

PLANNING BOARD

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND CHATHAM, MASSACHUSETTS

**(ADOPTED UNDER THE SUBDIVISION
CONTROL LAW
SECTION 81-GG INCLUSIVE, CHAPTER 41,
G.L.)**

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SECTION 81-GG INCLUSIVE, CHAPTER 41, G.L.)**

PURPOSE: (Section 81-M of Chapter 41 G. L)

“The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put into effect by regulating the laying out of construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the prevision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provisions for water, sewage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions...”

SECTION I AUTHORITY

Under the authority vested in the Planning Board of the Town of Chatham by Section 81-Q of Chapter 41 of the General laws, said Board hereby adopts these amended rules and regulations governing the subdivision of land in the Town of Chatham. Such rules and regulations amended shall be effective on and after December 21, 1966.

SECTION II GENERAL

A. DEFINITIONS

1. **Board.** The Planning Board of the Town of Chatham.
2. **Block.** An area of land enclosed on two or more sides by street rights-of-way.
3. **Streets.**
 - a. **Major Streets.** A street which, in the opinion of the Board or as defined in the Master Plan, is being used or will be used primarily as a thoroughfare between

different portions of the Town of Chatham, or which will otherwise carry a heavy volume of traffic

- b. **Secondary Street.** A street which in the opinion of the Board or as defined in the Master Plan, is being used or will be used to carry substantial volume of traffic from minor street (s) to a major street or community facility, and normally including the principal entrance street of a large subdivision or group of subdivisions, and the principal circulation streets within such subdivisions.
 - c. **Minor Street** A street which, in the opinion of the Board or as defined in the Master Plan, is being used or will be used primarily to provide access to abutting lots, and which is designed to discourage its use and by through traffic.
4. **Subdivision.** Subdivision shall mean the division or resubdivision of a tract of land into two or more lots, or to the process of subdivision, or to the land or territory subdivided, as defined in Section 81-L, chapter 41 of the General Laws.
- a. **Subdivision Type A.** A subdivision in which there are not more than five (5) lots potential lots fronting on existing and proposed ways.
 - b. **Subdivision Type B.** A subdivision in which there a more than five (5) and not more than twenty-five (25) lots fronting on existing or proposed ways.
 - c. **Subdivision Type C.** A subdivision in which there are more than twenty-five (25) lots fronting on existing or proposed ways.
 - d. **Subdivision Type I.** Industrial .

B. PLAN BELIEVED NOT TO REQUIRE APPROVAL

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and application **Form A** at a regular scheduled Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application.

If the Board determined that the plan does not require approval, it shall, without a public hearing and within fourteen days of submission, endorse on the plan the words, "Planning Board approval under Subdivision Control Law not required". Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

If the Board determines that the plan does not require approval under the Subdivision Control Law, it shall, within fourteen 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.

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 a municipal service therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

D. ENGINEERING

The Preliminary and Definitive Plan shall be prepared by a Registered Civil Engineer and/or a Registered Land Surveyor.

SECTION III PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. PRELIMINARY PLANS

- 1. General.** A Preliminary Plan of a subdivision may 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 each subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case and such plan be filed to allow the Board sixty (60) days in which to study and make recommendations toward the preparation of the definitive plan.

- 2. Filing Procedure.** Any person submitting a Preliminary Plan shall give written notice 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. The applicant shall file **Form B**, three prints with the Planning Board and one print with the Board of Health.

- 3. Contents.** A Preliminary Plan, which may be drawn in pencil, shall be at a convenient scale, and shall include the following data:
 1. Subdivision name boundaries, north point, date scale, legend, and the title "Preliminary Plan"
 2. Name of the owner of record, and the engineer or surveyor.
 3. Names of all abutters, as determined from the most recent tax list;
 4. Existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision in a general manner;
 5. Proposed systems of drainage including adjacent natural waterways, in a general manner;

6. Approximate boundary lines of proposed lots with approximate areas and dimensions;
 7. Names, approximate location, area, and dimensions of existing nearby streets, ways, easements, and public areas;
 8. Topography of the land in a general manner; and
 9. Key sketch map showing the location of the proposed subdivision in the Town.
4. **Approval or Disapproval.** Within sixty (60) days after submission of a Preliminary Plan, the Board shall notify by delivery or mail the applicant and the Town Clerk that the Plan has been approved, that the Plan has been approved with modifications suggested by the Board or agreed upon by the person submitting the Plan, or that the Plan has been disapproved. In the case of disapproval, the Board shall state in detail its reasons therefore. The action of the Board shall be on two copies of the Plan, referenced and attached to conditions. One copy shall be returned to the applicant and the other retained by the Board. Such approval does not constitute approval of the subdivision, but does facilitate the procedure in securing approval of the Definitive Plan.

