

**RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
IN THE TOWN OF LONGMEADOW, MASSACHUSETTS**



**PREPARED BY:
THE TOWN OF LONGMEADOW PLANNING BOARD**

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Note: Text with a ~~striketrough~~ denotes text to be deleted, underlined text denotes text to be added.

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RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN LONGMEADOW, MASSACHUSETTS

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

SECTION I. AUTHORITY AND PURPOSE

§ 1-1. Authority

Under the authority vested in the planning board of the Town of Longmeadow 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 Longmeadow.

§ 1-2. Purpose

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivisions of land; provided however, that such board may, when appropriate, waive, as provided for in section eighty-one R, such portions of the rules and regulations as is deemed advisable." (Section 81M of Chapter 41, M.G.L.)

SECTION II. GENERAL

§ 2-1. Definitions

ABUTTING OWNER - The owner of property which is contiguous to the property being subdivided, the owner of property with frontage immediately across a public way from the property being subdivided, and the owner of property not contiguous but within 300 feet of the

property being subdivided. This will be identified from the assessors' records at the time of application.

APPLICANT - "Applicant" shall include an owner or his agent or representative, or his assigns. Also see DEVELOPER and SUBDIVIDER.

APPLICATION - The application for the approval of a proposed subdivision or resubdivision of land, preliminary or definitive, or for an endorsement of an "approval not required", or "ANR" plan.

BOARD - The Planning Board of the Town of Longmeadow.

CERTIFIED BY (OR ENDORSED BY) A PLANNING BOARD - As applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean, bearing a certification or endorsement signed by a majority of the members of a planning board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the register of deeds and recorder of the land court, signed by a majority of the board.

CMR - The Code of Massachusetts Regulations.

CUL-DE-SAC OR DEAD-END ROAD - The portion of any town way or private way which has only one intersection with another town way or private way.

DEPARTMENT OF PUBLIC WORKS – Town of Longmeadow Department of Public Works.

DETENTION BASIN - Artificial water body where storm water is collected and held temporarily (detained) prior to timed release into a receiving storm water drainage system, swale, or water body.

DEVELOPER - The applicant for subdivision approval, not necessarily the owner of the land, but the person, persons, or corporation responsible for the subdivision application and development. This is interchangeable with APPLICANT and SUBDIVIDER. The developer may or may not be the original applicant, and may be a subsequent owner of the subdivision.

DEVELOPMENT - Any construction or grading activities conducted on real estate.

EASEMENT - A right to use or control real property owned by another for a specified purpose.

GENERAL LAWS (MGL) - The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

IMPROVEMENT - Any change to the existing conditions of a subdivision site for the purpose of complying with these regulations or rendering the site suitable for development and

habitation. As used in these regulations, improvements include, but are not limited to, construction and installation of roadways, paved streets, berms, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, fire ponds, sewage and water systems, buildings, earth filling or removal, seeding, and grading.

INTERIOR CUL-DE-SAC INTERSECTION - An intersection of two cul-de-sac streets with each other or the intersection of a cul-de-sac street with itself, such as on a loop road.

LANDSCAPING - Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce a desired aesthetic effect appropriate to the site.

LOT - An area of land in single ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

OPEN SPACE - Property within a subdivision designated to be deeded by the developer to the town or other approved agency, or to be maintained by the developer or owner in an undeveloped state in a manner approved by the Planning Board. Such open space is to be used for passive or active recreation, agriculture, forestry, rare and endangered species habitat, natural or scenic vistas, unique natural or cultural features, or greenways. Such open space shall be retained in substantially a natural, wild or open condition, or in a landscaped condition in such a manner as to allow to a significant extent the preservation of wildlife or other natural resources. Open space shall be contiguous areas containing a high ratio of interior area to edge area. Open space shall contain to the greatest extent possible soils uniquely suited to agricultural use and that further create greenway corridors to establish linkages in landscape. Such areas shall be of adequate size and configuration to accommodate the intended use, and shall not include narrow or irregular pieces of land which are remnants from the layout of lots, streets, or drainage structures. Open space does not include areas designated for sediment control, erosion control, or storm water control, nor does it include wetland resource areas. Such areas are considered part of the subdivision structure, and are not intended to be for recreation.

OWNER - The owner of record as shown by the records in the Hampden Registry of Deeds or the Land Court.

PERFORMANCE GUARANTEE - A guarantee, in the form of a surety bond, cash, savings passbook, negotiable securities or lender's agreement, by the developer to be used to complete subdivision improvements if the developer does not complete the improvements as promised, as required by M.G.L. Ch. 41, Section 81U.

PLAN:

DEFINITIVE SUBDIVISION PLAN - A proposed, detailed plan of a subdivision submitted by the applicant to be recorded in a Registry of Deeds or Land Court when approved and endorsed by the Planning Board.

PRELIMINARY PLAN - shall mean a plan of a proposed subdivision or re-subdivision of land drawn on tracing paper, or a print thereof showing:

- (a) the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plans";
- (b) the names of the record owner and the applicant and the name of the designer, engineer or surveyor;
- (c) the names of all abutters, as determined from the most recent local tax list;
- (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;
- (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner;
- (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions;
- (g) the names, approximate location and widths of adjacent streets; and
- (h) the topography of the land in a general manner.

