

**TOWN OF CHESTER, MASSACHUSETTS
SUBDIVISION REGULATIONS**

**RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
CHESTER, MASSACHUSETTS**

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

October 24, 2005

PURPOSE

The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Chester 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 the Planning Board and Board of Appeals under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a sub- division; 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 of Chapter 41, G. L., such portions of the rules and regulations as is deemed advisable.

SECTION I. AUTHORITY

Under the authority vested in the Planning Board of the Town of Chester 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 Chester.

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" (Form A).

BOARD - The Planning Board of the Town of Chester.

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 mother town way or private way.

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.

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

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 one 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 MGL c. 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.

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 Zones A and A1-A30 as determined from Flood Insurance Rate Maps dated October 16, 1984, and subsequent revisions, and contains all land within the Floodplain District on the Official Zoning Map of the Town of Chester.

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.

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 MGL c. 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, SUBDIIVISION: 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 Chester, 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 Chester, 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 Chester 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 accepted 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 MGL c. 41, § 81Y.)

§ 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.

§ 2-7. Special Flood Hazard Areas

Any proposed subdivision shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of an area proposed to be developed is located within a Floodplain District established under Section 4.0 of the Chester Zoning Bylaw, it shall be reviewed to assure that:

- A. The proposal is designed to minimize flood damage;
- B. All utilities and public facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to avoid flood damage;
- C. Adequate drainage systems shall be provided to reduce exposure to flood hazards;
- D. Base flood elevation (the level of the one-hundred-year flood) data shall be provided for all proposals for that portion within the Floodplain District; and
- E. The applicable requirements of the Wetlands Protection Act, MGL c. 131, Section 40, are satisfied.

SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

§ 3-1. Preliminary Plan

- A. General

A Preliminary Plan of a subdivision may be submitted by the sub-divider to the Planning Board and to the Board of Health for discussion and 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, 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. 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 file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval of a Preliminary Plan and accompanied by a copy of the completed application (Form B).

B. Contents

The applicant shall file five (5) copies of the Preliminary Plan at the office of the Planning Board and one copy at the office of the Board of Health. 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 60 days of the date of submission.

§ 3-2. 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) An original drawing of the Definitive Plan and (three) contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- (2) A properly executed application Form C (see Appendix).
- (3) A deposit to cover the cost of advertising and notices, the amount to be determined by the Planning Board based on current actual rates.

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).

B. Contents

The Definitive Plan shall be prepared by a Professional Engineer or registered land surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth. 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 36". 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 of the subdivision.
- (8) Location and purpose of all easements.
- (9) Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person).

Items 10, 11 and 12 may be submitted on the same sheet as the Definitive Plan or on separate sheets.

- (10) Existing and proposed topography at two (2) foot contour intervals if required by the Planning Board.
- (11) Existing profiles on the exterior lines and proposed profile on the center-line 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.)
- (12) Proposed layout of storm drainage, water supply and sewage disposal systems.
- (13) 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 Chester, 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.

- (14) 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.
- (15) Identification of zoning districts.
- (16) Indication of all areas believed to be subject to control under the Wetlands Protection Act, MGL c. 131, § 40, under procedures outlined at 310 CMR 10.00.
- (17) Test pit logs for locations selected by the Planning Board and shown on one of the above overlays, with not more than one (1) pit per four (4) proposed lots, selected to reveal general patterns of subsurface characteristics, after consultation with the Board of Health and the Conservation Commission.
- (18) 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.
- (19) Landscaping Plan showing the location of all existing and proposed landscaping. Indicate which mature trees are proposed to be removed.

C. Additional Studies

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

- (1) Traffic 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 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 shall also file with the Board of Health (two) contact prints of the Definitive Plan, dark line on white background. The Board of Health shall within forty-five days after filing of the plan, report to the Planning Board in writing, approval or disapproval of said plan. 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 therefore 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 cesspool or septic tank and drain-field satisfactory to the Board of Health.

E. Wetlands Protection Act

- (1) In accordance with MGL c. 131, § 40, no person shall remove, fill, dredge or alter any bank, beach, dune, flat, marsh, meadow or swamp bordering on any existing creek, river, stream, pond, lake or any land under said waters or subject to flooding without filing a written notice of intention to perform said work with the local Conservation Commission and the Department of Environmental Protection.
- (2) In order to determine if the proposed subdivision, or parts thereof, are subject to the provisions of the Wetlands Protection Act, the Planning Board will, where it deems necessary, submit a copy of the definitive plan to the Conservation Commission. The Conservation Commission shall, to the extent practicable, file a report with the Planning Board not later than forty-five (45) days after receipt of the plan stating that the proposed plans are not subject to the provisions of the Wetlands Protection Act, or the Wetlands Protection Act applies to certain designated areas. In the event the plan shall be governed by said Act, the Planning Board shall include in its decision for approval a condition that the applicant shall obtain approval from the Conservation Commission prior to any construction activity in the affected areas.

F. Public Hearing

Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Chester, once in each of two successive weeks the first publication being not less than fourteen days before the day of such hearing or if there is no such newspaper in such town then by posting such notice in a conspicuous place in the town hall for a period of not less than fourteen days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

G. Performance Guarantee

Before endorsement of its approval of a Definitive Plan of a subdivision by the Planning Board the subdivider shall agree to complete the required improvements (construction of ways and its installation of municipal services) specified in Section IV for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicants:

(1) 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 IV 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 Selectmen, and shall be contingent on the completion of such improvements within two years of the date of the bond.

(2) 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 IV, 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, all in accordance with Chapter 41, Section 81-U, G. L.

H. Reduction of Bond or Surety

The final sum of any such bond, or the amount of any deposit held under clause "1" above, may, from time to time, be reduced by the Planning 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.

I. Release of Performance Guarantee

Upon the completion of improvements required under Section IV, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider may orally request and agree on terms of release with said Planning Board, and shall send by registered mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance to the requirements contained under Section IV, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the clerk of the town the details wherein said construction and installation fails to comply with the requirements contained under Section IV. Failure of the Planning Board to

act on such application within forty-five days after the receipt of the application by the Town Clerk shall make all obligations under the bond ~~shall~~ to cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

J. 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. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by 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 (three) prints thereof.

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

§ 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.
- (2) The proposed streets shall conform, so far as practicable, to the Master or ~~Study~~ Community Development Plan as adopted in whole or in part by the Planning Board.
- (3) Provisions satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet sub-divided.
- (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. All curb lines shall be rounded by curves having a radius of not less than thirty (30) feet unless otherwise approved by the Planning Board.
- (8) Property lines at street intersections shall be rounded or out back to provide for a curb radius of not less than thirty (30) feet.

B. Width

The minimum width of street rights-of-way shall be forty-five (45) feet, Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular travel.

C. Grade

Grades of streets shall be not less than 0.5%. Grades shall not be more than 6.0% for principal streets nor more than 12.0% for secondary streets.

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 fifteen (115) feet.

E. 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. Storm Water Runoff Control

All subdivision designs must meet the following nine 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.

The subdivider shall furnish projections of the increase of storm water runoff created by the proposed development from the two-year, ten-year, *twenty-five* and one-hundred-year frequency twenty-four-hour duration Type III distribution storms, as computed in accordance with the current edition of Technical Release No. 55, or Technical Release No.

20, Urban Hydrology, Engineering Division, Natural Resource Conservation Service, United States Department of Agriculture, January 1975, as amended. If the drainage system includes hydrograph routing an appropriate method such as Technical Release No. 55 or Technical Release No. 20 shall be used. 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 Superintendent of Highways.

§ 4-3. 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 twelve (12) 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.

§ 4-4. 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.

§ 4-5. 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.

§ 4-6. 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 1 and April 15, except for roads that are completely ready for pavement prior to November 1. 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.
- B. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
- C. All trees intended for preservation shall be protected from injury by means of boxes or fenders. Trees of a variety approved by the Planning Board shall be provided in the planting strip as specified by the Board.
- D. All roadways shall be twenty-five (25) feet in width with four (4) foot hardened gutters on each side, located, in- so-far as practicable, centrally within the right-of-way, said roadway to slope uniformly upward from the edges to the center at the rate of three-eighths (3/8) of an inch per foot.
- E. A gravel base consisting of at least twelve (12) inches of good binding gravel shall be provided for all roadways, rolled and compacted by a self-propelled roller of not less than eight (8) tons in weight, to a centerline grade three (3) inches below the proposed finished grades shown on the profile. Any depressions that appear after rolling shall be filled with gravel and rerolled until the surface is true and even. All fill shall be placed in six (6) inch layers compacted to not less than ninety-five percent (95%) of maximum dry density as

specified in the MassHighway Standards. The developer shall be responsible for the costs of all soil testing and analysis required by the Town.

- F. Ground water. Wherever ground water is encountered within four (4) feet of the proposed roadway surface or wherever the soil type indicates the possibility of a capillary rise of water in the sub-grade soil, sub-drains shall be installed under both shoulders of the roadway. The design and depth of the sub-drains shall be in accordance with the specifications of the Superintendent of Streets and the Planning Board.
- G. Rock excavations. Wherever rock is encountered, it shall be excavated to a depth of two (2) feet below the sub-base of the roadway for the full width of the street layout. The excavated rock shall be replaced with a granular material satisfactory to the Superintendent of Streets and the Planning Board.
- H. All roadways shall be surfaced with three (3) inches of bituminous concrete, placed in two (2) compacted layers, the first consisting of two (2) inches of base or binder and the second of one (1) inch of top, said bituminous concrete to meet the current specifications of the Town Superintendent of Streets.
- I. The grading at the intersections of ways shall be so designed as to be safe and convenient for travel and to direct the flow of surface water in a suitable manner, to the satisfaction of the Superintendent of Streets, who shall, so-far-as practicable, require such grading to conform to the standard practice of his department in the case of the intersection of public ways.
- J. All intersections shall have curbed streets between points of curvature, and other portions of the street bounds, as-shown in the performance agreement.
- K. Where the grade or way is above or below the grade of the adjacent land, walls or slopes shall be constructed in conformance with the approval of the Superintendent of Streets and, in any event, sufficient in the opinion of the Board, to support the way or adjacent land, as the case may be.
- L. Curbs.
 - (1) Curbing, when required by the Planning Board, should be standard granite, precast concrete, or bituminous concrete as determined by the Planning Board with a recommendation by the Town Superintendent of Streets. All catch basins should have granite drop inlets.
 - (2) Where bituminous concrete curbs are allowed, the curb type shall be approved by the Planning Board or the Board's consulting engineer before installation. Bituminous concrete curbs, with a width of twelve (12) inches and minimum pitch of three (3) inches to five (5) inches, may be allowed where grades are less than three percent (3%).

§ 5-3. Subsurface Soil Data

- A. Soil information. The Board may require subsurface soil information to evaluate the adequacy of the roadway design. Such information may include test pits, borings, or probings along each proposed street, primarily at locations such as cut sections, areas of questionable foundation material, and areas of potentially high groundwater elevations. The requirement for and location of test pits shall be established by the Board during the preliminary plan review process. If a preliminary plan did not precede the definitive plan submittal, test pit data will be required at locations every eight hundred (800) feet along roadway center lines, plus areas where the proposed grade is three (3) feet or more below existing grade and probings will be required along the center line and sideline at twenty-five-foot intervals where the roadway crosses wetlands or other areas of unsuitable material.
- B. Soil test pit specifications. Borings and test pits shall be to a depth at least four (4) feet below finished grade and the logs submitted to the Board shall indicate their location and ground elevation, a classification of the soil strata by depth, depth at which groundwater or rock, if any, is encountered and the date of the test.
- C. Probings. Probings shall be used to determine the depth of unsuitable material and the data shall be submitted to the Board on a scale of one (1) inch equals twenty (20) feet drawing showing the roadway center line (with stations) and sidelines, and test locations with existing ground elevations and the depths of unsuitable materials.
- D. Planning Board present. All subsurface soil investigations shall be made in the presence of a representative of the Planning Board or its designated agent.
- E. Registered engineer. All soil logs to be submitted to the Board shall be stamped by a registered Professional Engineer.

§ 5-4. Street Signs

- A. Street signs shall be approved by the Highway Superintendent and created according to his specifications.
- B. Proposed streets which are in obvious alignment with other streets already existing and named shall bear the names of such existing streets. No other proposed streets shall duplicate the names of existing streets in the Town. All proposed street names shall be approved by the Planning Board.

§ 5-5. Underground Structures

- A. All sewers, surface water drains and gas pipes, together with their appurtenances, within the limits of a way shall be placed under ground and shall be installed after the way has been excavated to subgrade.
- B. The subdivider shall file with the Board an agreement that, in case any of the public utilities with the ways in the subdivision are taken over by the Town, whether by purchase

or eminent domain, he will consider such utilities as betterments to the property, the cost of which will have been or will be recovered through the sale price of lots, and that he will receive no additional compensation from the Town for same.

- C. The excavation of trenches, the character of the pipes, fittings, and appurtenances, including hydrants, the methods and materials of back-filling and all other matters relating to the installation of water pipes shall conform to the requirements of the Water Department of the Town of Chester.
- D. Connections for sewers surface water drains and gas from the main structures in the way, to the exterior line of the way, shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement in whole or in parts in the case of a lot to be used for a park or a playground or for any other purpose for which, in the opinion of the Board, such connections shall not be required.
- E. Adequate disposal of surface water shall be provided. A minimum of ten (10) inch bell and spigot pipe in sound condition shall be used. Tight joints may be required by the Board under certain conditions. Catch basins and manholes shall be built using Massachusetts State Standards on both sides of the roadway at intervals of not more than three hundred (300) feet on continuous grades (unless in the opinion of the Board after consultation with the Superintendent of Streets, a system submitted by the subdivider gives satisfactory drainage), and at low points and sags in the roadway, and near the corner of the roadway at intersecting streets, Pitch of drainage pipe shall be a minimum of .03 of 1% (three hundredths of one percent). All backfill shall be of clean gravel free from stones. The use of any debris is prohibited, No backfill shall be put in place until all pipe has been inspected by the Superintendent of Streets, who shall be notified by the applicant when the system is ready for inspection. All drains shall have not less than two and one-half (2 1/2) feet of cover. Casing in concrete may be required at the judgment of the Planning Board.
- F. The developer of a street or way shall have installed at his own expense the required water pipes, gate valves and boxes, fittings and hydrants in order to provide adequate water for service and fire protection. Nothing less than eight (8) inch Ductile Iron Pipe or equivalent shall be used, Hydrants every five hundred (500) feet, gates at every hydrant and immediately after each hydrant in the main line, and at the beginning of the jobs shall be provided. If a dead-end street, there will be a hydrant and bleeder at the end of the line. All installations shall be as specified by the Chester Water Department.

§ 5-6. 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 Land Court 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.

§ 5-7. Sidewalks

Sidewalks may be required for all approved subdivisions if deemed necessary by the Planning Board. When the Board requires sidewalks to be installed, they shall be designed to meet the following standards:

- A. Sidewalks of not less than four (4) feet in width may be required on one side of local streets. On collector streets, sidewalks may be required on both sides of the street and the sidewalks shall be at least five (5) feet in width.
- B. All sidewalks shall have wheelchair ramps at the time of construction in accordance with ADA standards as most recently amended. The owners shall be responsible for all costs associated with changes that are necessary to meet the current laws before the Town has fully accepted ownership of the property or ways.

§ 5-8. Fire Protection

A fire protection agreement with the Chester 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 Chester Fire Chief and the Conservation Commission must approve of the ponds' design. An agreement with the Chester Fire Department and the Chester Conservation Commission to maintain all fire ponds must be provided before approval of the definitive subdivision plan.

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. Appeals

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

§ 6-3. 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.

§ 6-4. One Dwelling Per Lot

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a Subdivision without the consent of the Planning Board.

§ 6-5. Administrative Fees (Nonrefundable)

A. The following fees are to be charged to the applicant for the various reviews listed in the following schedule:

Subdivision Plan	Fee
Endorsement by Planning Board (ANR Form A)	\$25.00 per lot*
Preliminary Plan (Form B)	\$100 application fee and \$50.00 per lot
Definitive Plan (Form C)	\$250 application fee and \$100.00 per lot if preliminary plan approved or \$350.00 application fee and \$150.00 per lot if no preliminary plan submitted
Amendment/Revision to a Definitive Plan	\$150.00/submission
Inspection Fee	0.5 % of total cost of improvements

* The fee for approval not required plans which reconfigure existing lots but do not create any additional new lots shall be twenty-five dollars (\$25).

- B. Such fees are to be paid in the form of a certified check made out to the "Town of Chester" and are to be received at the beginning of the review period.
- C. All expenses for notification of abutters, legal notice advertising, and recording of plans shall be paid for directly by the applicant.
- D. Other costs.

The services of an outside consultant may be obtained by the Planning Board to review and advise the Board on the applicant's proposed project including supervision of the proposed construction. All reasonable expenses incurred by the Board for such review shall be paid

by the applicant. The Planning Board shall notify the applicant in writing of the estimated costs for the review. The review fees shall be paid by the applicant within ten (10) days of receipt of the notification. The review fees shall be held by the Town Treasurer in a separate account. The Board may request additional funds if needed to cover the cost of outside review in the same manner as above. Failure by the applicant to make timely payments shall be adequate reason to deny the application.

- E. Any excess amount in review fees paid by the applicant, including any accrued interest, at the completion of the project shall be repaid to the applicant or to the applicant's successor in interest, and a final report on expenditures made from the fees shall be made available.

§ 6-6. Severability

The invalidity of any section, clause, sentence or provision of these regulations shall not affect the validity of any other part of these regulations which can be given effect without such invalid part or parts.

§ 6-7. 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.

§ 6-8. Building Permit

No building shall be erected within a subdivision without written permission from the Planning Board.

APPENDIX

FORM A APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of § 2-1.

Chester, Mass., _____20__

To the Planning Board:

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

1. Name of Applicant _____

Address _____

2. Name of Engineer or Surveyor _____

Address _____

3. Deed of property recorded in _____ Registry,

Book _____ Page _____.

Location and Description of Property: _____

Signature of owner _____ Address _____

FORM B APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of § 2-2.

Chester, Mass., _____, 20__

To the Planning Board:

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

1. Name of Subdivider _____ Address

2. Name of Engineer or Surveyor _____ Address

3. Deed of property recorded in _____ Registry, Book
_____, Page _____.

4. Location and Description of Property :

Signature of owner _____

Address _____

A list of the names and addresses of the abutters of this subdivision is attached. Verification will be made by the Planning Board.

FORM C APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of § 2-3.

Chester, Mass. _____, 20 __

To the Planning Board:

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

1. Name of Subdivider _____ Address

2. Name of Engineer or Surveyor _____ Address

3. Deed of property recorded in _____ Registry, Book
_____, Page _____.

4. Location and Description of Property :

Signature of owner _____

Address _____

A list of the names and addresses of the abutters of this subdivision is attached. Verification will be made by the Planning Board.

FORM D COVENANT

The undersigned _____ of _____ County, Massachusetts, hereinafter called the "Covenantor" having submitted to the Chester Planning Board, a definitive plan of a subdivisions entitled _____ dated _____ made by _____ does hereby covenant and agree with said Planning Board and the successors in office of said Boards pursuant to G.L. (Terr. Ed.) C. 41, Section 81U, as amended, that;

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

The undersigned _____ Wife, Husband, of the covenantor hereby agree that such interest as I, we, have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

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

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____ 20 __

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

Notary Public

FORM E CERTIFICATE OF PERFORMANCE (Covenant Approval Release)

Chester, Mass. _____ 20 __

The Undersigned being a majority of the Planning Board of the Town of Chester, Massachusetts hereby certify that the requirements for work on the ground called for by the Covenant dated _____ and recorded in _____ District Deeds, Book _____ Page _____, (or registered in _____ Land Registry District as Document No. _____, and noted on Certificate of Title, No. _____, in Registration Book _____, Page _____) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____ recorded with said Deeds, Plan Book _____ Plan _____ (or registered in said Land Registry Districts, Plan Book _____ Plan _____) and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated an said Plan as follows: _____

Majority of the

Planning Board

of the Town of

Chester

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____, 20 __

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

Notary Public

My commission expires: