fees for covenants associated with the project; plus \$10.00 per lot to cover

staff time involved in reviewing the proposal. The applicant shall also provide a check to cover the cost of mailings to abutters, made payable to the "Postmaster, Town of Auburn." (added 1-11-94)

6. At the discretion of the Planning Board, one set of three overlays shall be requested and prepared on acetate at the same scale as the Definitive Plan map. These overlays shall illustrate the following features:

Overlay #1--Flood prone areas, aquifer recharge areas;  
Overlay #2--Soils, slopes greater than 25%;  
Overlay #3--Vegetation types.

7. Review Fees

- a. If the Planning Board determines that due to the size, scale or complexity of a definitive subdivision plan, or because of the project's proposed impacts, the assistance of outside consultants is warranted, the Board may require that the subdivision applicant pay a review fee to cover the reasonable costs incurred by the Board for the employment of outside consultants.
- b. Fees received by the Planning Board under this section shall be deposited with the Town Treasurer in a special account for this purpose. Expenditures from this account shall be made at the direction of the Planning Board without further appropriation. Expenditures shall be made only in connection with the review of a specific project for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the subdivision plan.
- c. Review fees may only be spent for services rendered in connection with the specific project from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Planning Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or to the applicant's successor in interest. A final report of the account shall be made available to the applicant or the applicant's successor in interest.
- d. An applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds of such an appeal shall be limited to those stated in Chapter 593 of the Acts of 1989. (added 1-11-94)

### C. Contents

The Definitive Plan Map shall be clearly and legibly drawn in black India ink upon tracing cloth, Mylar, or similar material, suitable for recording at Registry of Deeds. The plan shall be at a scale of one inch equals forty feet (1" = 40') or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes may not exceed 36" x 42" for construction plans and shall be no larger than 24" x 36" for those sheets of the Definitive Plan that are to be recorded in the Worcester County Registry of Deeds. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. Suitable space shall be provided on the plan to record the action of the Board and the signatures of the members of the Board (or officially authorized person). The data required below may be on separate

sheets as clarity and sound practice dictate. The Definitive Plan shall contain the following information, at the discretion of the Planning Board:

1. Subdivision name, including the way or ways on which it is situated, boundaries, north point, date, scale, bench mark and datum. All elevations to refer to U.S.C. and G.S. bench marks.
2. Legend denoting any signs and symbols used on the plan and not otherwise explained.
3. Name and address of record owner, subdivider, and surveyor. The seal and certificate number of the surveyor shall appear on the Definitive Plan.
4. Name of all abutters as they appear in the most recent tax list or a subsequent deed.
5. Key plan, showing location of the subdivision at a scale of one inch equals one thousand feet (1" = 1000') and an accurate index plan at a scale of one inch equals two hundred feet (1" = 200') or one inch equals one hundred feet (1" = 100'), to be selected in consultation with the Planning Board.
6. All information required on the Preliminary Plan.
7. Existing and proposed topography at a two foot contour interval for gentle slopes and at a five foot contour interval for steep slopes.
8. Zoning districts of all areas shown on the plan.
9. Areas of lots with lot numbers and references to the existing Assessor's maps.
10. Watercourses, ponds, marshes, rock outcrop, stone walls, trees of over eight (8) inch caliper (unless otherwise specified by the Board) and other significant natural features.
11. Subsurface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water, and location and results of soil percolation tests if individual sewage disposal systems are proposed (on a separate sheet). The above percolation tests on each lot within the subdivision shall be made by and at the expense of the developer and shall be in accordance with the Board of Health regulations and the State Sanitary Code as applicable. Borings or test pits shall be made every 300 feet along the roadway centerline and other locations when required by the Town Engineer.
12. Size and location of existing and proposed water supply facilities and location of fire hydrants.
13. A sanitary sewer system including appropriate invert elevations of man-holes, rim elevations of man-holes (these may be shown on the sewer profiles instead), type of manholes and pipe, man-hole number or letter designation, and existing sanitary sewerage.
14. Location of all the following improvements unless specifically waived in writing by the Board: street paving, sidewalks, street lighting

standards, all utilities (i.e., water, sewer, telephone, cable television, gas), curbs, gutters, storm drainage, and all easements.

15. A storm drainage system including invert and rim elevations of all catch basins and man-holes together with surface elevations of all waterways within the subdivision at 100 foot intervals and approximate depth of water at these points. Surface elevation and approximate depth of water at the annual high water line shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information sufficient for the Board to check the size of any proposed drain, culvert or bridge. Existing and adjacent storm sewerage should be shown.
16. Existing and proposed lines of streets, ways, easements, and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board).
17. Data concerning the length, radii and central angles of all the horizontal curves; the bearing and length of every street and way line, all lot and boundary lines, sufficient to permit reproduction of the same on the ground. All bearings to be referred to a magnetic meridian, and established deed, or some appropriate meridian. Wherever a boundary line of the subdivision is within 500 feet of a Massachusetts Coordinate Survey Monument, the survey of the subdivision shall be tied to said monument or monuments.
18. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest town, county or state monument on an accepted way, and monuments at all points of curvature and changes in direction of street side lines. or where designated by the Town Engineer.
19. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access road leading from the subdivision to the nearest public road.
20. A sketch plan, acceptable to the Board, showing a possible or prospective street layout for an adjacent land owned or controlled by the owner or the applicant of the subdivision.
21. Profiles of proposed streets and sewers shall be drawn with:
  - (a) A horizontal scale of one inch equals forty feet (1" = 40') and a vertical scale of one inch equals eight feet (1" = 8').
  - (b) Existing grade of road center line in fine black solid line.
  - (c) Existing grade of right side of the right-of-way in fine black dash line.
  - (d) Existing grade of left side of right-of-way in fine black dotted line.
  - (e) All elevations based on the U.S. Coast and Geodetic Survey benchmarks, or, in their absence, an appropriate datum.