B. DEFINITIVE PLAN

1. General. The Definitive Plan shall conform substantially to the Preliminary Plan as approved but may constitute only that portion which is proposed to be recorded and developed at the time. The division rules and regulations and zoning in effect at the time of the submission of the preliminary plan shall govern the definitive plan if it is duly submitted within seven months.
2. Filing Procedure. Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:
 1. Original drawing of a Definitive Plan and four (4) prints thereof, dark line on white background;
 2. Completed application Form C;
 3. Filing fee (check or money order payable to the Town of Chatham);
 4. Signed certificate must be written or printed on each plan filed with the Board as follows:

“I certify that the actual survey was completed on the ground on (*date*), in accordance with the provisions of the current Chatham Planning Board Subdivision Regulations relative to the contents of preliminary or definitive plans”

Said certificate shall be verified by a future statement signed by the engineer or surveyor, 20 days after the date of the approval of said plan by the Board. Said certificate shall list changes, if any, in the conditions on the ground as set forth on the plan.
5. Land Court plans, in addition to the above, shall show the following::

“I certify that the actual survey was made on the ground in accordance with the Land Court Instructions of 1959 as amended on or between *date*

and *date*” and shall be signed and dated by the engineer or surveyor responsible for the preparation of the plan.

3. **Contents.** The Definitive Plan shall be clearly and legibly drawn. The plan shall be at a scale as required by the Board, and shall show details clearly and adequately. Sheet sizes shall be 18 by 24 inches or 24 by 36 inches with a $\frac{3}{4}$ inch border. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information.
 1. Subdivision name, boundaries, north point, date, scale, bench mark and datum. All elevations to refer the U.S.C. & G. S. mean sea level datum of 1929, as required.
 2. Name and address of record owner, deed references (Registry of Deeds book and page number or Land Court certificate number), subdivider, and engineer or surveyor.
 3. Names of all abutters as they appear in the most recent tax list.
 4. Existing and proposed lines of streets, ways, lots, easements, waterways and public or common areas within the subdivision.
 5. Location of all permanent monuments at all points of curvature and changes in direction on an accepted way, monuments at all points of curvature and changes in direction of street side lines or where designated by an engineer retained by the Board.
 6. Location, names and present width of streets, bounding, approaching or within reasonable proximity of the subdivision.
 7. Suitable space to record the action of the Board and the Certification of the Town Clerk.
 8. Existing and proposed topography at a two (2) foot contour interval or such interval as the Board may require.
 9. Lengths, radii and central angles of all curves in lot lines and street lines.
 10. Zoning classification of the area.
 11. Areas of proposed lots with lot numbers and areas of other adjoining land of applicant not included in the subdivision.
 12. Size and location of existing and proposed storm drainage and water supply, if proposed.
 13. All information required on the preliminary plan.
 14. Storm drainage system shall be shown on a separate sheet. The plan shall include invert and rim elevations of all catch basins and manholes 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 shall be shown at each point where drainage pipe ends at a waterway.
 15. Sufficient data to determine readily the location, bearing and length of every street and way line, lot line and boundary line and to reproduce same on ground; all bearings to be referred to true meridian, where necessary.
 16. Subsurface conditions on the tract 1 location and results of test made to ascertain subsurface soil, rock and ground water conditions, depth to ground water and location and results of soil percolation test as required by the Board of Health; if individual sewage disposal systems are proposed; (on separate sheet).
 17. Water courses, marshes, flood plains, rock outcrop, isolated trees of over 10 inch in caliper, and other significant natural features.

18. Key sketch plan showing the location of the subdivision in the Town.
 19. Location of all the following improvements unless specifically waived in writing by the Board; street paving, street sign, all utilities above and below ground, gutters, trees, storm, drainage, all easements, and fire hydrants, if any, (on a separate sheet).
 20. Legend denoting any signs and symbols used on the plan and not otherwise explained.
 21. Profiles and cross sections of proposed streets. Profiles and cross sections shall be drawn on a separate sheet with:
 1. Horizontal scale of 1 inch to 40 feet.
 2. Vertical scale of 1 inch to 4 feet.
 3. Existing center line in fine black solid line with elevation shown every 50 feet.
 4. Existing right side line in fine black dash line.
 5. Existing left side line in fine black dotted line.
 6. Proposed center line grades and elevations in red, with elevations shown every fifty(50) feet station, except that in vertical curves elevations shall be shown at twenty-five (25) foot stations and at PVC and PVT.
 7. All existing intersecting walks and driveways shown on both sides.
 8. All elevation will refer to the U.S. Coast and Geodetic Survey mean sea level datum of 1929, as required.
 9. Rates of Gradient shown in red figures.
 10. Size and location of existing proposed water mains and their appurtenances, if any, and surface drains and their appurtenances.
 11. Profiles shall vertical location of water lines, drainage lines and other utilities as well as required new waterways. Sizes of all pipes shall be shown as well as inverts of all pipes at each manhole or catch basin, together with invert elevation and rim elevation of each man hole or catch basin.
 12. Cross section shall show cuts, fills, subgrade, finished surface, shoulders, curbs or berms, and slopes
 22. Plan and profile of any driveway located within a proposed panhandle.
4. **Review by Board of Health as to Suitability of the Land.** At the time of filing the Definitive Plan, the subdivision shall also file with the Board of Health one print thereof, dark line on white background. The Board of Health shall, within forty–five (45) days after filing of the plan, report to the Planning Board in writing approval or disapproval of said Plan. If the Board Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health. Such findings and reasons shall be included in the report and where possible, the Board of Health shall make recommendations for the adjustment thereof. Failure to so report shall be deemed approval by the Board of Health. The Board of Health shall send a copy of such report to the applicant.
 5. **Public Hearing.** Before approval of the Definitive Plan is given, a public hearing shall be held by the Board. Notice of such hearing shall be given by the Board by advertisements in a newspaper of general circulation in the Town of Chatham once in

each of two successive weeks, the first publication being not less than fourteen days prior to such hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting the subdivision as appearing in most recent tax list and to other interested persons.

6. **Performance Guarantee.** Before approval of a Definitive Plan of a subdivision, the subdivided shall file a performance guarantee as provided in either (1) or (2) or any combination thereof.
 1. **Approval with bonds or surety.** The subdivided shall either file a performance bond or deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V. and not covered by a covenant under (2) below. Such bond or security, if filed or deposited, shall be approved as to sureties by the Town Counsel or acting Town Counsel and as to sureties by the Town Treasurer, and shall be contingent on the completion of such improvements within two years of the date of the bond.
 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 has been duly executed and recorded and inscribed on the plan or a separate document referred to on the plan, in accordance with Section 81-U of Chapter 41 G.L. Such covenant shall provide in part that no lot may be built upon or sold until all of the improvements as required in these Regulations have been completed and approved as provided hereafter.
7. **Reduction of Bond or Surety.** The penal sum of any bond or the amount of any deposit held under section (7) (1) above may be from time to time be reduced by the Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant a new plan of the portion to be subject to the covenant may be required.
8. **Release of Performance Guarantee.** Upon the completion of the improvements required under Section V., security for the performance of which was given by bond, deposit or covenant with respect to any lot, the applicant may send by registered mail to the Town Clerk a written statement in duplicate that the construction or installation in connection with which such bond, deposit or covenant was given has been completed in accordance with the requirements of Section V., such statement to contain the address of the applicant, and said Clerk shall forthwith furnish a copy of said statement to the Board. If the Board determines that said construction or installation has been completed, it shall release the interest of the Town in such bond and return the bond or deposit to the person who furnished the same, or issue a release of covenant in a form for recording. If the Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein

said construction and installation fails to comply with the requirements of Section V.

- 9 **Approval of Definitive Plan.** The action of the Board in respect to such plan shall be by vote. If the Board modifies or disapproves such plan, it shall state in its vote the reasons 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, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said clerk has notified the Board that an appeal has been filed. If the report of the Board of Health shall so require, the approval by the Planning Board shall be on condition that no building or structure shall be built or placed upon areas designated without consent by said Board of Health. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

SECTION IV. DESIGN STANDARDS

A. GENERAL

1. **Basic Requirement.** The subdivider shall observe all design standards for land subdivision as hereinafter provided. These shall be considered minimum Standards and shall be voided or waived only as provided in Section VI.
2. **Conformance with Master Plan.** Any proposed subdivision shall conform as far as practicable, to the proposal and intensions of the Master Plan as adopted in whole or in part by the Planning Board, unless substitute proposals may be shown to the satisfaction of the Board to serve better the general area of the subdivision and the Town.
3. **Minimum Lot.** No lot area or frontage in a subdivision shall be less than the minimum required by Zoning Bylaw for the District in which it is located.
4. **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 ids adequately improved to handle prospective traffic.
5. **Buffer Strips.** Where streets or ways are laid out adjacent to and parallel with the property of an abutter, the Board shall require a buffer strip between the proposed street or way and abutting property for part or all of the length of such street or way, except in cases which shall be deemed impractical. The width of said strip, together with the abutter's line requirements of the district, shall be not less than the setback district required in the particular district or as may be specified by the Board.
6. **Reserve Strips.** Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Board, such strips shall be in the public interest.

7. **Further Subdivision.** In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the logical and economic extension of streets, utility easements, drainage ways, and public areas into such parcels.
8. **Resubdivision.** The resubdivision of all or part of land covered by an existing plan, shall be governed by these regulations. Subdivision shall show clearly that area or areas which are being replatted and shall show the file number of all previous plans of these same areas with dates of filing. All areas last subdivide more than five years previous to the date of application shall be resubdivided.
9. **Access.** The Planning Board may consider the adequacy of access to a proposed subdivision (outside the locus) with regard to danger to life and limb in the operation of motor vehicles and for securing safety in case of fire, panic or other emergencies. If the Board deems said access inadequate for any reason, such reason may constitute grounds for rejection of a subdivision.

B. STREETS

1. **Arrangement.** The proposed streets shall be considered in their relation to existing and planned streets, to topographic and geologic conditions and to public convenience and safety. They shall provide for:
 1. Appropriate continuation of existing major and secondary streets;
 2. Extension of major and secondary street into adjoining land;
 3. Discouragement of through traffic on residential streets;
 4. Maximum attractiveness, livability and amenity of the subdivision.
2. **Access to Major Street.** Intersections of secondary and minor streets with feeder streets will not normally be allowed at intervals of less than 400 feet. Subdivisions of 50 or more lots will normally be required to have more than one access to an existing major street or to a proposed feeder street, which is to be built in conjunction with the proposed subdivision.
3. **Alignments.**
 1. Street jogs with centerline offsets of less than 25 feet should be avoided.
 2. The minimum centerline radii of curved streets shall be 100 feet. Greater radii may be required for major streets.
 3. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.
 4. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than twenty-five (25) feet.
 5. Multiple intersections involving a junction of more than two streets shall be prohibited.
4. **Widths.** The minimum right-of-way and roadway widths shall be measured from lot line to lot line and shall not be less than the following:

Type of Subdivision (widths in feet*)

Street Type	A		B	
	R-O-W	Roadway	R-O-W	Roadway
Major Streets	40	26	40	26
Secondary Streets	33	22	33	22
Minor Streets	33	18	33	20

Street Type	C		I	
	R-O-W	Roadway	R-O-W	Roadway
Major Streets	40	26	60	30**
Secondary Streets	33	22	--	--
Minor Streets	33	20	40	20

*All widths are to be exclusive of berms

** Loading, unloading and parking on major streets may be allowed where entire roadbed is surfaced.

5. Grades

1. The centerline grade for any street shall not be less than one percent (1%) and a maximum of seven percent (7%).
2. Where unusual topographic conditions exist, the Board may permit steeper grades on minor streets, but in no case shall a grade of greater than ten percent (10%) be allowed.

6. Cul-de-sac Streets. The maximum number of lots which shall front upon a cul-de-sac shall be twelve (12). All cul-de-sacs shall have a turnaround at the end of the street; which shall have a right of way radius of not less than forty (40) feet and a roadway radius of not less than thirty (30) feet, but, in the instance of unusual topography or other local conditions, the Board may approve a suitable "T" or "L" turn-around. The right of way and roadway shall be tangent whenever possible to the right side of the street.

7. Two Streets Serving the Same Lot(s). Streets should be laid out in such a way as to avoid the situation where two parallel streets are providing frontage to the same lot or lots except where essential to overcome separation of residential development from major streets or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet shall be provided along the rear lot lines abutting such a major street or other disadvantageous use. There shall be no right of access across such easement.

8. Half Streets. (A half-street is a portion of a proposed street running astride a common boundary line, said portion being within a subdivision under consideration). Half Streets shall be prohibited.

9. Corner Clearance. In order to preserve and promote the safety of the public, the following restrictions and requirements shall apply to structures, fences, shrubs and other plantings, and enclosure walls (herein referred to "roadside obstructions") on premises which abut streets:

- (a) No roadside obstruction shall be permitted on any such premises if it obstructs the view of motorists on such streets.
- (b) (1) Where streets intersect, no such roadside obstruction (except a slatted or wire fence in which the solid area is not more than 5 percent of the total area) shall be permitted on any corner lot between horizontal parallel planes 2 ½ feet and 7 feet above the street within each triangular area bounded by sidelines of the streets and a straight line connecting points on such sidelines twenty-five (25) feet distance from each corner of the intersection.

(2) No off-street parking shall be permitted within such triangular area and all trees within such triangular areas shall have their limbs trimmed to the height of at least six (6) feet above the street level (shade trees subject to the provisions of Chapter 67 of the Massachusetts General Laws.)

10. **Sight Distance.** Within the constraints of the property being subdivided, the road layout shall be situated so as to maximize sight distance in either direction on the feeder road.

C. BLOCKS

In general, block lengths shall not be less than 300 feet nor more than 1500 feet. Blocks of over 800 feet in length shall be provided with a pedestrian way at a convenient location. Such pedestrian way shall run the width of the block. (For further standards for pedestrian ways see Section W-D, 4). Each normal block shall be planned to provide two rows of lots, but large irregularly-shaped blocks with interiors served by cul-de-sacs and/or interior parks will be considered.

D. EASEMENTS

1. **Layout.** Wherever possible, easements shall be continuous and their layout shall create as few irregularities as possible.
2. **Water-courses.** Streams or watercourses shall be provided with a right-of-way conforming substantially with the line of its course. Parallel streets or pedestrian ways and/or appropriate access may be required in connection therewith. The placement of streams or water-courses from their natural location into open or covered culverts shall be kept to a minimum.
3. **Utilities.** Utility easements shall generally follow lot lines and shall be not less than twelve (12) feet in width.
4. **Pedestrian Ways.** Pedestrian ways or foot paths will normally be required to provide convenient circulation or access to schools, playgrounds, shopping, churches, transportation, parks, conservation areas and/or other facilities. Such ways shall consist of a right-of-way or easement of at least ten (10) feet.

5. Storm Water. Where a subdivision is traversed by a water course, drainage way, channel, stream or Cape Cod Mosquito Control Ditch, the 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 courses, drainage way, channel, stream or ditch, and to provide for construction or other necessary purposes.

E. STORM AND SURFACE DRAINAGE

The quantity of storm water carried to basins or pipes shall be determined by the rational method, and the design shall be for twenty-five (25) year storm events. All storm water shall be disposed of by subsurface leaching. No paved surface runoff shall be directed to open stream channels or wetlands as defined in the Chatham Wetland Bylaw.

F. BERMS

Bituminous concrete berms will be required by the Board in certain locations on certain street as specified in Section V.B. 7.

G. OPEN SPACE, PARKS, AND PLAYGROUNDS

Areas for open space, parks and/or playgrounds will normally be required to be set aside in accordance with the proposals and intents of the Master Plan and Chapter 41, Section 81-U of the General Laws as amended. Such areas shall be of reasonable size, but generally not less than five percent, depending upon the location and quality of the land being set aside. The minimum area acceptable for later public acquisition, shall be one acre. No building may be erected or placed on such an area for a period of three years without the approval of the Board.

Before approval of a plan the Board may require it to show parks, playgrounds, recreation areas, or other open spaces to serve the future residents of the subdivision and by appropriate endorsement require that no building may be erected on such site for three years without the approval of the Planning Board.

Any open space park or playground shall provide at least fifty feet of continuous frontage on a street, and pedestrian ways will normally be required to provide access from each of the surrounding streets, if any, to 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 by the community.

H. PROTECTION OF NATURAL FEATURES

1. **General.** Due regard shall be shown for all natural features such as large trees, water courses, scenic points, historic sites, and similar community assets, which, if preserved, will add to the attractiveness and value to the subdivision.
2. **Topsoil.** Topsoil removed during the course of construction shall be re-distributed so as to provide at least 4¹/₂ inches of cover to all areas of the subdivision and shall be

stabilized by seeding or planting. At no time shall topsoil be removed from the site or tract without written permission from the Board.

3. **Trees.** To the fullest extent possible, existing trees shall be preserved by the developer. Special consideration shall be given to the layout of lots and the position of dwellings on the lots to insure that existing trees during the process of grading lots and roads. Where there is a question as to the desirability of removing a group of trees, which serve to add interest and variety to the proposed subdivision, in order to allow for use of the land for a lot or lots, the Board, may after proper investigation, withhold approval of such lot or lots.
4. **Flood Plains.** Proposed subdivisions shall comply with the so-called Hatch Act, entitled An Act Relating to the Protection of Flood Plains, Chapter 131 of the General Laws, Section 117-C (and any acts in amendment thereof in addition thereto or in substitution therefore).
5. **Removal, Filling and Dredging of Certain Areas on Coastal Waters.** Proposed subdivisions shall comply with the Act Regulating Removal, Filing and Dredging of Certain Areas Boarding on the Coastal Waters of the Commonwealth, Chapter 130 of the General Laws, Section 27-A. and 105 (and any acts in amendment thereof in addition thereto or in substitution therefore).

SECTION V. REQUIRED IMPROVEMENTS

A. BASIC REQUIREMENTS

The subdivider shall install all of the improvements itemized herein unless waived in writing by the Board. All work done under this section shall be done under the direction of the Board. No aforementioned bond or covenant shall be released until full approval in writing of all work done under this section is received by the Board from all responsible agencies or individuals.

1. **Minimum Widths and Depths of Roadways.** Roadways shall be constructed for the full length of all street rights-of-way within the subdivision shown on the Definitive Plan. The centerline of such roadways shall coincide with the centerline of the street right-of-way unless a minor variance is specifically approved by the Board. The construction of roadway for all classes of streets in all types of subdivisions (A, B and C), shall be subject to the standards described herein.

A. Minimum Requirements (in feet)*

Street Class	Type of Subdivision			
	A	B	C	I
Major Street	26	26	26	30
Secondary Street	22	22	22	--
Minor Street	18	20	20	22

* All widths are to be exclusive of berms.

B. Minimum Depth Requirements (in inches)

Type A Subdivision	Dense Graded Crushed Stone or Reclaimed Asphalt**	ROADWAY	
		Binder Course*	Finish Course*
Major	6	2 ½	1 ½
Secondary	6	2 ½	1 ½
Minor	6	2 ½	1 ½
Type B and C Subdivision			
Minor	6	2 ½	1 ½
Type I Subdivision			
	6	2 ½	1 ½

* Below finish grades as shown on Definitive Plan

** Meeting M2.01.7 "Standard Specifications for Highways and Bridges"

2. Roadways-Major Streets (Types A-B-C & I)

- 1. Base.** The base shall consist of one six inch (6") layer of approved dense graded crushed stone or reclaimed asphalt (T-Base), laid and compacted separately on top of the properly prepared sub-grade plane. The total depth of hardening shall not be less than six inches (6") after compaction.
- 2. Pavement.** A Class I Bituminous Concrete, Type 1-1 shall be laid in two courses binder and finish. All material specifications and construction methods shall conform to those required in Section M-3-11 "Standard Specifications for Highways and Bridges"-as amended.

3. Roadway-Secondary Streets.

- 1. Base.** The base shall consist of one six inch (6") layer of dense graded crushed stone or reclaimed asphalt (T-Base), laid and compacted separately on top of the properly prepared subgrade plane and shall be thoroughly compacted with a ten ton roller. The total depth of hardening shall not be less than four inches (4") after compaction.
- 2. Pavement.** A Class I Bituminous Concrete, Type 1-1 shall be laid in two courses, binder and finish. All material specifications and construction methods shall conform to those required in Section M-3-11 "Standard Specifications for Highways and Bridges"-as amended.

4. Roadways-Minor Streets, Type B and C Subdivisions

- 1. Base.** The base shall consist of one six inch (6") layer of dense graded crushed stone or reclaimed asphalt (T-Base), laid and compacted separately on top of the properly prepared subgrade plane and shall be thoroughly compacted with a ten ton roller. The total depth of hardening shall not be less than four inches (4") after compaction.

2. **Pavement.** Same as (3)(2) above.

5. **Roadways-Minor Streets, Type A Subdivisions.**

1. **Base.** The base shall consist of one six inch (6") layer of dense graded crushed stone or reclaimed asphalt (T-Base) laid and compacted on top of the properly prepared sub-grade plane and shall be thoroughly compacted with a ten ton roller. The total depth shall be not less than four inches (4") after compaction.

2. **Pavement.** A Class I Bituminous Concrete, Type 1-1 shall be laid in two courses, binder and finish. All material specifications and construction methods shall conform to those required in Section M-3-11 "Standard Specifications for Highways and Bridges"-as amended.

6. **Roadways-Minor Streets, Type I Subdivisions.** Requirements same as Major Streets, section (2) above.

7. **Berms.** Class I Bituminous Concrete berms shall be constructed along grades of three percent (3%) or more. Bituminous concrete berms shall be installed on top of the base course of the roadway. Type "A" berm shall be minimum of eighteen inches (18") wide and three inches (3") high, or as shall be specified by the Board.

8. **Storm and Surface Drainage**

1. **General.** Storm drains, culverts, ditches, and related installations, including catch basins, gutters and manholes shall be installed to provide adequate disposal of surface water from or in the subdivision and adjacent lands.

2. **Materials.** Storm drains shall be a minimum of twelve (12) inch diameter and consist of asphalt coated corrugated metal pipe (ACCMP), high density polyethylene pipe (HPDE), or reinforced concrete pipe. When drains pass under the roadway they shall be H-20 loading. The Massachusetts standard 8 inch frame and grate or cover shall be utilized for all catch basins and leach pits. All catch basins and leach pits shall be H-20 loading.

3. **Size and Slope of Drains.** Sizes and slopes of drains shall satisfy the "Rational Formula"

$$Q = ACi$$

where: Q = peak discharge of the watershed in cfs due to a 25-year storm.

A = area of watershed in acres.

C = coefficient of runoff

I = Rainfall intensity in inches per hour base on the time of concentration.

In no case shall a drainage line of less than 10" diameter be used.

- 4. Responsibility.** The responsibility for adequate drainage shall rest with the developer. This shall include connection with existing drainage facilities provided by the Town if available. When private drains are connected to Town drainage the Town cannot be held responsible for any damage. 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.
- 5. Location.** Catch basins shall be spaced so that storm runoff is received from a maximum roadway distance of 250 feet. Catch basins located at low points (sags) shall collect from a roadway distance not greater than 200 feet. Runoff collected by catch basins will be piped to suitable leaching facilities located in easements outside of the right-of-way. These easements shall be at least 625 square feet in area and shall be of a suitable configuration for the proposed facility. Sufficient test pits shall be conducted to determine the suitability of the soils for subsurface disposal. The center of the catch basins shall be located along the gutter line regardless of the percent grade.

9. Power and Light Utility Line. It is recommended that all utilities shall be placed underground.

10. Retaining Walls. Retaining walls shall be installed where deemed necessary by the Board and shall comply with specifications set forth in "Standard Specifications for Highways and Bridges"-as amended.

11. Trees. Trees shall be planted at 60 feet or lesser intervals on both sides of all streets unless specifically waived. Variety, location, and method of planting trees to be approved by the Tree Warden.

12. Street Signs. When roadway construction is completed, a street sign and post consistent with the type used by the Chatham Highway Department shall be installed on a post at the intersection of any new road or way with existing Town Ways and at all intersections within the subdivision. All streets not accepted by the Town shall be so indicated on an additional sign on the same post stating "Private Way". The Fire and Police Departments shall be notified in writing of the names and locations of all new ways by the subdivider, with a copy provided to the Planning Board.

13. Guard Rails or Posts. Guard rails shall be installed where there is fill or a shoulder of five feet (5) or more with slopes of two (2) to one (1) or more.

14. Monuments. Concrete or granite monuments not less than thirty inches (30") in length dressed to five inches square with a 3/8" drill hole in the center, shall be set at all street intersections at all points of change in direction or curvature of street or at other points, pinion of the Board, permanent monuments are necessary. Concrete or granite monuments of the same size shall be set at not less than two (2) corners of each lot. No permanent monument shall be installed until all construction which would disturb or destroy the monuments is completed.

15. Survey or Improvements as Installed. After all street construction is completed, a map showing centerline contour or road as built, all inverts of the drainage system as installed, all utilities as installed, and monuments as installed shall be furnished by two copies to the Planning Board and two copies to the Highway Surveyor.

16. Final Clean-up. Upon completion of all work on the ground, the subdivider shall remove from the street and adjoining property all temporary structures, all rubbish, and surplus material, and shall leave the area in a neat orderly condition. Top soil shall be placed to a minimum depth of four inches (4") on shoulders and the same shall be seeded.

17. Maintenance of Streets. The subdivider shall be responsible for maintaining in good repair all roads in a subdivision for a period of two (2) years after release of performance bond or covenant as required in Section m herein, or until the roads are accepted by the Town Meeting, whichever time is shorter. To assure such responsibility, the Subdivider shall guarantee the maintenance of the roads in a subdivision in a condition which meets all the requirements of these rules and regulations to the satisfaction of the Planning Board, by posting with the Town a maintenance bond consisting of either a bond with two or more sureties approved by the Board or by a surety company bond issued by a company authorized to do business in the Commonwealth, either or both to be in a penal sum as required by the Board to secure the maintenance as herein provided, or by a deposit of money or negotiable securities sufficient in amount' in the opinion of the Board, to secure the aforesaid maintenance.

18. Driveways.

1. Driveways shall have a positive pitch to the road, and will have a minimum of three inches of bituminous concrete. The driveway apron shall extend from the edge of the traveled way to the property line or at least six feet in from the edge of the roadway, and is to be the width of the driveway except at the end of the driveway abutting the road where it will flare out.
2. Other than the apron, all driveway runoff shall be contained on the site, which the driveway serves.
3. Driveways shall wherever possible access a property from a minor street.
4. The number of driveway access points to a property shall be minimized, and in no case exceed two.
5. Driveways shall be separated by a minimum of fifty (50) feet, where applicable.

19. Sidewalks. The Planning Board may require sidewalks at a maximum width of five (5) feet.

C. INSTALLATION OF IMPROVEMENTS

1. **Clearing and Grubbing of Right-of-Way.** The entire area of each Right-of-Way shall be cleared except trees of aesthetic value and over 4-inch caliper may be allowed to remain provided that they are located at least 5 feet from the proposed side line of the finished road pavement.
2. **Sub-Grade of Roadway.** All existing material shall be removed to the sub-grade plane as defined by the typical cross-section for the entire width of the Right-of-Way. Ledge and large boulders shall be removed to a depth of at least one foot below sub-grade plane for the entire width of the finished roadway. Clay, peat, muck, loam, or other unstable material shall be removed to a greater depth as directed by the Inspector.
Inspection #1 Sub-grade plane, preliminary; clearing of right-of-way
3. **Binder Course.** The binder course shall be laid as specified and the final grade of catch basin inlets and manholes, tops set.
Inspection #2 Binder Course, Grade of "at surface" drainage.
4. **Finish Course and Berms.** The finish course and berms shall be laid as specified.
Inspection #3 Finish Course and Berms
5. **Trees and Planting.** Street trees shall be installed as specified.
6. **Street Signs and Monuments.** Street signs and monuments shall be installed as specified.
7. **Final Clean-Up.** Final clean-up shall be accomplished.
8. **Maintenance.** Streets and appurtenances shall be maintained as specified.
Inspection #4 Trees and planting; street signs and monuments; final clean-up, and maintenance.
9. **Utilities and Pavement Cutting.** If road pavement needs to be cut, see Appendix A: "Specifications for Excavation/Construction Within Public Ways"

SECTION VI. ADMINISTRATION

A. AUTHORITY

The Planning 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.

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.

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. VARIATIONS

1. Waiver of Compliance. Strict compliance with the requirements of these rules and regulations may be waived only when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law. In waiving conditions as will serve substantially the same objectives as the standards or regulations waived.

C. REFERENCE

For matters that may arise during subdivision procedures that are not covered by these regulations the following were accepted as standards in their applicable portions; "Sections 81 K to 81GG" of Chapter 41 of the General Laws; "Suggested Land Subdivision Regulations" H.H.F.A.; "Standard Specifications for Highways and Bridges" Massachusetts Department of Public Works: each as amended or up-dated from time to time.

D. INSPECTION

Inspection shall be carried out at appropriate times during the improvement of the subdivision as spelled out in Section V C. of these regulations on Form J. The subdivider shall notify the responsible agencies listed on Form J and the Planning Board three days before carrying out each operation to be inspected.

The responsible agency shall appoint a competent person or shall make arrangements with a professional person or firm, to carry out such inspection. The costs of such inspection shall be borne by the subdivider with all responsible agencies billing the Town Treasurer and the Treasurer sending a monthly bill or statement to the subdivider with a duplicate going to the Planning Board. The inspection fee shall include 'portal to portal' and 'off site' (analysis of plans) costs.

E. SEPARABILITY

If any section, paragraph, sentence, clause, provision, or appendix 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 valid and effective.

F. 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. Adopted August 26, 1959;

amended 1959, 1961, 1962, 1964, 1965, and completely revised 1966; amended 1969, 1971, 1978, 2006.

APPENDIX A:
Town of Chatham
Specifications for Excavation/Construction
Within Public Ways

Section 1: General Requirements

A. Preface

1. Any public utility company, private contractor, builder, or any person (s) who intends to cut any street, berm, curb or sidewalk surface, construct a driveway or excavate any shoulder within the limits of a town way in the Town of Chatham, for any reason, must first obtain a permit from the Chatham Highway Department.
2. This permit will be applied for at least seventy two (72) hours before any form of excavation is started and within seventy two (72) hours following the start of an emergency repair.
3. A permit will be granted if the proposed work is in the best interest of the Town and its inhabitants. A driveway permit will be issued with a building permit given by the building inspector. This permit must be approved by the Highway Superintendent. The granting of permits is conditioned upon the applicants' willingness to abide by these regulations.
4. Application forms for an excavation permit are available from the Highway Department. Completed forms must be returned to the Highway Department.

B. Public Safety

1. The permittee, from the time the work has started and until the completed work has been approved by the Highway Superintendent, will be responsible for the safety of the public.
2. All roads will be passable at all times unless special permission has been granted by the Police Department and the Fire Department.
3. When required by the nature of the work, signage, lights, and barricades will be erected at the expense of the permittee.
4. If the Police Chief deems it necessary for public safety, the permittee will pay the expense of a police officer.

5. Massachusetts Law (Chapter 82, Section 40) requires that contractors/builders notify public utility or Dig safe @ (1-888-344-7233) at least seventy two (72) hours before any excavation in a public way.

Section II: Specifications

A. Excavation

1. All excavations and other work within the limits of a Town way will be conducted in a manner which will not damage or disturb such features as stone walls, trees, fences, guard rails etc.
2. If the work requires disturbing a road bound or property bound, the bound will be reset in its original location to the new grade of the shoulder or driveway and its new location certified in writing by a registered land surveyor.
3. The Tree Warden must be notified if the proposed work requires the removal of a tree, any part of which is within the public way.
4. The cutting of road surfaces less than five (5) years old will not be permitted unless authorized by the Highway Superintendent.

B. Materials

1. All materials used on construction within a public way will be subject to approval by the Highway Superintendent. This will include but not be limited to the size, type and quality of pipe and the type of gravel backfill. Cold patch as a temporary patching material will be allowed.

C. Driveway Entrances

1. Driveway entrances onto town ways shall be constructed according to the conditions of the area and will be approved by the Highway Superintendent.
2. Driveways will not be allowed to enter directly onto an intersection rounding.
3. Driveway entrances will be located on the lot so as to permit maximum sight distance and safety.
4. The driveway will be constructed so as to prevent surface water and material from running onto public ways.
5. The driveway entrance crossing the Town layout will have a positive pitch to the street and will have a minimum of two layers and a total (3) inches of bituminous concrete applied by the permittee.

6. There will be no parking areas on town property.

D. Trenches (streets, sidewalks, berms, curbs or driveway aprons only)

1. All trenches opened within the town layout (streets, sidewalks, berms, curbs or driveway aprons) will be opened wide enough to allow a mechanical tamper to compact material in layers no greater than six (6) inches. Each layer will be compacted to a density equal to that of adjacent original material so that pavement can be replaced immediately. All cross trenches will be opened so that they can be properly filled and compacted before sunset with a temporary patch of asphalt applied.

2. The backfill will consist of the excavated material if it is declared suitable by the Highway Superintendent or his designee. Backfill will be placed in successive layers of not more than six (6) inches of compacted depth. If, in the opinion of the Highway Superintendent, the excavated material is unsuitable, the entire rejected material will be disposed of by the applicant at no cost to the town. In its place, the applicant will bring in suitable fill material consisting of approved material as directed. After thorough tamping around the utility, the six (6) inch layers of backfill will be thoroughly compacted as follows: if dry, it shall be moistened and then compacted by tamping with a mechanical tamper. The final six (6) inches of a street, driveway apron, berm or sidewalk backfill will, in all cases, be processed stone (or equal) thoroughly tamped.

3. After backfill is in place and satisfactorily compacted, the applicant will apply at once a 1-1/2" inch temporary patch course over the entire excavated area. This temporary patch is to be left in place for at least 90 days and not more than four months, until no further settling can be reasonably expected. At this time the applicant "under the direction of the Highway Superintendent" will saw cut 12 inches past the farthest point of trench excavation settled. The permanent patch must be three (3) inch bituminous concrete (type i-1 in to layers of 1 1/2" inches each. A project could also call for a complete overlay depending on the condition (age) of the road. At no time will the temporary patch be removed by a machine bucket with teeth so not to destabilize the base material. When the patch has been completed, the joints should be painted with a suitable emulsion and sealed with a fine grade sand.

4. No more than ten (10) feet of trench shall be left open overnight and all trenches must be closed over weekends and holidays.

5. The permittee will be responsible for settleage for a one (1) year period from the date of the return of the completion permit.

E. Shoulders

1. All road shoulders will be carefully returned to their original condition.

2. Lawns will be rebuilt with a minimum of four (4) inches of loam, fertilizer, rolled and seeded.

F. Sidewalks

Sidewalks will conform to Section ii. D sub paragraph 1, 2, 3, and 4 of these specifications. The entire width of the sidewalk will be resurfaced.

Section III: Performance Bonds

A. General

1. All excavation permits issued but not completed by the time an occupancy permit is needed must post a bond of \$250.00 dollars with the Chatham Highway Department.
2. When permanent patching, reloaming, seeding and all worked required by your permit has been completed and approved by the highway superintendent, your bond posted will be refunded.
3. The highway superintendent, in his judgment, may extend any time the limit in these specifications if weather or other unforeseen conditions have hindered the proper completion of the work.

Section IV: Violations

A. General

1. If the job has not been completed within fifteen (15) weeks (from the date of issuance of the permit) the Highway Superintendent will notify the permittee that he has one week to complete the work. If the work is not completed within this time the permittee will be notified his permit has expired. The Town of Chatham will then complete the necessary work in any manner deemed appropriate. The costs of completing the work will be charged to the permittee. If he has posted a certified check these costs will be deducted from the amount of this check.
2. If the permittee allows construction to exist that is in any way dangerous to users of the street, sidewalk, shoulder, berm, curb, or driveway apron; then the Highway Superintendent will instruct the permittee to immediately correct the condition. If it is not expeditiously corrected, the Highway Superintendent will make arrangements to rectify the unsatisfactory condition and the cost will be charged to the permittee as outlined in paragraph 1 above.
3. Failure to obtain a permit prior to the start of any construction within a public way shall be subject to a fine of not more than one hundred dollars (\$100.00) per offense.