

- a. Upon the completion 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 orally 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 to 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 where in said construction and installation fails to comply with the requirements under Section 6. Upon failure of the Planning Board to act within 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 posit or realtest of the covenant as aforesaid, the Town Clerk shall issue a certificate of 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 application shall file with the Board a certificate (Form F) by a registered Massachusetts professional civil engineer and land surveyor declaring that streets, storm drains and all other required construction and improvements on the ground have been properly completed in accordance with the approved plan and subdivision regulations of the Planning Board, and with the recommendations by the Board of Health.

#### 4.209 Certificate of Approval

- a. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory 20-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk, provided that the Town Clerk has not received the notice of appeal to the Superior Court, and provided further that other conditions of approval, if a part of the Board's action, are transmitted or corrected to the satisfaction of the Board.
- b. 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 in any way compliance with the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the General Laws.

#### 4.210 Submission of Documents

Easements, and bond and/or covenant, shall be submitted within 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.

#### 4.211 Filing of Plans in Registry of Deeds or Land Court

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 Hampshire District Registry of Deeds, or the Land Court, within six months from the date of its approval, and furnish a copy of the recorded plan to past the Planning Board. If the applicant delays recording of such plan past the required six-month period, such plan shall not be accepted for recording by 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 30 days of such recording, that the approval has not been modified, amended or rescinded, or the plan changed. Such certificate shall, upon application, be made by the Board or the Town Clerk unless the records of the Town Clerk or the Board receiving the application show that there has been such modification, amendment, rescission or change.

### SECTION 5 DESIGN STANDARDS

#### 5.0 Streets

##### 5.101 Location and Alignment

- 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 in order to obtain the maximum livability and amenity of the subdivision. Curvilinear street design will be encouraged.
- b. The proposed street shall conform, so far as practicable, to the Master or study plan as adopted in whole or in part by the Planning Board.
- c. Provision satisfactory to the Planning Board shall be made for the proper protection of streets or for access adjoining property, which is not yet subdivided, if deemed necessary by the Board.
- d. Reserve strips prohibiting access to street or adjoining property shall not be permitted, except where, in the opinion of the planning Board, such strips shall be in the public interest.
- e. Street jogs with centerline offsets of less than 125 feet should be avoided.
- f. The minimum centerline radii of curved street shall be 100 feet. Greater radii may be required for principal streets.
- g. Streets shall be laid out so as to intersect as nearly as possible at right angles. No road shall intersect any other road at less than 60 degrees.

- h. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 20 feet.
- i. Cross (four-cornered) street intersection shall be avoided where possible, with the exception of arterial street crossings.
- j. All ways shown on a preliminary plan shall be named in pencil and shall have names rather than numbers or letters (such as First Street or Avenue A). Names shall be substantially different from names of existing ways in the town or nearby communities.

#### 5.102 Width

The minimum width of a street right-of-way shall be as follows: Minor street: 40 feet; Collector Street: 50 feet; Major street: 60 feet. Greater width may be required by the Planning Board when deemed necessary due to anticipated vehicular traffic or other considerations.

#### 5.103 Grade

Grades of streets shall be not less than 0.5%. Grades shall not be more than 7.0% for major streets nor more than 15.0% for minor or collector streets. 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.

#### 5.104 Dead-end Streets

- a. Dead-end streets shall not be longer than 1 mile ending in a "cul-de-sac", unless, in the opinion of the Planning Board, a great length is necessitated by the topography or other local conditions.
- b. Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 100 feet, and a property line diameter of at least 115 feet.
- c. At the end of a dead-end street the Board may require the reservation of an easement twenty (20) feet wide to provide for the continuation of pedestrian traffic and/or utilities.

#### 5.20 Easements

5.201 Easements for utilities across lots or centered on rear or side lot line shall be provided where necessary and shall be at least 12 feet wide.

5.202 Where a subdivision is traversed by a water course, drainage way, channel or stream, to 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 lines of such water course, drainage way, channel, or stream, and to provide for construction of other necessary purposes.