- (f) Proposed center line grades with precise elevations at the point of vertical curvature (PVC), point of vertical tangent (PVT), high point, and low point with precise stationing.
  - (g) Rates of gradient shown in percentages.
  - (h) All existing intersecting walks, driveways, and basements shown on both sides.
  - (i) All center lines, street lines and curb lines of streets for 200 feet either side of each intersection on a connecting street.
  - (j) Profile showing vertical location of existing and proposed sewer lines, drainage lines and other utility crossings as well as required new waterways. Sizes of all pipes, slopes of all storm and sanitary lines, invert and rim elevation of each man-hole or catch basin shall be shown. Profiles shall include proposed lines even if the new work is outside the subdivision. Water mains will be shown in profile to demonstrate sufficient cover and clearance of other structures.
22. Cross sections and construction details shall include:
- (a) Roadway section showing paving, crown, berm, shoulder, width, walk, etc.
  - (b) Details for catch basins, man-holes, endwalls, etc. or specific references to the appropriate sections of the Town Construction Standard.
  - (c) Drainage trench or waterway relocation section.
23. All well locations must be illustrated and must meet prior Board of Health approval.
24. All subdivision proposals comprising greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data. (added 6-10-91)
25. All subdivision proposals in a flood-prone area shall be reviewed to assure that all such proposals are consistent with the need to minimize flood damage within the flood-prone area; that all public utilities are located and constructed to minimize or eliminate flood damage; and that adequate drainage is provided to reduce exposure to flood hazards. (added 6-10-91)
26. Every sheet in a Definitive Subdivision plan must have at least four points tied into the Massachusetts State Plane Coordinate System (1927 datum), using the following, or equivalent:
- A. The Global Positioning System (GPS) or the United States Geological Survey (USGS) Horizontal Datum (added 1-14-94)
27. Whenever possible, a 3.5" or 5" Macintosh or DOS-compatible computer disk containing the property boundary lines should be provided using:
- A. Drawing interchange files (AutoCAD compatible DXF files) in ASCII format; or

B. ArcInfo - formatted files (added 1-14-94)

D. Performance Guarantee

Before endorsement of approval of a Definitive Plan of a subdivision, the subdivider shall either (1) file a performance bond secured by surety or deposit money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements plus a ten percent (10%) contingency factor, or (2) follow the procedure outline in Section IV.D.2 or IV.D.3

1. Approval with Bonds or Surety

Such bond or surety, 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 the release shall be contingent on the completion of such improvements within a time determined by the Planning Board.

If the Board shall decide at any time during the term of the performance bond that:

- (a) Improvements have been installed in a satisfactory manner in sufficient amount to warrant reductions in the face amount of such bond, or
- (b) The character and extent of the subdivision requires additional improvements, previously waived, then the Board may modify its requirements for any or all such improvements and the face value of such performance bond shall thereupon be reduced or increased respectively by an appropriate amount. Such a reduction will only occur upon a positive vote of the Planning Board and the submittal of a letter to the Town Treasurer informing him/her of the Board's decision.

2. Approval with a Covenant

Instead of filing a bond or depositing surety, the subdivider may request approval of his Definitive Plan on condition that a covenant running with the land will be duly executed and recorded and inscribed on the Plan, or on a separate document referred to on the Plan, in accordance with Section 81-U of Chapter 41, General Laws. Such covenant shall provide all of the improvements as required in these Regulations have been completed and approved as provided thereafter.

In this case, before endorsement of approval of a Definitive Plan, there shall be filed by the subdivider a properly executed Approval with Covenant Contract in accordance with Section IV.B.

Prior to delivering to the subdivider a Certificate of Performance whereby the restrictions relating to the lot or lots listed therein shall be terminated, the Board shall determine to its satisfaction that such improvements have been completed so as to adequately serve such lot or lots, in part by requiring that the subdivider submit to the Board the following:

- (a) Written evidence from the Town Engineer that the streets and drainage conform to the Planning Board requirements in accordance with the approved definitive plan, with the exception of the application of the bituminous concrete road-wearing course.

- (b) Written evidence from the Town Engineer that the water mains, sanitary sewers, storm sewers and hydrants conform to specifications and the Board requirements in accordance with the approved Definitive Plan.
- (c) Written evidence from the Chief of the Fire Department that the fire alarm system conforms to Department specifications.
- (d) A certificate from a Registered Surveyor, to be obtained at the subdivider's expense, that all permanent bounds and monuments as specified in Section IV.C.18 on all street lines and on the lot or lots to be released are in place and are accurately located in accordance with the approved Definitive Plan.
- (e) A performance bond secured by surety or by a certified check payable to the "Town of Auburn" in an amount determined by the Board to be sufficient to cover the cost of surfacing and any remaining or uncompleted work(if not already completed as allowed in Section IV.D.2. (a) and approved as to form and sureties by the Town Treasurer, conditioned on the completion of the remaining improvements within one year of the date of the check or bond. Release of the check or bond shall be subject to the written approval of the Town Engineer that the work has been completed in accordance with requirements.
- (f) A completed Certificate of Performance for signature by a majority of the Board, if approved.
- (g) Upon completion of such required improvements the subdivider shall so notify the Board and the Town Clerk, by delivery or registered mail, requesting release from such covenant. The Board shall act on such request within forty-five days.