PLANNING BOARD - A planning board established under section eighty-one A, or a board of selectmen acting as a planning board under said section, or a board of survey in a city or town which has accepted the provisions of the subdivision control law as provided in section eighty-one N or corresponding provisions of earlier laws, or has been established by special law with powers of subdivision control.

PROFESSIONAL ENGINEER - Any person who has passed a professional exam and is licensed by the Commonwealth of Massachusetts to perform engineering service.

RECORDED - Shall mean recorded in the registry of deeds of the county or district in which the land in question is situated, except that, as affecting registered land, it shall mean filed with the recorder of the land court.

RENEWABLE ENERGY - Energy sources that are replenished by natural processes on a sufficiently rapid time-scale so that they can be used by humans more or less indefinitely, provided the quantity taken per unit of time is not too great. Examples are animal dung, ethanol (derived from plant sugars), wood, wind, falling water and sunlight.

RETENTION BASIN - Artificial water body where storm water is collected and held (retained) instead of being released into a receiving storm water drainage system, swale, or water body.

RIGHT-OF-WAY:

A. That portion of land which is or is intended to be made available for the construction of roadways, ditches, drainage structures and utility lines and is to be conveyed to the town in the case of a proposed town road, or conveyed to an association charged with maintenance of such right-of-way in the case of a private road, including but not limited to the traveled portion and all adjacent land encumbered or intended to be encumbered by all necessary easements. The form and content of the instrument of conveyance shall be subject to the approval of the Town Attorney, at the option of the Planning Board.

B. The parcel of land between street property lines, which are defined as the limits of land dedicated, secured or reserved for public transportation uses.

ROADWAY - That portion of a way which is designed and constructed or intended to be constructed for vehicular travel, also known as the traveled portion of the way. See also **STREET**.

SPECIAL FLOOD HAZARD AREA - The land in the floodplain subject to a one-percent or greater chance of flooding in a given year. The special flood hazard area contains all A Zones as determined from Flood Insurance Rate Maps dated July 3, 1990, and subsequent revisions, and contains all land within the Floodplain District on the Official Zoning Map of the Town of Longmeadow.

STABILIZATION - Structural or vegetative treatment applied to an area in order to prevent soil erosion.

STANDARD SPECIFICATIONS - Standard Specifications for Highways and Bridges, Massachusetts Highway Department, 1995 Metric Edition or any revisions thereto.

STREET - A public or private way either shown on a plan approved in accordance with these rules and regulations or otherwise qualifying a lot for access and frontage under MGL c. 41, Section 81L.

STREET, COLLECTOR - A street designed to receive and distribute traffic from and to various sub-areas and neighborhoods, and which will carry a substantial volume of traffic generally, over 400 vehicles per day.

STREET, MINOR - A street which primarily provides access to adjacent land uses. It may be either a through-street or a cul-de-sac.

SUBDIVIDER - The applicant for subdivision approval, not necessarily the owner of the land, but the person, persons, or corporation responsible for the subdivision application and development. This is interchangeable with APPLICANT and DEVELOPER. The subdivider may or may not be the original applicant, but may be a purchaser of the subdivision, or assignee of the original applicant.

SUBDIVISION - shall mean the division of a tract of land into two or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on:

- (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or
- (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or
- (c) a way in existence when the subdivision control law became effective in the town in which the land lies, having, in the opinion of the planning board, sufficient width,

suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law of the town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding top taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

SUBDIVISION CONTROL LAW - Refers to M.G.L. Ch. 41, Sections 81K to 81GG, inclusive, entitled the "Subdivision Control Law," as last amended.

SUBSTANTIAL IMPROVEMENT, SITE PLAN: Any repair, reconstruction, or improvement of a structure or site, the cost of which equals or exceeds fifty (50) percent of the market value of the structure and other improvements on a site including, but not limited to, utilities, drainage, parking, access ways, lighting, landscaping, signage before the improvement or repair is started.

SUBSTANTIAL IMPROVEMENT, STRUCTURE: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if damaged, the value of the structure to be restored prior to being damaged.

SUBSTANTIAL IMPROVEMENT, SUBDIVISION: Substantial improvement of an approved subdivision shall mean that 1) the construction of all approved streets has been completed with the exception of the final coat of paving, and 2) all required utilities have been installed.

SURVEYOR, LAND - Any person who is licensed by the Commonwealth of Massachusetts to perform surveying services.

TOWN - The Town of Longmeadow, Commonwealth of Massachusetts.

UTILITIES - Public utilities furnished by off-site providers, such as water, sewer, gas, electricity, telephone, television, or other media.

WAY - A right-of-way or means of access to a lot. A public way is a way which has been accepted by, and the land owned by, the Town of Longmeadow, or by other means created as a public street. Any other way (private way) is a way over land which is owned by a private party but which is set forth by deed covenant, deed description or by other means as a private way.