### 5.30 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 years.

### 5.40 Protection of Natural Features

Due regard shall be shown for all natural features, such as large trees, stone walls or fences, water courses, scenic points, historic spots and similar community assets which, if preserved, will add attractiveness and value to the subdivision. The developer shall make every attempt to adapt his subdivision to the site with a minimum of cutting and filling operations.

## SECTION 6 REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

### 6.10 Streets and Rights-of Way

6.101 The entire area of each street right-of-way shall be cleared of all stumps, brush, roots, boulders, like material, and all trees not intended for preservation.

6.102 The full length and width of the traveled way shall be excavated or filled, as necessary, to a depth of at least 12 inches below the finished surface as shown on the profile. However, if the soil is soft and spongy, or contains undesirable material such as clay, sand pockets, peat, or any other material detrimental to the sub grade, such material shall be removed and replaced with suitable well-compacted material.

6.103 All parts of the traveled way shall be brought to a finished grade as shown on the profile of the Definitive Plan with at least the top 12 inches consisting of well-compacted gravel to a width of at least 20 feet, to be located centrally within the street right-of-way. At each side there shall be a shoulder three feet wide, also consisting of well-compacted binding gravel at least 12 inches deep. The gravel shall be spread and rolled two layer of about 6 inches each. All stones larger than 4 inches shall be removed before layers are rolled. Rolling shall be done with a self-propelled roller weighing not less than 8 tones and shall continue until a firm, even surface, true to line and grade, is obtained.

### 6.104 Paving

- a. Where, in the opinion of the Planning Board, the anticipated volume of traffic or grades of the finished travel way or other conditions require it, streets shall be paved.
- b. For paved streets a bituminous-penetration-type surface shall be applied as follows: Over compacted gravel base not less than 16 inches deep, spread a layer of three-eighths-inch crushed stone at the rate of 20 pounds per square yard. Roll with a 5 to 8 ton roller. Over this surface apply MC3 emulsified asphalt at the rate of 0.33 gallons per square yard. Apply emulsified asphalt again at the rate of 0.33 gallons per square yard. Dress off top at completion of construction work with three-eighths-inch stone chips applied at the rate

of 15 pounds per square yard. Compact surface with a 5 to 8 roller, leaving finished pavement free from holes, rolls or other unsightly imperfections. Grades must be run true and even with an instrument.

- c. 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.

#### 6.11 Surface Drainage

- 6.111 Adequate disposal of surface water shall be provided. Catch basins and culverts shall be built in conformity with specifications of the selectmen on both sides of the roadway on continuous grades at intervals of no more than 400 feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets.
- 6.112 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 location in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width..
- 6.113 A culvert or other drainage facility shall, in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Selectmen or the Highway Superintendent shall approve the design and size of facility based on anticipated run-off from a "ten year" storm under conditions of total potential development permitted by the Zoning Bylaw in the watershed.
- 6.114 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 or the Highway Superintendent. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload any existing downstream drainage facility, the Planning Board shall not approve the subdivision until provision has been made for the improvement of the said condition.

#### 6.12 Utility Wires

- 6.121 All utility wiring as well as transformers and other distribution and control devices shall be placed underground unless, in the opinion of the Planning Board, estimates made by utility companies indicates that an unreasonable cost would be imposed on the subdivider, if unfeasible lines should be centered on rear and side lines.
- 6.122 Poles and any associated structures used for police and fire alarm boxes, and for street lighting, and other similar municipal equipment, shall be installed where deemed necessary by the Planning Board, and shall be of a design approved by the Planning Board.
- 6.123 Utility wires or cables, other than those going across streets and those leading directly to individual consumer installations, shall be buried within the street right-of-way in a strip 4 ½ feet wide running parallel to the edge of the right-of-way, unless soil or terrain require a different

location. No wires or cables may be installed under the traveled portion of the right-of-way except where crossing a street and there ducts may be used.

6.124 Copies of all plans showing the location of all buried wires or cables are to be filed by the subdivider before any paving of streets is started, one copy with the Planning Board, one with the Town Clerk, and one with the Selectmen.

6.125 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 of side lot lines, unless this provision is waived by the Board. Easements shall be provided as outlined in Section 5.20.

#### 6.13 Monuments

6.131 Permanent monuments shall be installed at all street intersection, at all points of change in the direction or curvature of streets, and at other points where, in the opinion of the Planning Board, permanent monuments may be necessary.

6.132 The permanent monuments shall be of 3,000 p.s.i. reinforced concrete, and shall measure 5' x 6" x 6" and shall be a suitable reference marker on the top.

6.133 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.

#### 6.14 Street-Name Signs

Posts with signs carrying the names of street or other ways shall be installed at the beginning of all new ways and at the intersection of all way whether existing or proposed within a subdivision. There shall be at least on such sign and signposts at each intersection. Said signs and signposts shall follow the specifications of the Selectmen.

#### 6.15 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.

#### 6.16 Work Standards

Unless otherwise specified, all the work and the materials used in the work to be done under these regulations shall conform to the requirements of "The Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways, Bridges and Waterways" as most recently amended, and to the standards as published by the Massachusetts Department of Public Works.



#### 6.17 Inspections

During the construction of required improvements, inspection of each completed major phase is required prior to starting work in the succeeding phase, in accordance with the inspection schedule adopted by the Planning Board. The Planning Board and the Board of Health may designate the Town Highway Superintendent as their agent for inspection of the construction of the required improvements and the installation of municipal services and utilities in subdivisions.

#### 6.18 Shade Trees

Unless at least two shade trees per lot, of species recommended by the Middlefield Conservation Commission and having a diameter of at least one inch at the point one foot above the finished grade exist, and can be preserved either within the road right-of-way or within 20 feet of the edge of the right-of-way, the subdivider shall procure the plant at least two nursery-grown shade trees per lot within 20 feet of the edge of the right-of-way, said trees to be species recommended by the Conservation Commission and measuring at least one inch in diameter at a point approximately four feet above the root collar

#### 6.19 Topsoil

Topsoil shall be placed to a depth of 4" and thoroughly compacted on side slopes within the road right-of-way and over land exposed during grading operations. Grading shall be done carefully to avoid unnecessary damage to existing vegetation. Except when necessary to conform to road, driveway and drainage standards, or to eliminate blind intersection or poor sight lines at curves, major earth movements shall be avoided. Drainage ditches wherever possible shall be graded to resemble natural streams. Topsoil shall not be removed from the site except where to authorized by the Planning Board.

#### 6.20 Seeding

To prevent erosion, shoulders and graded slopes shall be seeded on completion or planted with shrubs or similar approved landscape treatment recommended by the Conservation Commission. Seed and planting specifications shall be in accordance with Section H-3 of the Standard Specifications for Highways and Bridges of the Commonwealth. All new planting within the street right-of-way shall be with good nursery stock and will be subject to inspection after one year. Trees, shrubs or grass found by the Board to be dead or in an unsatisfactory condition within one year from the time of planting may be required to be replaced by the developer.

#### 6.21 Side Slopes

The slope of the area from right-of-way line to the finished grade of abutting lots shall not be greater than at the rate of two feet horizontal to one foot vertical.

Whenever the approved street grade differs substantially from the grade of adjacent land or where otherwise necessary for public safety, the applicant shall be required to erect retaining walls or guard rails, of the type and size approved by the Planning Board.

6.22 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.

SECTION 7 ADMINISTRATION

7.10 Variation

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

7.20 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 Middlefield.

7.21 One Dwelling Per Lot

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



RULES AND REGULATION  
GOVERNING THE SUBDIVISION OF LAND IN  
THE TOWN OF MIDDLEFIELD, MASSACHUSETTS

Adopted after a duly advertised public hearing by the Planning Board on 7-22-75 in  
accordance with Section 81-Q, Chapter 41, of the General Laws.

Middlefield PLANNING BOARD  
(Town)

Michael Hale, CHAIRMAN

\_\_\_\_\_, CLERK

Lois B. Ste...  
Carol Varano  
Julie W...  
Paula Wolf  
Ann Forsett

EFFECTIVE DATE 4-11-77