3. Approval with a Mortgage Agreement

Following 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 subdivider by the lender, the Board may, at its option, release lots from the operation of the covenant given pursuant to Section IV.D.2 without receipt of a bond or deposit of money upon delivery to the Board of an agreement with said Board, which shall be executed by the subdivider and the lender and shall provide for retention by the lender of sufficient funds otherwise due the subdivider to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursement which may be made to the applicant upon completion of various steps of the work, and shall further provide that in the event the work is not completed within the set forth by the subdivider, any funds remaining undisbursed shall be available to the Town of Auburn for completion of the unfinished work and correction of deficiencies. All of the above as specified under the provisions of General Laws, Chapter 41, Section B14, as amended.

E. Suitability of the Land

- 1. When a Definitive Plan of a subdivision is submitted to the Board, a copy thereof shall also be filed with the Board of Health. The Board of Health shall, within forty-five (45) days after the plan is so filed, report to the Planning Board in writing its approval or disapproval of said plan, and in the even of disapproval, 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 report, and, where possible, shall make recommendations for the adjustment thereof. Failure to so report shall be deemed approval by the Board of Health. Every lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with a septic tank and drainfield satisfactory to the Board of Health.

2. Watercourses, ponds, flood prone area and wetlands may not be altered, filled, drained or relocated except when approved by the appropriate authorities.

F. Public Hearing

Before approval, modification and approval or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board. Notice of the time and place shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Auburn once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list by certified mail sent by the Planning Board.

G. Certificate of Approval

Prior to action by the Board on the Definitive Plan, the Executive Secretary, Town Engineer, Highway Department, Sewer Department, Agent of the Board of Health, and the Fire Chief shall conduct a completed review of the proposed improvements and report their recommendations to the Board. Subsequent Board action in respect to such plan shall be by vote within ninety (90) days of the receipt of the Definitive Plan if a Preliminary Plan has been filed and one hundred thirty-five (135) days if not Preliminary Plan is filed, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. A Definitive Plan disapproved by the Board of Health (Section IV.E.1) shall not be approved by the Planning Board until the deficiencies noted by the Board of Health have been corrected. If the Board modifies or disapproves such plan, it shall state in its vote the reason for its action. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board (or by the signature of the person officially so authorized by the Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with six prints thereof.

Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets and easements within a subdivision. The subdivider shall retain ownership of the subdivision street and shall be responsible for maintenance of the street until it is accepted as a public way by Town Meeting. (revised 12-2-91)

H. Recording of Plan and Notification of the Board

1. Within ten (10) days after the Definitive Plan covenant, as approved and endorsed, has been recorded at the Worcester County Registry of Deeds, the applicant shall notify the Board in writing of the date of such recording and show evidence of the recording.
2. Upon receipt of notification of recording, the Board shall file one print of the Definitive Plan with the Building Inspector. 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 from the board of a copy of the Certificate of Performance.

**SECTION V**  
**DESIGN STANDARDS**

A. Basic Requirements

The subdivider shall observe all design standards for land division as hereinafter provided. These standards shall be considered minimum standards and shall be varied from or waived only as provided in Section VII. The Town of Auburn Construction Standards must be followed, if applicable.

B. Relationship to Town Plans

The design and layout of a proposed subdivision shall be guided by the goals and objectives of the Town of Auburn Master Plan, dated January 1, 1987.

C. Lot Size and Frontage

All lots shall be of such size and dimensions as to at least meet the minimum requirements of the Zoning Bylaw.

D. Protection of Natural Features

All natural features, such as waterbodies, flood-prone areas, wetlands, scenic points, and historic sites shall be preserved.

E. Access Through Another Municipality

In case access to a subdivision crosses land in another municipality, the Board may require certification, from appropriate authorities, that such access is in accordance with the Master Plan and subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.

F. Streets

1. Location and Alignment

- (a) All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- (b) Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- (c) Reserve strips prohibiting access to streets or adjoining property shall not be permitted.
- (d) Dead-end streets shall be permitted as Minor Streets only. Any dead-end street shall be provided with a circular turn-around at the end having an outside curb radius of not less than thirty-five (35) feet. A dead-end street shall not be more than eight hundred (800) feet in length.

- (e) Property lines at intersections of Major and Secondary Streets shall be cut back to provide for curb radii of not less than thirty (30) feet. For Minor Streets a radius of not less than twenty (20) feet is required.
  - (f) See Chart of Acceptable Turnarounds.
  - (g) Streets shall not be built with twenty-five (25) feet of any watercourse, except where a stream crossing has been approved by the Planning Board and Conservation Commission. A street may cross land which is flood-prone provided the lots served may be reached by another means of access which is not subject to periodic flooding.
2. See Chart of Right-of-Way and Street Design Standards
  3. Street Jogs  

Streets entering opposite sides of another street shall be laid out either directly opposite each other or with a minimum offset of one hundred and twenty-five (125) feet between their centerlines.
  4. Intersections
    - (a) Rights of-way shall be laid out so as to intersect as nearly as possible at right angles. No right of way shall intersect any other right-of -way at less than sixty (60) degrees. The vertical grade of the road shall not exceed a slope of four percent (4%) for a minimum distance of one hundred (100) feet from the intersection.
    - (b) Where the angle of the intersection varies more than ten (10) degrees from a right angle, the provisions of Section V.F.4 (a) may be modified. Horizontal curves with a radius less than one thousand (1,000) feet on the street centerline should not begin or end within one hundred (100) feet of the centerline of the intersecting street.

G. Easements and Restrictions

1. Layout of Easements

Wherever possible, easements shall be continuous from lot to lot and street to street, shall be along rear or side lot lines, and shall create as few irregularities as possible.

Utility and drain easements shall generally follow lot lines, shall be not less than 20 feet in width.

2. Conservation Restrictions

- (a) Watercourses shall be located within easements conforming substantially with the lines of their courses, whose width shall not be less than 19.685 feet and whose boundaries shall not be closer than five (5) feet horizontally from the annual high water line. No building shall be constructed and no paving shall be permitted within such easement except as permitted under the Zoning By-law. Watercourses shall remain open except at street crossings.
- (b) In any subdivision, the developer may grant to the Town a conservation restriction over any portion of the subdivision providing

the area subject to the restriction has the approval of the Conservation Commission and the Board of Selectmen.

3. Open Space

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 and recreation purposes. The park or park lands shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. A "park" is defined here as land suitable to be developed into a park. If this land is not conveyed to the Town of Auburn by sale or gift within three years after the approval of the Definitive Plan, then such land may be incorporated into a subsequent subdivision.

Any open space or playground land shall be provided with appropriate frontage on a street, and pedestrian ways will normally be required to provide access from each of the surrounding streets, if any, on which the open space, park or playground has no frontage. Further, such parks and/or playgrounds may be required to have maintenance provided for by covenants and agreements acceptable to the Board, until public acquisition is accomplished by the community.

H. Sewerage

1. Sanitary Sewers (the following is waivable according to Section VII, part B)

- (a) These shall include a capped watertight lateral to an appropriate location at each lot installed by the developer.
- (b) Horizontal or vertical curvature of sanitary sewers is not permitted.
- (c) Main sewer lines shall be minimum size of eight inch (8") inside diameter (ID). Laterals to multi-unit dwellings shall be a minimum of six inch (6") ID. Laterals to single family dwellings shall be a minimum of four inch (4") ID. Flow velocities shall be between 2.5 and 10 feet per second.
- (d) Maximum distance between man-holes shall be three hundred (300) feet.
- (e) Minimum cover over pipe shall be:
  - (1) 48" under paving
  - (2) 36" under areas of zero live load
- (f) Minimum horizontal distance between a sanitary sewer and a parallel water main within subdivision streets shall be eight (8) feet.
- (g) Connection of footing drains, or storm drains to a sanitary sewer is prohibited.
- (h) Man-hole covers in flood prone areas shall be of watertight design.

2. Storm Sewers

- (a) Design storm intensity for surface runoff shall be four (4) inches per hour.

- (b) Minimum size of pipe for surface runoff shall be twelve (12) inches ID. Footing drain and subdrain connection pipe size shall be minimum of six (6) inches ID.
- (c) Connection of footing drains, roof drains, or storm drains to a sanitary sewer is prohibited.
- (d) Maximum distance between man-holes shall be 300 feet. Maximum distance for street runoff to travel along a berm or gutter to a catch basin shall be 300 feet. Maximum distance between a catch basin and man-hole shall be 300 feet.
- (e) Catch basin will be placed at street intersections to intercept surface runoff. These will be placed to prevent water from crossing the streets. Double catch basins will be placed at the low point of a vertical curve.
- (f) Proper drainage design including appropriate storm lines and channels to accommodate properties "upstream" and appropriate structures to preclude "downstream" damage to adjacent properties.
- (g) Where a portion of a subdivision lies within Area "A" of the Aquifer Recharge Area and Watershed Protection District, storm drainage shall be directed, when appropriate, to retention basins in order to artificially recharge the ground water system.

I. Water Supply

1. Water Lines

- (a) Minimum cover over pipe mains and laterals to buildings shall be five (5) feet.
- (b) Mains will be no closer to the face of catch basins or manholes than three (3) feet.
- (c) Main Line Valves shall be located no more than 1,200 feet apart. These valves will also be located at intersecting lines of the system to isolate branch lines.

2. Fire Hydrants (see IV.G for review by Fire Chief)

- (a) Minimum distance from the buildings shall be forty (40) feet.
- (b) Maximum distance between hydrants shall be 800 feet, measured along the access route.
- (c) Minimum size of hydrant branch is six (6) inches ID.
- (d) Minimum test pressure is 150 p.s.i. or 150% of normal operating pressure — whichever is less.
- (e) Maximum distance from any structure to a hydrant shall be 500 feet measured along the street.
- (f) Hydrants will be located at lot lines.

J. Detention/Retention Pond Policy (added 11/14/99)

Purpose

The purpose of these regulations is to establish guidelines and standards for the design and construction of detention/retention basins. Detention/retention basins should be designed and constructed so as to, as much as possible:

- Obtain maximum storage benefit from the terrain with a minimum of earthwork
- Provide ease of access by the town
- Provide ease of maintenance by the town
- Minimize visual impact to existing and proposed abutters

Design Standards

- Construction of a detention basin in a subdivision shall precede all other construction activities except for the clearing activities which are necessary for access to the basin site.
- Where the detention basin has been used to control sedimentation and erosion from the site during construction of the subdivision, the contractor shall completely remove any temporary erosion control fabrics, or hay, clean the outlet pipe and spillway, and remove all sediment and debris within the basin and revegetate the basin upon the completion of the subdivision.
- Maximum side slopes shall be 3:1 outside of the detention pond and 2:1 inside the detention pond.
- Detention facilities shall be designed and constructed so that there is not a permanent pool of water.
- A four-foot high fence with gate is required around the detention pond. The fence may be chain link or wooden with metal posts. For maintenance purposes, there shall be reasonable access to the pond from a public way. (revised 10/26/99)

## SECTION VI

### REQUIRED IMPROVEMENTS

A. Basic Requirements

The subdivider shall provide all of the improvements required herein be installed at his own expense. All work done under this section shall be done under the direction of the board and the Town Engineer. No aforementioned bond or covenant shall be release until all street shall have been in place over at least one winter (December 1 to April 15) and full approval in writing of all work done under this section is received from the Town Engineer.

B. Clearing and Grubbing of Right-of Way

Trees over four inches in diameter located at least five (5) feet from the proposed edge of pavement shall require permission of the Board if removal is desired by the developer. All other trees and shrubs shall be removed within the right-of-way as dictated by sound design and landscaping.

C. Responsibility

The responsibility for adequate for drainage shall rest with the developer. This shall include the risk involved in connecting with existing drainage facilities provided by the Town.

Where property adjacent to the subdivision, but within the same watershed, is not subdivided, provision shall be made for proper projection of the drainage systems by continuing appropriate drains and easements to the exterior boundaries of the subdivision at such size and grade as will allow for such projection. Drainage rights which are appropriate, sufficient, and necessary to handle drainage from the subdivision and adjacent areas shall be secured for the Town.

D. Sanitary Sewers (revised 3/28/00)

Sanitary sewer pipes and related equipment, such as manholes, connecting Ys, and laterals, shall be constructed to serve each building or portion thereof in conformity with the Town of Auburn, Board of Sewer Commissioners Regulations as promulgated and amended from time to time. Where, in the opinion of the Board, existing public sewers are not reasonably accessible, a Definitive Plan may be approved without provisions of sanitary sewers, provided: (a) that no lot shall be built upon without the provision of on-lot sewage disposal facilities specifically approved by the Board of Health in conformity with the regulations of said Board as promulgated and amended from time to time; and (b) that the Planning Board may require installation of so-called "dry sewers," in conformity with the Sewer Commission Sewer Plan, in any street where in its estimation, sanitary sewers may become accessible within a period of five years.

A developer of a sub-division must submit a set of plans to the Sewer Superintendent for approval. Once the plans have been approved construction may be started. The developer must submit one (1) set of plans upon completion of the project to the Sewer Department, said Plans to show all wye branch and service connections with proper ties.

The Board of Sewer Commissioners shall have the authority to hire, at the developers expense, an outside clerk of the works who shall work for the Board for the purpose of inspecting a system or systems of sanitary sewers installed by the developer in an approved subdivision development.

1. Sanitary sewer pipes and related equipment, such as manholes, connecting Ys, and laterals, shall be constructed to serve each building or portion thereof in conformity with the Town of Auburn, Board of Sewer Commissioners Regulations as promulgated and amended from time to time.
2. A developer of a sub-division must submit a set of plans to the Sewer Superintendent for approval. Once the plans have been approved construction may be started. The developer must submit one (1) set of plans upon completion of the project to the Sewer Department, said Plans to show all wye branch and service connections with proper ties.
3. The Board of Sewer Commissioners shall have the authority to hire, at the developers expense, an outside clerk of the works who shall work for the Board for the purpose of inspecting a system or systems of sanitary sewers installed by the developer in an approved subdivision development.
4. Where, in the opinion of the Board, existing public sewers are not reasonably available, a Definitive Plan may be approved without provision of sanitary sewers, provided: (a) that no lot shall be built upon without provision of on-lot sewage disposal facilities specifically approved by the Board of Health in conformity with the regulations of said Board as promulgated and amended from time to time; and (b) that the Planning Board may require installation of so-called "dry sewers," in conformity with the sewer Commission Sewer Plan, in any street where in its estimation, sanitary sewers may become accessible within a period of five years.

E. Water

Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve each street or portion thereof in a subdivision in conformity with the standards of the appropriate Water District as promulgated and amended from time to time. Where, in the opinion of the Board, existing public water mains are not reasonably accessible, a Definitive Plan may be approved without provision of water lines provided: (a) that no lot shall be built upon without the provision of on-lot water facilities specifically approved by the Board of Health in conformity with the regulations of said Board as promulgated and amended from time to time; and (b) that the Board may require such special provisions of water for firefighting as are deemed necessary by the Chief of the Fire Department.

F. Utilities

All gas, telephone, electricity and cable antenna television lines shall be installed underground.

G. Streets and Roadways (revised 11/11/95)

Construction shall be in accordance with the Typical Cross-Section for Approved Streets and Roadways in the Town of Auburn (hereinafter referred to as the typical road section), a copy of which is appended hereto and made a part hereof.

1. Clearing and grubbing
  - a. The entire area of each street and proposed street extension shall be cleared of all stumps, brush, roots and all trees not designated for preservation. The clearing and grubbing shall be performed in accordance with the 1988 Edition of the MDPW Standard Specifications, as amended or updated.

Upon completion of the above work, the applicant shall be required to have a first inspection of the roadway made by the Town Engineer before proceeding with further construction.

2. Subgrade

- a. The entire area of the proposed roadway, including proposed street extensions, shall be excavated or filled to a subgrade fifteen (15) inches below the finished surface and in conformance with the typical road section. All soft or spongy material occurring in the subgrade shall be removed to such depth as exposes unyielding material, and shall be replaced with suitable granular material. Stone in excess of six (6) inches in its greatest dimension shall be removed from the surface of the subgrade. The subgrading shall be performed in accordance with the 1988 Edition of the MDPW Standard Specifications, as amended or updated.
- b. Subgrade for sidewalk and bikepath areas shall be eight and one-half inches below the proposed finished grade.
- c. The subgrade for grass plots and loamed areas shall be six (6) inches below the proposed finished grade.
- d. The subgrade must be certified by a Registered Land Surveyor before proceeding with any further work.

Upon completion of the above work, the applicant shall be required to have a second inspection of the roadway made by the Town Engineer before proceeding with further construction.

3. Gravel Base Course

- a. All roadway pavement shall be provided with a foundation consisting of a minimum of twelve (12) inches of compacted gravel, applied in layers of six (6) inches, each layer compacted before the application of the subsequent layer. The gravel base course shall be fine graded and rolled, true to grade, three (3) inches below the proposed finished grade as shown on the typical road section. The gravel base course shall be constructed in conformance with the latest MDPW Standard Specifications.
- b. All sidewalk and bike path pavement shall be provided with a foundation consistent with that required for roadways, except that the minimum compacted thickness shall be six inches. Subdivision sidewalks and bike paths shall be designed to be handicap accessible in accordance with the most recent MDPW Standard Specifications, (1988 Edition of the MDPW Standard Specifications, as amended or updated).

Upon completion of the above work, the applicant shall be required to have a third inspection of the roadway made by the Town Engineer before proceeding with further construction.

4. Pavement

- a. A binder course of Bituminous Concrete Pavement Type I-1 shall be applied and compacted to a thickness of two (2) inches with a true surface conforming to a typical cross section of the road. A second course consisting of Bituminous Concrete Pavement Type I-1 shall then be applied and compacted to a thickness of one (1) inch with a true surface conforming to the typical cross section of the road. Specifications for the composition of

material, workmanship and the method of applying pavement material shall conform with the 1988 Edition of the MDPW Standard Specifications, as amended or updated.

- b. All sidewalks and bike paths shall be five (5) feet wide and shall be surfaced in accordance with specifications for roadway pavements, except that the binder course shall be one and one-half (1-1/2) inches and the surface course shall be one (1) inch and be Type I-1 dense graded mix sidewalk pavement, which shall be applied in accordance with the 1988 Edition of the MDPW Standard Specifications, as amended or updated.
- c. That portion of all driveways within the street right-of-ways of the subdivision shall be constructed to conform to the specifications set forth in Paragraph 4a.
- d. There shall be a five (5) foot wide grass planting strip between the edge of the sidewalk and the curb which shall be loamed and seeded according to the specifications in Section 6.

Upon completion of the above work, the applicant shall be required to have a fourth inspection of the roadway made by the Town Engineer before proceeding with further construction.

5. Curbing

- a. Except as hereinafter provided, a bituminous concrete curb shall be placed at each edge of the traveled way. The machine-made bituminous concrete berm shall be six (6) inches high from the surface of the finished roadway and of the shape specified in the typical road section. A tack coat of emulsion shall be applied to the road surface before the installation of the berm. The construction of the bituminous concrete berm shall be in conformance with the 1988 Edition of the MDPW Standard Specifications, as amended or updated.
- b. The Board shall require that type VA 4 granite curbing having a depth of eighteen (18) inches and a thickness of six (6) inches be installed for the entire length of the arc at the edge of the pavement at street intersections. Such curb shall be cut to the radius prescribed on the Definitive Plan. The type of granite curb and its placing shall conform with the 1988 Edition of the MDPW Standard Specifications, as amended or updated.
- c. A granite curb inlet shall be placed at each catch basin. Each such granite curb shall be six (6) feet in length, eighteen (18) inches in depth and six (6) inches in thickness. The type of granite curb inlet and its placing shall conform with the 1988 Edition of the MDPW Standard Specifications, as amended or updated.

Upon completion of the above work, the applicant shall be required to have a fifth inspection of the roadway made by the Town Engineer before proceeding with further construction.

6. Loaming and Seeding

- a. All unpaved areas within the roadway right-of-way and all slopes immediately adjacent to the roadway shall be loamed with a minimum compacted thickness of six (6) inches of loam. The type of loam and its application shall be conformance with the 1988 Edition of the MDPW Standard Specifications, as amended or updated.

- b. All loamed areas shall be fertilized and seeded in conformance with the 1988 Edition of the MDPW Standard Specifications, as amended or updated.

H. Sidewalks and Bicycle or Jogging Paths

Unless the Board determines that pedestrian movement is otherwise provided for, sidewalks having a width of not less than five (5) feet shall be constructed between the roadway and the right-of-way line, as close to the latter as practicable, and the generally parallel with the roadway. Minor streets shall be provided with sidewalks on the one side only, secondary and major streets with sidewalks on both sides. Pedestrian access other than by routes parallel with roadways may be permitted, provided easements are established.

The Planning Board may require bicycle paths from four (4) to eight (8) feet in width within a subdivision. In certain cases the sidewalk requirement may be waived where bicycle paths are provided.

I. Groundwater Drainage

As construction progresses, unforeseen groundwater conditions may be encountered which require additional subdrains or curtain drains. These conditions include potential problems if construction is in progress at a time of low water table or other dry conditions. The Board reserves the right to require appropriate systems to accommodate the problem.

J. Retaining Walls

Retaining walls shall be installed where deemed necessary by the Board and they shall be designed by a Registered Professional Engineer.

K. Fire Alarm Systems

Whenever required by the Fire Department, a fire alarm system shall be installed underground in accordance with the specifications of the Fire Department as promulgated and amended from time to time.

L. Trees and Plantings

1. Existing Trees

Trees on the site, especially those over twelve (12) inches in diameter, should be preserved. Following is a list of recommended measures for the protection of trees:

- (a) There should be no operation of heavy equipment or storage of any materials under said tree within its natural drip line.
- (b) Wherever possible, no grading or filling should be done within the drip line.
- (c) Supplemental irrigation should be provided to trees as needed during the summer months to insure healthy maintenance.
- (d) No black top paving or vehicle parking should be located under evergreen trees. No more than twenty percent (20%) of the area under any deciduous trees' natural drip line may be paved.
- (e) All drainage from paved areas should be directed away from root zones.

2. Street Trees

- a) The subdivider is required to plant suitable broad-leaved deciduous trees along roads or ways, unless specifically exempted by the Board. All trees shall be the equivalent of well-rooted nursery-grown stock free of injury, harmful insects, and diseases. They shall be well-branched, and the branching structure should be sound.
- (b) Large-growing trees shall be spaced at intervals of 45 to 55 feet, medium-growing trees at intervals of 30 to 40 feet, and small-growing trees at intervals of 20 to 30 feet. Trees on one side of the street may be set either opposite or diagonally to trees on the opposite side. If overhead wires are present, large- or medium-growing trees to be planted along the same side as such wires should be planted within the setback area of the property rather than adjacent to the paved way. Small-growing trees with low-branching characteristics should be planted within the front yard set-back area in all cases.
- (c) Minimum acceptable sizes of trees to be planted shall be as follows:  
  
Large-growing: 2 1/2" trunk diameter, caliper 1' above ground.  
Medium-growing: 2 1/2" trunk diameter, caliper 1' above ground  
Small-growing: 9' crown height, 5' spread
- (d) Planting operations shall be as specified in Section 8, Subsection A, C, E, and F, of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines, compiled and issued by the Associated Landscape Contractors of Massachusetts, Inc.
- (e) Requirements for support stakes, guy wire and cable, ground anchors, hose, and wrapping material shall be those contained in Section 6 of the Recommended Standard Specifications for Planting Trees, Shrubs and Vines, compiled and issued by the Associated Landscape Contractors of Massachusetts, Inc.
- (f) The subdivider shall be responsible for maintenance of planted trees and replacement of those which have died or become diseased from the time of planting through one full growing season.

3. Bank Plantings

- (a) All cut or fill bankings with slopes greater than 3:1 must be planted with suitable, well-rooted, low-growing plantings. All plants shall be the equivalent of nursery-grown stock in good health, free from injury, harmful insects, and diseases.
- (b) Perennial grass turf installed as sod is an acceptable alternative for the planting of banks.
- (c) If bank plantings are of a type which are properly spaced at close intervals, 8" to 12" of loam shall be spread over the entire bank. If the plantings are to be widely spaced they may be planted in loam pits.
- (d) Mulch (wood chips or equivalent) shall be spread heavily among plants for weed and erosion control.

- (e) The subdivider shall be responsible for maintenance of bank plantings and replacement of those which have died or become diseased from the time of planting through one full growing season.

4. Corner Plantings

Requirements for plantings adjacent to street intersections shall be the same as those for Bank Plantings with the following exceptions:

- (a) Turf may be provided by seeding as well as by planting sod.
- (b) Bushy shrubs and herbaceous plantings that would tend to obscure visibility are not permitted within one hundred (100) feet of the intersection of the curbs adjacent to the corner lot.

5. Cul-de-sac Plantings

The central portion of a permanent dead-end street, when allowed, should be landscaped. The following options are permitted:

- (a) Planting with ground cover such as those listed in Section VI.L.3(b) using and 8" to 12" base of loam, and spreading mulch between plants for weed control.
- (b) Planting perennial grass by either sod or seed.
- (c) Planting ornamental shrubs of a type acceptable to the Board.
- (d) Retaining existing vegetation, with approval of the Board.
- (e) Standards and specifications--the standards of the American Nurserymen Association and the specifications of the Associated Landscape Contractors of Massachusetts shall apply to landscaping subject to these regulations.