§ 2-2. Interpretation of Rules and Regulations

The Town of Longmeadow shall not be held responsible for any individual interpretation of these rules and regulations.

§ 2-3. Plan Filing at Registry

No plan, whether of a subdivision or not, shall be filed at the Registry of Deeds or Land Court unless it has been endorsed by the Planning Board (or in special cases is accompanied by a Town Clerk's certificate) as either being approved or not requiring approval.

§ 2-4. Street Acceptance

Street acceptance and installation of municipal services on any way within a subdivision but not shown on an endorsed subdivision plan can be done only with a two-thirds (2/3) vote at Town Meeting. (See M.G.L. Ch. 41, § 81Y.)

§ 2-5. Zoning

Subdivisions shall meet the requirements pertaining to lot size, frontage, and all other requirements under existing zoning laws. No subdivision rules can dictate the size, shape, width, frontage or use of lots except that they shall be in compliance with all applicable zoning requirements.

§ 2-5. Plan Believed Not to Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application Form A (see Appendix) to the 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, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefore.

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

The Planning Board may add to such endorsement a statement of the reason approval is not required. The plan will be returned to the applicant, and the Planning Board shall notify the Town Clerk of its action.

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

If the Planning Board fails to act upon a plan submitted under this section within twenty-one days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

§ 2-6. Subdivision

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 Definite Plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

§ 3-1. Pre-Submission Review

Prior to investing in extensive professional design efforts for subdivision plans, it may be beneficial for the prospective applicant to discuss his/her ideas with the Planning Board. It may be useful in avoiding problems at a later stage of the subdivision review process. Pencil sketches of the prospective subdivision will be helpful in the discussion.

§ 3-2. Preliminary Plan

A. General

A Preliminary Plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health and the Conservation Commission for discussion and tentative approval, modification or disapproval by each board. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, 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. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. Two (2) copies of a properly executed application Form B (see Appendix) shall be filed with the Preliminary Plan submitted to the Planning Board. A preliminary plan must be submitted for all nonresidential subdivisions.

The applicant shall also submit the applicable applications fees, see *Town of Longmeadow Planning Board Rules and Regulations*. The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such tentative approval of a Preliminary Plan and accompanied by a copy of the completed application (Form B).

B. Contents

The Preliminary Plan shall be drawn ~~on tracing paper with pencil~~ at a suitable scale and

~~two print~~ five (5) copies shall be filed at the office of the Planning Board, ~~and one print~~ two (2) copies at the office of the Board of Health and ~~one print~~ two (2) copies at the office of the Conservation Commission. Said plan shall be identified as a Preliminary Plan and show all the information described under the definition of the Preliminary Plan so as to form a clear basis for discussion of its problems and for preparation of the Definitive Plan. During discussion of the Preliminary Plan the complete information required for the Definitive Plan (§ 3-2(B) - Contents) and the financial arrangements (§ 3-2(F) - Performance Guarantee) will be developed.

C. Approval

The Planning Board may give such Preliminary Plan its approval, with or without modification. Such approval does not constitute approval of a subdivision. Notice of its action must be given by the Planning Board to the applicant and Town Clerk within 45 (forty-five) days of the date of submission.

§ 3-3. Definitive Plan

A. General

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

- (1) ~~Duplicate original inked tracings of the Definitive Plan and of the Plan and Profile drawings subordinate thereto together with one contact print of each. One set of original tracings will be returned after approval or disapproval. An original drawing of the Definitive Plan and of the Plan and Profile drawings subordinate thereto and five (5) contact prints thereof, dark line on white background. The original drawing(s) will be returned after approval or disapproval.~~
- (2) Two (2) copies of a properly executed application Form C (see Appendix).
- (3) ~~A minimum deposit of \$25.00 to cover the cost of advertising and notices, payable to the Town of Longmeadow.~~ The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form C).
- (4) Applicable applications fees, see *Town of Longmeadow Planning Board Rules and Regulations.*

B. Contents

The Definitive Plan shall be prepared by a Massachusetts Licensed Professional Engineer or Massachusetts Registered Land Surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth or polyester film with a thickness of .004 mils. The plan shall be at a scale of one inch equals forty feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed 24" X

34". 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 and scale.
- (2) Name and address of record owner, subdivider and engineer or surveyor.
- (3) Names of all abutters as they appear in the most recent tax list.
- (4) Lines of existing and proposed streets, ways, lots, 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 Planning Board.)
- (5) Sufficient data to determine the locations, direction, and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground.
- (6) Location of all permanent monuments properly identified as to whether existing or proposed.
- (7) Location, names and present widths of streets bounding, approaching or within ~~reasonable proximity~~ two-hundred (200) feet of the subdivision.
- (8) Location of all buildings and/or structures within two-hundred (200) feet of the subdivision.
- (9) ~~Indication of purpose of easements~~ Location and purpose of all easements.
- (10) Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board.

Note: Items ~~J, k, and l~~ 11, 12 and 13 may be submitted on the same sheet as the Definitive Plan or on separate sheets.

- (11) Existing and proposed topography at a ~~suitable contour interval~~ two (2) foot contour intervals if required by the Planning Board.
- (12) Existing profiles on the exterior lines and proposed profile on the centerline of proposed streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals four feet, or such other scales acceptable to the Planning Board. (All elevations shall refer to the Town datum).
- (13) Proposed layout of storm drainage, water supply and sewage disposal systems and proposed sidewalk location(s).
- (14) Location of all special flood hazard areas as determined from Flood Insurance Rate Maps, designated as Zones A and A1-A30, for the Town of Longmeadow, as well as

- a note on the plan stating the Community Panel Number(s) and whether or not the subject property is in a Special Flood Hazard Area.
- (15) A locus plan of the subdivision, showing the outline of the parcel being subdivided, the pattern of streets within it, streets in the surrounding area, and zoning district and overlay district boundaries, at the same scale as the Assessor's map.
 - (16) Identification of zoning districts.
 - (17) Indication of all areas believed to be subject to control under the Wetlands Protection Act, MGL Ch. 131, § 40, under procedures outlined at 310 CMR 10.00.
 - (18) Soil surveys and test pit percolation logs.
 - (19) An erosion control plan, indicating the erosion control measures to be employed, including description of locations of temporary stockpiles, spoil areas, temporary drainage systems, slope stabilization techniques, sediment basins, etc., and narrative description of how erosion from individual lots onto streets and into drainage systems is proposed to be controlled. Review comments on the plan by the Conservation Commission and by the Soil Conservation Service or by others acceptable to the Board as experts in soil erosion. Any site disturbing more than one (1) acre must have a detailed Storm Water Pollution Prevention Plan (SWPPP) and an Erosion Control Plan submitted to and approved by the EPA or its designee in accordance with EPA's NPDES Phase II regulations.
 - (20) Landscaping Plan showing the location of all existing and proposed landscaping. Indicate which mature trees are proposed to be removed. Acceptable types of street trees which includes large-growing, medium growing, and small-growing deciduous trees may be obtained from the Town's Tree Committee.
 - (21) Lighting Plan showing the location of all existing and proposed exterior lighting. ***Street lighting shall be in compliance with the current approved street lighting policy of the Town and approved by the Director of Public Works.***
 - (22) Deed reference or land court certificate number noted on plan, as well as plan reference noted on plan.
 - (23) Location of all snow storage areas throughout the subdivision.
 - (24) Letter of authorization from property owner for applicant to act as his/her agent if applicant is not the property owner.
 - (25) Written list of all waivers requested, if any, from the Subdivision Rules and Regulations.

C. Additional Studies

The Planning Board may require the applicant to provide the following additional studies if deemed necessary:

- (1) Traffic Impact Analysis. For every subdivision the developer may be required to provide a traffic analysis prepared by a registered traffic engineer. This report must bear the traffic engineer's stamp and detail the number of vehicle trips generated per day, and how traffic will affect the surrounding road network. This analysis must conform to all current ITE standards.
- (2) Environmental Impact Analysis. To ensure the protection of the general public against any possible harm to natural resources or other significant components of community welfare by development, an environmental analysis may be required for every proposed subdivision. The environmental analysis shall be conducted by an interdisciplinary team, to be comprised of professionals as directed by the Planning Board.

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

At the time of filing of the Definitive Plan, the subdivider ~~may~~ shall be required to file with the Board of Health (two) contact prints of the Definitive Plan. The Board of Health shall within forty-five days after filing of the plan, report to the Planning Board in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the Public Health, and include such specific findings and the reasons thereof in such report, and, where possible, shall make recommendations for the adjustment thereof. 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 drain-field satisfactory to the Board of Health.

E. Distribution of Plans

The Planning Board shall send transmittal forms, and copies of plans where necessary, to the appropriate Town boards/commissions/departments including, but not limited to, the Building Inspector, Conservation Commission, Historic District Commission, Fire Chief, DPW, and the like. These boards shall have forty-five (45) days to submit their comments to the Planning Board.

EF. Public Hearing

~~Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Planning Board at the expense of the applicant at least ten days prior thereto by advertisement in an official~~

~~publication of, or in a newspaper of general circulation in, the Town of Longmeadow. 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.~~

Before approval, modification, and approval or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board. Said Public Hearing shall be held after the Board of Health makes its report or after the 45 day period to report expires. Notice of the specific 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 Longmeadow once in each of two successive weeks, the first publication being not less than fourteen days before the date of such hearing. A copy of the Definitive Plan shall be available to the Public through the Town Clerk's office, not less than fourteen (14) days before the date of the Public Hearing.

A copy of said notice of public hearing shall be mailed by the Board by registered or certified mail to all owners of land abutting the proposed subdivision and to the abutters of the abutters within 300 feet of the site. The Planning Board shall also send notice of a public hearing to the following: the Board of Selectmen, the Board of Health, the Conservation Commission, the Fire Department, the Superintendent of Schools, the Building Inspector, the Sewer Commissioners, and the Highway Department.

FG. Performance Guarantee

Before approval of a Definitive Plan of a subdivision, the subdivider shall agree to complete the required improvements specified in Section V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied:

(1) Final approval with bonds or surety

The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under "(2)" hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Treasurer, and shall be contingent on the completion of such improvements within two years of the date of the bond.

(2) Final approval with covenant

The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in Section V. not covered by bond or deposit under "(1)" hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

GH. Reduction of Bond or Surety

The penal sum of any such bond, or the amount of any deposit held under clause "all above, may, from time to time, be reduced by the Planning Board upon written request of the subdivider 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.

HI. Release of Performance Guarantee

Upon the completion of improvements required under Section V, 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 request in writing and agree on terms of release of bond with said Planning Board, or he may send by mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements contained under Section V, 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. Within forty-five days from the receipt of an application for release of surety or covenant, the Planning Board shall render a decision in writing. Such decision shall be based upon the judgment of the ~~Superintendent of the Department of Streets and Engineering and the Water and Sewer Departments~~ Director of Public Works of the Town, and shall either release the surety or covenant or shall clearly set forth the reasons for refusal of release. Failure of the Planning Board to take decisive action within the forty-five day period above shall cause all obligations under the bond to cease and terminate by operation of law, and any deposit shall be returned and any covenant shall become void. In the event of such 45-day lapse, the Town Clerk shall issue a certificate to that effect, duly acknowledged, which may be recorded. (~~See VI-C~~).

IJ. Certificate of Approval

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 registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on original drawing of the Definitive Plan by the signatures of a majority of the Planning Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Planning Board with one print thereof. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

JK. Recording of the Plan

Within ten (10) days after the Definitive Plan, as approved and endorsed, has been recorded at the Hampden County Registry of Deeds, and in the case of registered land, with the recorder of the Land Court, the applicant shall notify the Board in writing of such recording, noting book, page number, and date of recording.

KL. Rescinding Approval of the Plan

Failure of the applicant to record the Definitive Plan at the Hampden County Registry of Deeds within six (6) months of its endorsement or to comply with the construction schedule of the performance agreement shall constitute sufficient cause for the Board to rescind such approval, in accordance with the requirements of Section 81-W of Chapter 41 of the General Laws as amended.

SECTION IV. DESIGN STANDARDS

§ 4-1. Streets

A. Location and Alignment

- (1) 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. Where minimum standards are not herein specified, AASHTO (American Association of State Highway and Transportation Officials) shall apply.
- (2) The proposed streets shall conform, so far as practicable, to any Master or Study Plan as adopted in whole or in part by the Planning Board.
- (3) Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- (4) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- (5) Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
- (6) The minimum centerline radii of curved streets shall be one hundred (100) feet. Greater radii may be required for principal streets.

- (7) 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.
- (8) Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than twenty (20) feet.
- (9) No curb cut for a new street shall be within three hundred (300) feet of another street's curb cut off the same side of the original street.
- (10) At 45 inches above the pavement the minimum sight distances shall be as follows: major streets 350 feet, minor streets 275 feet.

B. Width

The minimum width of street rights-of-way shall be fifty (50) feet. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular travel. The Planning Board may waive this requirement to a smaller width if deemed appropriate by the Board.

C. Grade

Grades of streets shall be not less than 0.5%. Grades shall not be more than 6.0%.

D. Dead-end Streets

- (1) Dead-end streets shall not be longer than five hundred (500) feet, unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.
- (2) Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet, and a property line diameter of at least one hundred and twenty (120) feet.
- (3) Streets shall not be longer than 500 feet unless they have at least two (2) separate means of access/egress.
- (4) Approval of dead-end streets may be contingent upon provision of easements and necessary facilities to allow continuity of utility and drainage systems. Water mains shall normally be looped.

E. Adequate Access from a Public Way

- (1) When the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width at least as

great as that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for purpose of way and any such work performed within such public way shall be made only with the permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the applicant.

- (2) New streets or extensions of existing streets must be designed to merge appropriately with the neighborhood traffic patterns and must not exacerbate the traffic flow.

F. Bridges

New bridges shall be constructed in such manner as to comply with plans and specifications in accordance with Chapter 85, Section 35, of the General Laws for bridges on public highways and shall be approved by the State Department of Public Works.

§ 4-2. Easements

- A. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty (20) feet wide.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

§ 4-3. Open Spaces

Before approval of a plan the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval for a period of three (3) years.

§ 4-4. Protection of Natural Features

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved will add attractiveness and value to the subdivision.

- A. Subdivisions must be designed to prevent harm to surrounding areas caused by off-site drainage, flooding, erosion, silting, or other soil instability.

- B. When the subdivision creates a need for drainage improvements outside the subdivision, the applicant shall be required to secure the necessary easements and provide such improvements.
- C. Hydrographic tests shall be required, at the expense of the applicant, to determine the direction of underground water flow.
- D. Existing land contours shall be preserved insofar as it is practical to do so. No change shall be made in the contour of the land that adversely affects the land abutting the proposed subdivision.
- E. Subdivisions shall closely adhere to the topography of the land with the streets designed so as to minimize the necessity for excessive cut or fill.
- F. Historic sites shall not be disturbed unless specifically waived in writing by the Board.
- G. A minimum of six (6) inches of top soil shall cover over all finished slopes and disturbed areas within the approved subdivision and it shall be spread uniformly over all of these areas.

§ 4-5. Flood Plain District Standards

All subdivision proposals and other proposed new development, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Flood Plain District established under the Zoning Bylaw, it shall be reviewed to assure that:

- A. The proposal is designed consistent with the need to minimize flood damage, and
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage, and
- C. Adequate drainage systems shall be provided to reduce exposure to flood hazards, and
- D. Base flood elevation (the level of the 100-year flood) data shall be provided for proposals greater than 50 lots or 5 acres, whichever is the lesser, for that portion within the Flood Plain District.

§ 4-6. Storm Water Runoff Control

All subdivision designs must meet the following stormwater management standards. When one or more of the standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

- A. No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth of Massachusetts.

- B. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
- C. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge from the pre-development or existing site conditions, based on soil types.
- D. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post-development conditions) of total suspended solids. It is presumed that this standard is met when:
- (1) Suitable nonstructural practices for source control and pollution prevention are implemented;
 - (2) Stormwater management best management practices (BMPs) are of adequate size to capture the prescribed runoff volume; and
 - (3) Stormwater management BMPs are maintained as designed. "To the extent practicable" means the applicant has made all reasonable efforts to meet the standards, including evaluation of alternative BMP designs and their locations.
- E. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs. The use of infiltration practices without pretreatment is prohibited.
- F. Stormwater discharges to critical areas must use certain stormwater management BMPs approved for critical areas. Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries, and recharge areas for public water supplies.
- G. Redevelopment of previously developed sites must meet the stormwater management standards to the maximum extent practicable. If it is not practicable to meet all of these standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
- H. Erosion and sediment controls must be implemented during construction.
- I. All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.

Design storm intensity for surface runoff shall be calculated according to the methodology set forth in Technical Release Number 55, entitled "Urban Hydrology for Small Watersheds," by the Natural Resource Conservation Service, United States Department of Agriculture, January 1975, as amended, or such other methodology as the Board may, in its discretion, approve. All tributary areas shall be assumed to be fully developed in accordance with the Longmeadow Zoning Bylaw unless publicly owned or deed restricted. Water velocities in pipes and paved gutters shall be between two (2) and ten (10) feet per

second, and not more than five (5) feet per second on unpaved surfaces. Facility design shall be as follows:

Street surface drainage (storm sewers, swales) -- 25 year storm

Detention basins -- 50 year storm

Watercourses, drainage ways, channels or streams -- 100 year storm

Culverts, bridges, other water crossings -- 100 year storm

All storm drainage calculations must be designed by a civil engineer licensed in Massachusetts. The following data shall be submitted for review by the Town Engineer or the Board's designated agent:

(1) No increase in the peak flows from the storms referred to in these regulations shall be allowed unless downstream increases are compatible with an overall floodplain management system. The following items should be considered in determining whether increased peak flows are compatible with an overall floodplain management system:

- The timing of peak flows from subwatersheds;
- The increased direction of high flow rates;
- The stability of downstream channels; and
- The distance downstream that the peak discharges are increased.

(2) Topographic contour maps showing pre- and post-developed drainage area(s) tributary to all portions of the site.

(3) Written description and computations, including at least the following:

- Method used to calculate storm water runoff;
- Runoff characteristics of the property before and after development;
- Maximum velocity and quantity at point(s) of discharge from the system; and
- Design calculations for all drainage piping and structures, with reference to the requirements of these regulations.

(4) When storm water detention structures are proposed, they shall be designed so that peak runoff after development shall not exceed, nor be substantially less than, the peak runoff prior to development for each of the storm events referred to in these regulations. The basin(s) shall be designed for easy access for maintenance purposes and be provided with safety measures as needed. The following information is to be provided for detention structures:

- Inflow and outflow hydrographs for the detention area;
- Maximum storage volume;
- Design of spillway or other measures for release of excess flows beyond that of the design capacity of the structure;
- Flood routing of all runoff greater than the design capacity of the detention facility;
- Time which is required for the facility to drain completely;
- Materials used in the construction of the facility;

- Method employed to avoid clogging the discharge mechanism;
- Safety measures; and
- Proposed landscaping and vegetative measures used to stabilize slopes and bottom surfaces.

(5) The construction of all permanent storm water control structures should be done so to ensure the proper management of storm water and the control of sedimentation during construction. Temporary storm water controls shall be constructed or installed if necessary before the permanent structures are complete. This shall be consistent with any erosion controls required by the Conservation Commission and Superintendent of Highways.

(6) Apart from the area for roads and the storm water system, there shall be no exposed and unstable soil, unless specifically authorized by the Planning Board upon recommendation from the Conservation Commission and Director of Public Works.

J. Storm water shall not be permitted to cross the surface of the roadway. It must be piped underneath with the exception of cul-de-sacs in which case shall be designed with a highpoint in the middle draining to the outside to minimize winter icing.

K. Catch basins shall be placed on both sides of the street. They shall be placed at street intersections to intercept stormwater runoff.

L. The maximum distance between catch basins shall be 300 feet.

M. The minimum diameter of storm drainage pipes shall be 15 inches.

N. The method of construction and the materials used in construction shall conform to the most recent Massachusetts Highway Department, Standards and Specifications for Highways, Bridges and Waterways.

§ 4-7. Solar Energy

The purpose of this Section is to encourage the use of solar energy systems and protect to the extent feasible the access to direct sunlight of solar energy systems. The applicant shall utilize passive solar energy techniques which maximize solar heat gain, minimize heat loss during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. These passive solar energy techniques shall include, but are not limited to, the following:

A. The street and layout plan shall, as far as practicable, provide for east-west street orientations to facilitate the development of properly oriented passive solar buildings. For purposes of this regulation an east-west street refers to any street with its axis within thirty (30) degrees of true east.

- B. In so far as practicable, side lot lines shall be perpendicular to the street line unless that purpose of the lot line orientation is to provide greater solar access protection.
- C. The proposed principal building shall be located and oriented so that the longest side of the building faces within thirty (30) degrees of true south.
- D. Proposed buildings shall be located to avoid shadows cast by other buildings, vegetation and natural and manmade topographical features whenever practicable.
- E. Provided soil and topographic conditions permit, primary and reserve leaching fields shall be planned and located to the south of a proposed house location whenever such location enhances solar access to the south wall due to regrading and tree removal associated with the installation of the sewage disposal system.
- F. Each lot within the subdivision shall be evaluated to determine if south wall solar access protection is available meeting any solar access requirements of the Zoning By-Law.

At the discretion of the Board, taking into consideration the need for solar access protection, the applicant shall be required to include solar easements or restrictive covenants with the deeds of each lot.

§ 4-8. Access Through Another Municipality

If 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.

SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

§ 5-1. Required Improvements Prior to Road Construction

- A. A temporary mud tracking bed (construction entrance) shall be put in place at each site entrance. This tracking bed shall consist of a four (4) inch minimum layer of 2 1/2”- 4” crushed stone and shall be thirty (30) feet in length and fifteen (15) feet wide. This bed shall be maintained during construction to prevent tracking or flowing of sediment onto the public right-of-way and shall be removed prior to placement of gravel base and pavement.
- B. All detention ponds, drainage swales, level spreaders, and drainage outflows shall be constructed and stabilized with vegetation or erosion control matting prior to the construction of approved roads. Inspections during and after the construction of these facilities by the Planning Board or its Agent shall take place to ensure conformance to Town regulations.

- C. It shall be the responsibility of the contractor to control blowing dust and soil. A functional water truck or any other town accepted dust control measure must be available on site at all times.
- D. No paving will be allowed between November 30 and April 15, except for roads that are completely ready for pavement prior to November 15. The ground temperature for base course paving shall be forty (40) degrees F and rising. The ground temperature for wearing course pavement shall be fifty (50) degrees F and rising. Base course pavement will not be accepted until it has been in place for a minimum of one (1) winter season at which time the wearing course can be placed.

§ 5-2. Street and Roadway

- A. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation, and all ways shall be brought to the grade specified on the approved plan and to a cross-section approved by the Department of ~~Streets and Engineering~~ Public Works over the entire width proposed for subsequent acceptance or taking.
- B. The traveled portion of the ways shall be provided with a foundation and surface to a minimum clear width of twenty-six (26) feet, employing thicknesses and materials in accordance with specifications set forth in the cited references from "Standard Specifications for Highways and Bridges" as published by the Highway Department of Public Works, Commonwealth of Massachusetts:
- (1) A crushed gravel base to a minimum thickness of twelve (12) inches in accordance with Section 405 of the cited specification.
 - (2) A bituminous concrete pavement, Class I, Type I-1, to a minimum thickness of two and one half (2 1/2) inches in accordance with Section 420 of the cited specification.
 - (3) Minimum thickness requirements of items "(1)" and "(2)" may be increased by the Superintendent of Streets and Engineering Director of Public Works.
- C. Machine-formed asphalt berms of standard cross-section or VBI 5" X 16" circular granite curbing shall be provided where specified by the Planning Board.
- D. Trees, with the exception of those approved by the Tree Warden, shall be removed from the tree-belt and sidewalk areas.
- E. The developer shall furnish and install street name signs of standard Town-of-Longmeadow design at all intersections of ways within the approved subdivision and at the intersection of ways of the approved subdivision with accepted ways. The specific location of these signs shall be determined by the ~~Engineering~~ Department of Public Works and, where apt, a temporary auxiliary sign carrying the words 'Private Way - Dangerous' or words of like import, shall be appended.

§ 5-3. Utilities

- A. Sewer pipes and related equipment, such as manholes and connecting Y's, shall be constructed in conformity with specifications of the ~~Water and Sewer~~ Department of Public Works.
- B. Adequate disposal of surface water shall be provided. Manholes shall be built in conformity with specifications of the ~~Water and Sewer~~ Department of Public Works on both sides of the roadway on continuous grades at intervals of not more than three hundred (300) feet, at low points sags in the roadway and near the corners of the roadway at intersecting streets.
- C. Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve all lots on each street in the subdivision in conformity with specifications of the ~~Water and Sewer~~ Department of Public Works.
- D. Underground installation of telephone and electric lines and service connections is mandatory.
- E. All underground services or utilities which are within the limits of any way shown upon an approved subdivision plan shall be provided with branches or stubs which shall extend from the main line of such service or utility to or beyond the street line of the way at each lot shown upon said approved plan; and all such branches or stubs shall be constructed and set prior to the application of the final surface to the traveled portion of the way as set forth in Subsection § 5-2.B(2) of this Section V; except that with respect to underground electrical or telephone utilities the provisions hereof shall apply only to ducts or the facilities themselves located within the limits of the hardened portion of said way.
- F. The developer shall lease and have installed street lighting as laid out ~~by the Selectmen of the Town of Longmeadow~~ in accordance with the regulations of the Town and the Department of Public Works. The cost of the lighting services shall be borne by the developer until the street is accepted by the Town.

§ 5-4. Sidewalks

Sidewalks of not less than five (5) feet in width shall be constructed on both sides of the street in conformity with specifications of the ~~Engineering~~ Department of Public Works when, in the opinion of the Planning Board such sidewalks are necessary.

§ 5-5. Monuments

Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Planning Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the Department of ~~Streets and Engineering~~ Public Works and shall be set according to such

specifications. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

§ 5-6. Fire Protection

The Longmeadow Fire Department shall review all subdivision plans to ensure the adequacy of access of emergency vehicles throughout the subdivision including access to buildings and structures for emergency operations.

A fire protection agreement with the Longmeadow Fire Department shall be signed by the applicant and filed with the Planning Board. The agreement shall meet the standards on water supplies for suburban and rural fire fighting as outlined in 1-3.1 of the National Fire Protection Association 1142 1999 Edition, as amended: "The requirements of Chapters 5 (Calculating Minimum Water Supplies) and 6 (Water Supply) shall be performance-oriented and shall allow the authority having jurisdiction the option to specify how these water supplies are provided, which gives consideration to local conditions and need." If hydrants are to be connected with any municipal water supply, an agreement must be signed by the applicant and the appropriate water district. If any fire ponds are to be constructed, the Longmeadow Fire Chief and the Conservation Commission must approve of the ponds' design. An agreement with the Longmeadow Fire Department and the Longmeadow Conservation Commission to maintain all fire ponds must be provided before approval of the definitive subdivision plan.

§ 5-7. Guard Rails

Guard rails shall be installed as required by the Board or its engineering consultant, based on State Construction Standards or the publications of the American Association of State Highway and Transportation Officials (AASHTO).

§ 5-8. Supervision and Certification

- A. The installation of all required improvements, services, and utilities as herein enumerated, except underground electrical or telephone utilities actually installed by or under the supervision, direction or control of such utilities, shall be performed under the direction and supervision of the Department of ~~Streets and Engineering and the Water and Sewer Department of the Town~~ Public Works, which department or departments shall certify to the satisfactory completion of such improvements, services, and utilities as a condition precedent to the release of any covering covenant or bonded agreement.
- B. Notice of twenty four hours shall be given to the ~~Superintendent of Streets and Engineering~~ Director of Public Works before proceeding with the construction of any of the above improvements.

SECTION VI. ADMINISTRATION

§ 6-1. 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.

§ 6-2. Reference

For matters not covered by these rules and regulations, reference is made to Section 81-K to 81-GG inclusive of Chapter 41 of the General Laws.

§ 6-3. Outside Consulting Assistance

If, in the judgment of the ~~Superintendent of the Department of Streets and Engineering and the Water and Sewer Department~~ Director of Public Works, outside assistance is required to ensure the expeditious and accurate checking of the engineering details of a subdivision such outside assistance may be employed. The cost shall be borne by the subdivider.

§ 6-4. Validity

The invalidity of any of the foregoing rules, regulations, and requirements shall not affect the validity of the remainder. 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.

§ 6-5. Administrative Forms

Attached, as part of these regulations, are certain administrative forms, applications, and other documents associated with subdivisions. These forms may be changed from time to time by majority vote of the Board without notice to reflect changes in procedures or laws.

§ 6-6. Appeals

Appeals may be taken to the Superior Court in accordance with MGL c. 41, ~ 81BB.

§ 6-7. Fees

The following fees shall be assessed for ~~Planning Board filing and publications:~~

Subdivision Plan	\$500 plus \$100 per acre
Approval Not Required	\$200
Site and Design Plan Review	\$500
Sign Bylaw Application	\$50

- A. The Planning Board shall adopt reasonable fees to cover all administrative and review costs, see *Town of Longmeadow Planning Board Rules and Regulations*. The fee schedule may be amended by the Board when deemed necessary by the Board.

- B. When a Definitive Subdivision Plan and Site and Design Review Plan are submitted concurrently and requested to be reviewed as a unified submission, the Planning Board may waive the required fee for Site Plan Review.

APPENDIX