6. Grass Strips

All cleared areas of a right-of-way, not to be planted with groundcover plantings, including all disturbed area over all culverts in drainage easements, shall be loamed with not less than six (6) inches compacted depth of good quality loam, seeded with lawn grass seed. Seeding shall be done at appropriate times of the year and in a manner to insure growth of grass. No utility poles, transformers, signs or similar items shall be placed within the grass plot within three (3) feet of the edge of the pavement.

M. Street Signs

Street name signs of a design conforming to the type in general use in the Town shall be furnished, set in concrete and erected at all street intersections prior to the occupancy of any house on the street. They will be provided with "break-away" sign supports. Signs may be purchased from the Town of Auburn Highway Department.

N. Street Lights

Installation of street lights shall be governed by current town practice.

O. Guard Rails

Guard rails shall be installed as required by the Board.

P. Bounds and Lot Corners

Bounds shall be set on both sides of each proposed street at all angle points, at the beginning and end of all curves thereof, and at all intersections of streets and ways with each other or with Plan boundary lines. The bounds shall be of stone or reinforced concrete, shall be not less than four (4) feet in length and not less than six (6) inches in width and breadth and shall have a drill hole in the center. Iron rods should be placed next to stone bounds so they can be easily located with a metal detector. All bounds shall be set flush with the surface of the adjoining ground. Wrought iron rods may be used where the points fall on exposed ledge. The placement and accurate location of these bounds shall be certified to by the Registered Land Surveyor of the developer by a letter which shall be submitted with the As-Built Plan. Entrances to subdivisions shall not be marked by elaborate monuments.

Lot corners in the subdivision shall be set in a manner similar to the setting of the Bounds. These corners or points of deflection will be marked with iron pins (or equal) as permanent markers. The same certification is required as in the case of the bounds. Use of the Massachusetts Coordinate System is encouraged.

Q. As-Built Plan

After all street construction is completed, two copies of the Definitive Plan, revised into an As-Built Plan, showing center-line elevation at fifty(50) foot intervals of roads as built, all inverts of drainage system and sewerage as installed, all utilities as installed, and bounds as installed shall be furnished to the Board prior to the release of the Performance Bond. In addition, a layout plan which conforms to the standards in Chapter VIII of the Auburn By-laws shall be submitted to the Planning Board prior to the final release of any performance guarantee. (revised 12-2-91)

R. Final Cleaning

Upon completion of the work, the subdivider shall remove from the highway and adjoining property all temporary structures, surplus material and rubbish which may have accumulated during the execution of the work, and shall leave the subdivision area in a neat and orderly condition. Burning of the rubbish and waste material is prohibited.

S. Inspection of Improvements ( see also Section VII.C)

At the pre-construction meeting, the Town will provide the subdivider with a check list covering all required inspections. The Town and/or its designee(s) will sign this checklist after satisfactory completion of each step by the developer. Inspection certifications by the Town and/or its designed(s) shall be requested at least 48 hours, weekends and holidays excluded, in advance of each inspection by notice to the Planning Board. Any special requests by the Town and/or its designee(s) (i.e. weight slips for bituminous material) shall be furnished by the subdivider on request. (revised 11.7.88)

**SECTION VII**  
**ADMINISTRATION**

A. Authority

1. The Board shall be the administrative agency of these regulations and shall have all the powers assigned them by Section 81A to GG of Chapter 41 of the General Laws.
2. The Board may assign as their agents appropriate Town agencies or officials and may from time to time hire professional assistance to review plans and inspect improvements at the cost of the subdivider (see Section VII.C.3).
3. The Board on its own motion or on the petition of any interested person shall have the power to modify, amend, or rescind its approval of a Plan of a subdivision, or to require a change in a Plan as a condition of its retaining the status of an approved Plan.

B. Waiver of Compliance

Strict compliance with the requirements of these rules and regulations may be waived when, the judgment of the Board, such action is in the public interest and not inconsistent with the intent of the Subdivision Control Law. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived. The Town Engineer may approve minor revisions to the construction plans.

C. Inspection

1. Inspection will be carried out at appropriate times during the development of the subdivision.
2. The Board may make arrangements with a professional person or firm to carry out such inspection on behalf of the Town.
- 3A. Amount of Deposit - The cost of the inspection shall be borne by the subdivider on the basis of \$1.00 per linear foot of street, measured along the centerline of an approved Definitive Plan; but not less than \$1,500, and shall be paid to the Town Treasurer prior to endorsement of the Definitive Plan. The inspection fee shall cover the costs of the Town's inspectional representative for "portal-to-portal" travel, off-site analysis of plans, water testing, soil testing, and any other inspectional requirements specified by the Town. The Board reserves the right to request additional deposits if and when the original deposit is close to depletion. (revised 11-7-88)
- 3B. Account Detail - Upon request, the Board shall make available to the developer a detailed accounting of expenses incurred for which withdrawals have been made. The cost of such accounting shall be assessed against the developer's deposit. (revised 11-7-88)
4. The developer has the responsibility to insure that the approved construction plans are implemented. Use of qualified persons to furnish adequate and timely engineering supervision during construction is required. Surveillance and field revisions by town officials cannot be constructed as fulfilling this responsibility.

D. Separability

If any section, paragraph, sentence, clause, or provision of these Regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these Regulations shall be deemed to remain valid and effective.

E. Amendments

These Regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing, on its own motion or by petition.

F. Invalidation by State Law

Any part of these Regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulations.