

Rules and Regulations

Governing the Subdivision of Land

Town of Southamptn, Massachusetts



Southamptn Planning Board

March 2015

These Rules and Regulations Governing the Subdivision of land in the Town of Southampton, Massachusetts, and the amendments thereto, were recorded in the Hampshire Registry of Deeds and Land Court on:

Hampshire Registry Land Court

These Regulations were approved by the Southampton Planning Board on March 4, 2015

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SECTION 1.0 AUTHORITY AND PURPOSE

1.1 Authority

Under the authority vested in the Planning Board of the Town of Southampton by Section 81-Q of Chapter 41 of the General Laws, as amended, and by all subsequent thereto, said Board hereby adopts these Rules and Regulations Governing the Subdivision of Land in the Town of Southampton.

1.1 Purpose

These Subdivision Regulations for the Town of Southampton have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of Southampton 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 the subdivisions and in proper cases parks and open areas. The powers of the Planning Board and of the Board of Appeals under these Regulations shall be exercised with due regard for: the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for minimizing congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning by-laws of Southampton; for securing adequate provision for water, sewerage, drainage, underground utility service, street lighting, police, fire and other requirements where necessary in a subdivision; for coordinating the ways in a subdivision with each other, with the public ways in the Town of Southampton and with the ways in neighboring subdivisions.

SECTION 2.0 DEFINITIONS

For the purpose of these Rules and Regulations, unless a contrary intention clearly appears, the terms and words defined in Section 81-L of Chapter 41 of the General Laws shall have the meaning given therein. The following other terms and words shall have the following meaning:

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: Either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. An agent, representative, or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.

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).

APPROVED AND ENDORSED BY 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.

BOARD: The Planning Board of the Town of Southampton.

CMR: The Code of Massachusetts Regulations.

CONSULTANTS or CONSULTING SERVICES: Includes, but is not limited to, architects, biologists and other environmental experts, chemists, engineers, geologists, landscape architects, planners, lawyers, sanitarians, and surveyors.

DEAD END STREET (CUL-DE-SAC): A street which joins another street at only one end with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

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, and must be recorded at the Registry of Deeds.

ENGINEER: Any person who is registered by the Commonwealth of Massachusetts to perform professional civil engineering services.

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.

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 definitive boundaries, used, or available for use, as the site of one or more buildings.

MUNICIPAL SERVICE: Public utilities furnished by the town in which a subdivision is located, such as water, sewerage, gas, and electricity.

OPEN SPACE: Property within a subdivision designated to be deeded by the developer to the town, homeowner's association 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 at the Hampshire County Registry of Deeds, Land Court, or Probate Court.

PERFORMANCE GUARANTEE: A guarantee, in the form of a surety bond, cash, savings passbook, covenant, 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: A proposed plan of a subdivision submitted by the applicant to be recorded in the Hampshire County Registry of Deeds or Land Court when approved by the Planning Board.

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PLAN, FINAL: A proposed plan showing all buildings (not more than one building to be used for dwelling purposes) per building lot, to be approved by the Planning Board as a prerequisite to obtaining building permits.

PLAN, PRELIMINARY: A plan of a subdivision submitted by the applicant showing sufficient information to form a clear basis for discussion and clarification of its general contents and for the preparation of a Definitive Plan.

RECORDED: Recorded in the Registry of Deeds of Hampshire County except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court.

REGISTER OF DEEDS: The Register of Deeds of Hampshire County and, when appropriate, shall include the Recorder of the Land Court.

REGISTERED MAIL: Registered or certified mail.

REGISTRY OF DEEDS: The Registry of Deeds of Hampshire County and, when appropriate, the Land Court.

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: 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 Counsel, at the option of the Planning Board.

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 the most recently prepared Flood Insurance Rate Maps, and subsequent revisions, and contains all land within the Flood Plain Overlay District on the Official Zoning Map of the Town of Southampton.

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

STANDARD SPECIFICATIONS: Standard Specifications for Highways and Bridges, Massachusetts Department of Transportation, most current as amended/supplemented standard edition.

STREET, PRIMARY: A street which receives and distributes traffic from and to various subareas within a given region, and receives traffic from a given residential neighborhood or industrial area and carries it to an arterial highway. These roads run through developed areas or connect concentrations of development, and carry significant volumes of traffic.

STREET, SECONDARY: A street which primarily provides access to adjacent land uses.

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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.

STREET, MAJOR: a street having the primary purpose of carrying through traffic and the secondary purpose of providing access to abutting property.

STREET, SECONDARY: A street which serves to connect minor streets with major streets.

SUBDIVISION: Subdivision shall mean the division of a tract of land into two or more lots and shall include resubdivision, 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 in 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 was made, every lot within the tract so divided has frontage on:

- (a) A public way or a way which the Clerk of the Town of Southampton 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 of Southampton, having, in the opinion of the Planning Board, sufficient 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.
- (d) All of which have adequate Access From Public way

SUBDIVISION CONTROL LAW: Refers to Sections 81-K to 81 GG, inclusive of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, entitled "Subdivision Control" as last amended.

SUBDIVISION TYPE I: a subdivision for residential uses.

SUBDIVISION TYPE II: A subdivision for commercial uses.

SUBDIVISION TYPE III: a subdivision for industrial uses

SURVEYOR: Registered Land Surveyor in the Commonwealth of Massachusetts.

TOWN: The Town of Southampton, 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 Southampton, 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

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covenant, deed description or by other means as a private way.

ZONING: No subdivision rule may affect the size, shape, width, frontage, or use of lots. All subdivisions will fully comply with the Town Zoning By-Law.

SECTION 3.0 GENERAL

3.1 Limitation of One Dwelling Unit per Lot

Not more than one building for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in the Town of Southampton.

3.2 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.

3.3 Plan Believed Not to Require Approval

3.3.1 Filing Procedure

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 Laws may submit his plan and application (Form A) to the Board or to the Town Clerk accompanied by the necessary evidence to show that the plan does not require approval. Said plan shall be submitted either by delivery or by registered or certified mail. Receipt of the plan by the Town Clerk or Board shall constitute the date of submission. The applicant will also file the appropriate filing fee to cover the cost of handling reviews, advertising, and public meeting expenses (See Planning Board Policies and Procedures)

If the Board determines that the plan does not require approval, it shall within twenty-one (21) days and without a public hearing endorse on the plan the words "Planning Board Approval under the Subdivision Control Law Not Required." If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission of said plan so inform the applicant and return the reproducible original of the plan. The Board shall notify the Town Clerk of its action.

The applicant shall provide electronic copies of said plan as a dwg. file set to the projected coordinate system NAD_1983_StatePlane_Massachusetts_Mainland_FIPS_2001(Meters) where available. Electronic copies must also be submitted on a CD-ROM in pdf form.

The Board for the Town of Southampton recommends the following procedure for filing an "Approval Not Required" plan:

3.3.1.1 The applicant will meet with the Board at a regularly scheduled meeting for a review of said plan. The applicant will provide a minimum of two copies of said plan to the Board. Said plan shall be prepared by a Registered Massachusetts Engineer or Surveyor.

3.3.1.2 If the Board determines that the plan does not require approval, the Board will endorse the plan. After endorsement, the Chair of the Board will determine the

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appropriate filing fee cost for an Approval Not Required Plan (See Planning Board Policies and Procedures).

- 3.3.1.3 After endorsement by the Board, the applicant will file Form A with the Town Clerk, and pay the determined fee to the Town Clerk's office.

Before the Board makes its determination, it shall review or have a consultant review the correctness of all street information and compliance with the Southampton Zoning By-Laws. If, in the judgment of the Board, consulting services are necessary or appropriate, the applicant shall be responsible to cover the full cost of such services prior to the endorsement of the plan. Where the physical condition or width of a public way, from which the lots shown on the plan have their access, is considered by the Board to be inadequate either to provide for emergency services or to carry the traffic which is expected, in the opinion of the Board, to be generated by such lots, the Board shall determine that the plan does require approval under the Subdivision Control Law. Where the Board determines that in its opinion adequate access (as contemplated by section 81M of the Subdivision Control Law and Section I.B. of these regulations) does not exist, then the Board shall determine that the plan does require approval under the Subdivision Control Law.

If the Board fails to act upon a submitted plan within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Laws is not required as certified by the Town Clerk.

3.3.2 Plan Contents

The plan shall be prepared by a Massachusetts Registered Civil Engineer and/or Massachusetts Registered Land Surveyor, shall be clearly and legibly drawn with waterproof ink upon mylar at a scale not smaller than one (1) inch equals forty (40) feet or a scale appropriate to project proposed, with the sheet size not exceeding thirty-six (36) inches by twenty-four (24) inches, and shall contain the following information:

- 3.3.2.1 North arrow, date, scale, legend, locus, and title, "Subdivision Approval Not Required".
- 3.3.2.2 The names and addresses of the owner/s of record at the time of submission of the application, the applicant, and Land Surveyor (including the official seal).
- 3.3.2.3 Locations, names, lines and widths of all existing streets and any common or public areas.
- 3.3.2.4 Location and setbacks of all existing structures on the proposed site.
- 3.3.2.5 Location, dimensions and purpose of all easements, both existing and proposed, within and adjacent to the land in question.
- 3.3.2.6 The plan shall show boundary lines, dimensions of all subject lots, sites of divisions, lot areas (in acres or square feet, as appropriate), with all lots designated numerically and in sequences.
- 3.3.2.7 Location of all monuments properly identified as to whether existing or proposed.

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- 3.3.2.8 Frontage dimensions of all lots created and the dimensions of any frontage remaining on the original subdivided parcels, including the area of any subdivided parcels with a structure.
- 3.3.2.9 Suitable space to record the action of the Board and the signatures of members.
- 3.3.2.10 Book and page number from the Hampshire Registry of Deeds or title reference of subject property.
- 3.3.2.11 A notation reading “Endorsement of this Plan does not certify compliance with the zoning required for a building lot.”

SECTION 4.0 PROCEDURE FOR SUBMISSION AND REVIEW OF PLANS

4.1 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.

Any person engaged in the process of submitting a subdivision plan to the Board is strongly recommended, but not required, to prepare a Voluntary Sketch Plan that will include the following:

- 4.1.1 Existing Resources / Site Analysis Map: A map which identifies, locates, and describes noteworthy features to be designed around through sensitive subdivision layouts, such as vegetation, wetlands, steep slopes, farmland soils, historic or cultural features, threatened or endangered species, unusual geological formations, and scenic views or viewsheds.
- 4.1.2 Voluntary Sketch Plan: A simple and inexpensive drawing prepared by a professional landscape architect, architect, planner, site designer or engineer, which illustrates conceptual layouts of house lots, streets, conservation areas and other improvements. Ideally, this is based on the Existing Resources/Site Analysis Map and reflects comments received from Town officials.

It should be noted that any comments or suggestions made by the Board are purely advisory and they are not bound by them in their review and decisions on any subsequently submitted Preliminary or Definitive Plans.

4.2 Preliminary Plan

4.2.1 General

A Preliminary Plan of a Type I subdivision may be submitted by the applicant for discussion and action by the Board.

A preliminary plan must be submitted for Type II and Type III subdivisions. The submission of such a Preliminary Plan will enable the applicant, the Planning Board, or other municipal agencies, and owners of property abutting the subdivision to discuss and clarify any problems of such a subdivision before a Definitive Plan is prepared. It is strongly recommended that a Preliminary Plan be filed in all cases, except those cases where pre-submission review has adequately clarified all issues.

At the time of submission the center line of the proposed roadway and the front lot line corners of all proposed lots shall be adequately and accurately staked or flagged on the site sufficient for identification by the Planning Board members and Town officials when site visits are made

4.2.2 Filing Procedure

The procedure for filing a Preliminary Plan is as follows:

- 4.2.2.1 Any person who submits a Preliminary Plan shall do so by delivery at a properly posted and convened meeting of the Planning Board and Board of Health, or by certified or registered mail to the Planning Board and Board of Health, postage prepaid, and a notice filed with the town Clerk by delivery or by registered mail, postage prepaid, that such a plan has been submitted to the Planning Board. Receipt of such plan by the Planning Board at a properly posted and convened meeting shall constitute the date of submission. If mailed, the date of receipt (as shown on the returned registered mail receipt) shall be the date of submission of the plan. Such plan shall be accompanied by the completed Form B and a filing fee (See Planning Board Policies and Procedures for Fees).
- 4.2.2.2 The applicant shall file the original drawing (s) or suitable reproducible (s) and eight (8) copies with the Board and two (2) copies with the Board of Health. Said plan shall be prepared by a Registered Massachusetts Engineer. Five (5) additional reduced scale copies on 11"x17" paper shall also be filed with the Planning Board.
- 4.2.2.3 A list of anticipated requested waivers from the Subdivision Rules and Regulations.
- 4.2.2.4 In order to make application information available on the town's web site, and for presentation purposes at public meetings/hearings, all applications (Form B., Preliminary Development Impact Statement, Waiver Requests, Preliminary Engineering Plans, supportive information) shall also be submitted in a digital format on a single disk or drive and include:
- test information shall be submitted in a format suitable for reading as an MSWord document or PDF (portable document format) Adobe Acrobat file.
 - engineering plans shall be submitted in a PDF format.
 - other plans, drawings and photographs must be submitted in a JPEG, TIFF or PDF format
- 4.2.2.5 Any additional expenses for professional review of the plans, survey, or inspections shall also be paid by applicant in accordance with the SOUTHAMPTON PLANNING BOARD POLICIES AND PROCEDURES – TECHNICAL ASSISTANCE.

4.2.3 Contents

The Preliminary Plan shall be drawn at a scale of one inch to forty feet (1"=40') or such other scale as the Board may accept to show details clearly and adequately on a sheet of paper twenty-four by thirty-six inches (24" x 36"). The Plan shall include the following:

- 4.2.3.1 The Subdivision name, boundaries, North arrow, date, scale, legend and title "Preliminary Plan".

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- 4.2.3.2 The names and addresses of the owners of record, the applicant and the engineer or surveyor.
- 4.2.3.3 A locus plan overlaid on the most recent MassGIS orthophotos or other high-quality low-elevation air photos.
- 4.2.3.4 Existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.
- 4.2.3.5 The proposed system of drainage, including adjacent existing natural waterways, in a general manner.
- 4.2.3.6 The proposed method of sanitary sewage disposal and system and water distribution system (including general soils information), in a general manner.
- 4.2.3.7 The approximate boundary lines of proposed lots with approximate areas and dimensions.
- 4.2.3.8 The names, approximate locations and widths of adjacent streets.
- 4.2.3.9 The topography of the land, in a general manner.
- 4.2.3.10 An index plan at a scaled of one inch equals two hundred feet (1"=200'), when multiple sheets are used.
- 4.2.3.11 A key plan at a scale of one inch equals one thousand feet (1"=1000').
- 4.2.3.12 In the case of a subdivision covering less than all of the land owned by the subdivider, a plan showing in a general manner the proposed overall development of all said land.

4.2.4 Action by the Board

Within forty-five (45) days of submission of the Preliminary Plan, the Board shall take one of the following actions:

- 4.2.4.1 Approve the plan as presented;
- 4.2.4.2 Approve the plan with modifications;
- 4.2.4.3 Disapprove the plan.

and shall file its decision with the Town Clerk and notify the applicant (certified mail). Failure of the Board to file its decision on a Preliminary Plan within 45 days after submission shall be deemed to constitute approval of such a plan. In the case of disapproval, the reasons why shall be stated. Approval of the plan does not constitute the approval of a subdivision and no Register of Deeds shall record a Preliminary Plan.

Approval of the Preliminary Plan by the Board does not constitute approval of a subdivision but does facilitate the procedure in securing approval of the Definitive Plan.

In addition, such approval does not in any way authorize the owner to proceed with construction of roadways and/or other work in the subdivision.

4.3 Definitive Plan

4.3.1 General

A Definitive Plan shall be governed by the subdivision regulation in effect at the time of submission of such plan, or in effect at the time of submission of a Preliminary Plan provide that a definitive plan evolved therefrom shall have been submitted to the Board within seven (7) months from the date of submission of the Preliminary Plan.

A Definitive Plan shall also be governed by the zoning in effect at the time of submission of such plan or a Preliminary Plan from which a Definitive Plan is evolved in accordance with the provisions of Section 6 of Chapter 40A of the General Laws as amended.

4.3.2 Filing Procedure

Any person submitting a Definitive Plan of a subdivision to the Board for approval shall give written notice to the Town Clerk by delivery, or by registered or certified mail, postage prepaid. A plan is deemed submitted when delivered to the planning board at a meeting of the board or when sent by registered mail to the planning board. If so mailed, the date of receipt (as shown on the returned registered mail receipt) shall be the date of submission of such plan.

The applicant shall file with the Board the following:

4.3.2.1 An original reproducible drawing of the Definitive Plan, and eight (8) 24"x36" contact prints thereof with the Board, plus two (2) contact prints with the Board of Health and one (1) contact print for the Board of Assessors. The original drawing will be returned to the applicant after a decision on the Plan by the Board. Five (5) additional reduced scale copies on 11"x17" paper shall also be filed with the Planning Board.

At least one of the 24"x36" prints shall have the significant features illustrated according to the following color scheme, and shall be used for presentation purposes:

Feature	Identifying Color
Roads	Dark gray
Streams and water bodies	Blue
Wetlands	Solid Red
100 year floodplains	Orange
Dedicated open space and recreation areas	Green
Pedestrian and bicycle paths	Brown
Subdivision and lot boundaries	Black

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- 4.3.2.2 In order to make application information available on the town's web site, and for presentation purposes at public meetings/hearings, all applications (Form C, Waiver Requests, Engineering Plans, supportive information) shall also be submitted in a digital format on a single disk or drive and include:
- test information shall be submitted in a format suitable for reading as an MSWord document or PDF (portable document format) Adobe Acrobat file.
 - engineering plans and a colored print shall be submitted in a PDF format.
 - other plans, drawings and photographs must be submitted in a JPEG, TIFF or PDF format
- 4.3.2.3 Two (2) properly executed application Form C, one to the Board and one to the Board of Health.
- 4.3.2.4 A filing fee (See SOUTHAMPTON PLANNING BOARD POLICIES AND PROCEDURES – EXHIBIT C. FEE SCHEDULE)
- Any additional expenses for professional review of the plans, survey, or inspections shall also be paid by applicant in accordance with the SOUTHAMPTON PLANNING BOARD POLICIES AND PROCEDURES – TECHNICAL ASSISTANCE.
- 4.3.2.5 A certified list of abutters (Form D) and two sets of abutter addresses on mailing labels.
- 4.3.2.6 A list of requested waivers from the Subdivision Rules and Regulations.
- 4.3.2.7 For the mailing of Public Hearing Notices, 1 complete set of legal sized envelopes with Planning Board's return address, one addressed for each applicant, owner, engineer and abutters, and all with sufficient postage to assure delivery via the U.S. Postal Service.
- 4.3.2.8 For the mailing of decision, 1 legal sized envelope with the Planning Board's return address, addressed to the applicant, and with sufficient postage for delivery by registered mail via the U.S. Postal Service.

4.3.3 Contents

The Definitive Plan shall be prepared by a Registered Civil Engineer and/or Registered Land Surveyor. The Plan shall be at a scale of one inch to forty feet (1"=40'), unless otherwise specified by the Planning Board. Sheet size shall not exceed 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The data required below may be on separate sheets as is necessary.

The Definitive Plan shall have the following information:

- 4.3.3.1 The subdivision name, boundaries, North arrow, date, scale, legend, and bench mark(s). All elevations shall be to the U.S.G.S. bench marks.
- 4.3.3.2 The names and addresses of the owners of record, the applicant, the engineer and/or surveyor and/or their official seals.

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- 4.3.3.3 The names of all abutters as determined from the most recent tax list.
- 4.3.3.4 Existing and proposed lines of streets, rights of way, easements, and public or common areas within the subdivision. Proposed names of new streets shall be shown.
- 4.3.3.5 Location, names and present widths of street(s) bounding, approaching, or within reasonable proximity of the subdivision.
- 4.3.3.6 Zoning districts of all the areas shown on the plan.
- 4.3.3.7 Key plan showing location of the subdivision at a scale of one inch equals one thousand feet (1"=1000'), and an index plan at a scale of one inch equals two hundred feet (1"=200'), or at a scale matching that used on the Assessors maps.
- 4.3.3.8 Existing (solid line) and proposed (broken line) topography at two (2) foot contour intervals including the finished grade of all lots.
- 4.3.3.9 Street frontage, lot numbers and areas of lots.
- 4.3.3.10 Location of all natural waterways and water bodies within and adjacent to the subdivision.
- 4.3.3.11 Location of significant site features, such as existing stone walls, fences, buildings, large trees, flood plains, and rock outcroppings.
- 4.3.3.12 Location of all permanent monuments, properly identified as to whether proposed or existing.
- 4.3.3.13 If requested by the Board of Health, the location and results of all percolation tests to evaluate subsurface conditions for each lot in the prospective subdivision. These tests will be done if individual sewer systems are proposed. The tests will be done in accordance with the State Sanitary Code and the regulations of the Southampton Board of Health.
- 4.3.3.14 If utilizing public water, the size and location of existing and proposed water supply facilities.
- 4.3.3.15 If utilizing public water, the size and location of all fire hydrants, pump, water lines between hydrants and pump, and source(s) of water for fire fighting.
- 4.3.3.16 Location of all the following improvements unless specifically waived in writing by the Board: street paving, sidewalks, street lighting standards, all utilities above and below ground (i.e., electricity, phone, cable TV, gas), curbs, gutters, storm drainage, and all easements (with statement of the purpose of each such easement) including any required utility easements outside of the right-of-way.
- 4.3.3.17 An Application for a Stormwater Management Permit, in accordance with Section XIV of the Southampton Zoning Bylaw, along with all required plans

and supportive information and documentation, must be submitted as part of the Definitive Subdivision Plan submission approval. No work shall commence on the construction an approved Definitive Subdivision Plan until a Stormwater Management Permit has been approved and issued. Wherever possible the proposed drainage system shall be designed to utilize, and be compatible with, the existing drainage patterns and existing natural features of the site.

Detention ponds shall be utilized wherever possible, although other methods will be entertained where detention ponds are determined, by the Board, not to be feasible. The systems shall also be designed such that the volumes and velocities of storm water leaving the site after construction shall not exceed that of the pre-construction state of the site.

Detention ponds, retention ponds and other storm water drainage structures, not located within the proposed of existing street right-of-way, must be located on their own individual parcel, and may not be included as a part of any intended building lot. Such individual parcel shall be placed under the ownership, control and responsibility of a homeowner's association, or other approved equal by the Planning Board, created for such purpose. An easement shall be granted to the entity owning the street (including its successors and assigns) authorizing the discharge of storm water into said drainage structure. Said association shall be responsible for:

- the maintenance, repair, and improvement of the storm water drainage structure ensuring its continued functioning capability as designed and constructed
- maintaining a bank account at all times, with a balance of no less than an amount determined by the Highway Superintendent as being sufficient, for the purpose of paying for said maintenance and improvement
- maintaining an insurance policy in the amount of at least one million dollars (\$1,000,000.00)
- having said structure inspected, and maintained, repaired and improved as needed, at least once a year by a qualified person/firm (i.e. engineer, landscaper as appropriate)
- having said qualified person firm forward a written report, at least once each calendar year, certifying said inspection and any maintenance, repairs, and improvements that were required and undertaken to the Planning Board and Highway Superintendent.

The developer shall provide an easement on the parcel to the town, and similar wording shall also be included in any Homeowner's Association Bylaws, where, should said association fail in any of its aforementioned responsibilities as listed above, give the town the right to intercede and conduct any of the maintenance, repairs and improvements that it feels are necessary to ensure the proper functioning of the structure, and assess the association the cost of said maintenance, repairs and improvements, plus a 20% administrative fee.

- 4.3.3.18 Sufficient data including the length, bearings, radii, and central angle to determine the exact location, direction, and length of every street, and way, lot line and boundary line, and to establish these lines on the ground.

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- 4.3.3.19 Profiles shall be prepared as follows:
- A horizontal scale of 1" = 40'.
 - A vertical scale of 1" = 4'.
 - Existing grade of road center line drawn in fine black solid line.
 - Existing right sideline drawn in fine black dotted line.
 - Existing left sideline drawn in fine black dash line.
 - All elevations shall refer to the U.S. Coast and Geodetic Survey bench marks.
 - Proposed roadway center line grades drawn in heavy red line with precise elevations at point of vertical tangency, point of vertical contact, high point and low point.
 - Rates of roadway gradient shown in percentage.
 - Size, location and rates of gradient of proposed stormwater drains, sewer lines, catch basins, man holes, as well as required new waterways, and sizes of all pipes.
 - Invert and rim elevations of each man hole or catch basin shall be shown.
 - As long as the work is related to the proposed subdivision, profiles shall be shown even if the new work is outside said subdivision.
 - Water mains will be shown in profile to demonstrate sufficient clearance of other structures.
 - Size and location of all other utilities to be placed in the right of way. These shall be placed so as to minimize flood damage.
 - Location of any intersected public or private way.
- 4.3.3.20 Cross sections details shall comply with the Typical Section contained in the Appendix and shall include: Street section showing paving, crown, berm, shoulder and distance to the right of way line, as well as cross sections for any drainage trench.
- 4.3.3.21 Suitable space to record the action of the Board and signatures of Board members.
- 4.3.3.22 The following Statements shall appear on all plans:
- 4.3.3.22.1 Planning Board approval of any subdivision shall be deemed revoked in all cases where the construction of ways and installation of municipal services has not been completed or where the applicant (his agents or assigns) has failed to meet any conditions of said approval by the completion deadline date stated in the Subdivision Approval, unless such time is extended in writing between the applicant (his agents or assigns) and the Planning Board in accordance with the provisions of Section 4.3.9 Completion Time Schedule, of the Southampton Rules and Regulations Governing the Subdivisions of land.
- 4.3.3.22.2 Compliance with the requirements of the Southampton Subdivision Rules and Regulations, unless they have specifically been waived by the Planning Board, are required as part of the approval of this plan.

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- 4.3.3.22.3 Approval of this plan shall be automatically revoked if recorded more than six (6) months following the date of endorsement unless specifically waived prior to such expiration by the Planning Board.
- 4.3.3.23 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 Southampton, 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.
- 4.3.3.24 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.
- 4.3.3.25 An Erosion Control Plan in accordance with Section XIV of the Southampton Zoning Bylaw, along with all required plans and supportive information and documentation, must be submitted as part of the Definitive Subdivision Plan submission approval. No work shall commence on the construction of an approved Definitive Subdivision Plan until a Stormwater Management Permit has been approved and issued.
- 4.3.3.26 Landscaping Plan showing the location of all existing and proposed landscaping, including the center of any proposed cul-de-sacs. Indicate which mature trees are proposed to be removed. Tree species must be approved by the Tree Warden.
- 4.3.3.27 Traffic Analysis. At the Board's discretion, 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.
- 4.3.3.28 Construction Quantities. The applicant shall submit a detailed estimate for all construction within the proposed roadway layout and/or public utility easements, certified by the project's Registered Professional Engineer. Said estimate shall be based on the "Standard Specifications for Highways and Bridges", 1988 Edition, as amended, of the Commonwealth of Massachusetts, and shall include:
- a. Schedule of Values for Subdivision Construction, (see Form E: Definitive Subdivision Construction Cost Estimate)
 - b. Total amount for cost of completion of project.
 - c. Costs adjusted to account for municipal prevailing wages rates
 - d. Costs adjusted to add a 20% inflation/safety factor
- 4.3.3.29 The applicant shall include a maintenance plan for the subdivision right-of-ways, easements and roads for the time prior to acceptance by the Town. The maintenance plan should include provision for the maintenance of road

pavement, soil settling problems, street sweeping, snowplowing, maintaining vegetative stabilization of all right-of-ways and easements, erosion controls, fall leaf clean up, catch basin and drainage system cleaning, and other provisions as determined to be necessary by the Planning Board.

4.3.3.30 Road Acceptance. All requirements as listed under Section 4.3.14 in the Southampton Subdivision Regulations.

4.3.3.31 Any other information that the Board may deem necessary.

4.3.4 Review by the Board of Health

At the time of the filing of the Definitive Plan with the Board, two (2) copies shall also be filed with the Board of Health. The Board of Health shall report in writing its approval or disapproval of said Plan. In the event of disapproval it shall make specific findings as to which if any of the lots shown on said Plan cannot be used as building sites without injury to the public health. The Board of Health shall include specific findings and the reasons therefore in such report, and where possible it shall make recommendations for adjustments necessary for the Plan's approval. Any approval by the Board shall be on the condition that lots deemed injurious to the public health shall not be built upon without prior consent of the Board of Health. The Board shall endorse on the plan such conditions, specifying the lots to which said conditions apply. Failure by the Board of Health to report on the proposed subdivision within forty-five (45) days after the filing of the Plan shall be deemed approval of the Plan by the Board of Health.

All subdivisions shall apply to connect to the Town sanitary sewerage system where this system is available and where it is feasible to do so. Every lot not served by the Town sewerage system shall have an adequate approved sewage disposal system satisfactory to the Board of Health.

4.3.5 Review by Other Town Departments

The Board shall, upon submission of a Definitive Plan, transmit one copy each to the Board of Selectmen, Fire Department, Highway Department, Water Department, Police Department, Conservation Commission and consultants selected by the Board for their review. Comments and recommendations shall be made to the Board within forty-five days following receipt of a copy of the plan.

4.3.6 Public Hearing

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 Southampton 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 Applicant in accordance with the SOUTHAMPTON PLANNING BOARD POLICIES AND PROCESURES. The Applicant 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 Police Department, the Superintendent of Schools, the Building Inspector, the Water Department and the Highway Department.

4.3.7 Approval, Modification or Disapproval

After the required public hearing but within ninety (90) days from submission, in the case for Type II and Type III subdivision, or Type I subdivision that has submitted a preliminary plan, or within one-hundred and thirty-five (135) for Type I subdivision which no preliminary plan was submitted, the Board shall take final action upon the Definitive Plan. It shall approve the Plan as submitted, modify and approve the Plan or disapprove the Plan. If the Board modifies or disapproves the Plan, it shall state with its vote the reasons for its action.

The failure of the Board either to take final action or to file with the Town Clerk a certificate of such action regarding the definitive plan submitted by an Applicant within one hundred thirty-five (135) days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Board with the Town Clerk.

Approvals of Definitive Subdivision Plans are transferable only upon the prior approval of the Planning Board.

4.3.8 Performance Guarantee & Requirements Prior to Endorsement of Definitive Plan

An approved, or approved with modifications, Definitive Plan shall not be endorsed until after the mandatory twenty-day appeal period has elapsed as certified by the Town Clerk, or after issuance of a final decree of the court sustaining the approval of such plan, if appealed, and not until the applicant has complied with all of the following.

4.3.8.1 Required Documents to be Submitted:

4.3.8.1.1 A revised Definitive Subdivision Plan with the necessary corrections if conditional approval was given or modification required

4.3.8.1.2 Delivered one set of the Mylar originals of the plan (for recording at the Hampshire Registry of Deeds) and three copies of the definitive plan if no corrections were necessary; (Note: If corrections were required by the Planning Board, seven prints shall be delivered.) Said mylars must bear the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied.

4.3.8.1.3 Submitted the approved plan in the required digital format per Section 4.3.2.5 of these Regulations.

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- 4.3.8.1.4 Submitted a municipal lien certificate, indicating that all taxes, assessments and charges have been paid in full.
- 4.3.8.1.5 Caused to be executed, in a form accepted to the Town Counsel, all deeds of easements, as shown on the plan and/or required by the Planning Board, and submission of such deeds and documents to the Planning Board, and signed an agreement to pay for town engineering or legal review service, and public hearing advertisement.
- 4.3.8.1.6 The applicant shall submit all documents including, but not limited to, master deeds, restrictive covenants, deed restrictions, shared land, detention pond, open space, and recreation areas. A homeowners' association must be established to maintain the streets and infrastructure until and unless the streets are accepted by the Town. Covenants must include the requirement that the homeowner's/landowner's association or other entity accept all responsibility under town bylaws to keep all sidewalks in front of open space associated with the project free of snow. This requirement shall apply even if omitted from a covenant
- 4.3.8.1.7 Submitted a proforma or sample of the individual property deeds to the individual homeowners to be used showing that the developer has retained his rights and ownership of the right-of-way. When selling lots, the developer shall retain his rights and ownership of the right-of-way, and such shall be stated and included in all deeds to lots in the development.
- 4.3.8.1.8 Posted the necessary performance guarantee. The monetary value of said guarantee, using any method other than a covenant, shall be based on a Construction Quantity Estimate (see below) if conditional approval of the subdivision was given and if said approval changed the original quantities. In addition, the monetary value of the performance guarantee shall be adequate to cover all costs the Town would incur to complete the project at the end of the expiration of said guarantee, including but not limited to construction costs at state (or, if required, federal) prevailing wages, record plans, street acceptance plans, and legal costs.

4.3.8.1.8.1 Construction Cost Estimate

With all performance guarantees the applicant shall also submit a detailed Construction Cost Estimate for all construction within the proposed roadway layout and/or public utility easements, certified by the project's registered professional engineer. Said estimate shall be based on the "Standard Specifications for Highways and Bridges," 1988 Edition, as amended, of the Commonwealth of Massachusetts, and shall include:

- 4.3.8.1.8.1.1 Schedule of Values for Subdivision Construction (see Form E: Definitive Subdivision Construction Cost Estimate)

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- 4.3.8.1.8.1.2 Total amount for cost of completion of project.
 - 4.3.8.1.8.1.3 Costs adjusted to account for municipal prevailing wage rates.
 - 4.3.8.1.8.1.4 Costs adjusted to add an inflation/safety factor of 20%.
- 4.3.8.1.9 Delivered an irrevocable offer of dedication of all facilities to be dedicated to the public. Said offer must be accompanied by a lawyer's title opinion that the offer is free of any liens and encumbrances, and all mortgages must be subordinated to the offer. The offer shall be irrevocable, except the offer can be withdrawn if the project proponent does not proceed with the project and requests that the subdivision approval be rescinded or otherwise amended such that the dedication is no longer necessary.
- 4.3.8.1.10 If determined to be required by the Planning Board, received from the applicant an executed instrument, in a form approved by the Planning Board, transferring to the Town or to an approved public utility company, without cost to the town, valid unencumbered title to all sanitary sewers, water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision or approved portion thereof, and conveying to the Town or to an approved public utility company without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, water mains and other utilities, with any manholes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through, and under a strip of land extending 10 feet in width on each side of the center line of all such sewers and water mains. The Planning Board may require greater than 10 feet in width on each side of the center line where it deems necessary.
- 4.3.8.1.11 A formal petition, accompanied by said plans, requesting that the street be accepted by the town as a Town Street (except as in 4.3.8.1.12 below).
- 4.3.8.1.12 A document, the form and content of which must be approved by the Town Counsel, suitable for recording, deeding the proposed public roadway to the Town.
- 4.3.8.1.12.1 In cases where the developer has requested, and the Planning Board has approved, that the road not be accepted as a Town Road but be kept as a Private Way, not under the ownership and/or responsibility of the town but under the ownership and responsibility of a homeowner's association as

established in accordance with Section 4.3.10.3, the developer shall submit to the Planning Board for its approval an irrevocable declaration that shall be included in the deed to the roadway, the homeowner's association Master Deed and Bylaws, and the deeds to all of the lots in the subdivision.

Said irrevocable declaration shall state that said way is a Private Way and not a Town road, that it is not under the ownership and/or responsibility of the town but under the ownership and responsibility of the homeowner's association, that it shall remain a Private Way in perpetuity and, if at such time it is ever petitioned to become a Town Road that it first must be brought into compliance with the design and construction standards for a definitive subdivision road required at the time that the petition is submitted.

Private Ways shall be designated by blue street identification signs

4.3.8.1.13 Failure of the applicant to meet the above requirements shall be full and sufficient reason to withhold endorsement. If the applicant fails to submit the required performance guarantees, easements and other documentation and the endorsement of the plan by the Planning Board is delayed more than six months after the expiration of the twenty-day appeal period, the Planning Board, on its own motion, shall exercise its power to modify, amend, or rescind its approval of the subdivision plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.

4.3.8.2 Performance Guarantee

Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in the approved Definitive Subdivision Plan for all lots in the subdivision, such construction and installation to be secured in accordance with Chapter 41, Section 81-U, M.G.L., as amended, by one, or in part by the other, of the following methods which may from time to time be varied with the applicant:

4.3.8.2.1 Financial performance guarantees (surety bonds, money or three-party lender agreement).

The applicant shall either file a surety company performance bond or provide a deposit of money or negotiable securities in an amount determined by the Planning Board in consultation with the appropriate Town departments, to be sufficient to cover the cost of all or any part of the improvements specified in these regulations at state (or, if applicable, federal) prevailing wage rates not covered by a covenant below, and to cover the costs of inspections, record plans, street acceptance plans, and legal work, and a 20% contingency/inflation factor. Warranty principal shall be not less than 15% of the estimated cost of those components of

the entire project which shall be dedicated for public use and shall cover workmanship and materials.

4.3.8.2.1.1 If financial performance guarantees are used, at least two lots in a subdivision which can be built on must be covered by a covenant to ensure that all work, including legal work, is completed.

4.3.8.2.1.2 Three-party agreement for lender retention of funds, surety bonds and other financial performance guarantees must be drafted so that the only requirement that must be met for the Planning Board to draw on the letter is to notify the financial institution (grantor) that:

“We have incurred liability by reason of the failure of the applicant/ developer/owner, within ninety days of the expiration of this letter, to complete the construction of their project (insert name of subdivision and plans) in accordance with the definitive subdivision plans and submittal, the subdivision approval, the Southampton Zoning Bylaw, and the Rules and Regulations Governing the Subdivision of Land in Southampton. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor.”

4.3.8.2.1.3 Such bond, deposit of money or negotiable securities, shall be approved as to form, the surety or financial institution, and manner of execution by the Planning Board.

4.3.8.2.1.4 Approval with Money

By a deposit of money sufficient in the opinion of the Planning Board to secure performance of the construction of ways and installation of municipal services required for lots in the subdivision shown on the plan, and the Planning Board may require that the applicant specify the time within such construction shall be completed. Deposits of money shall take the form of one or a combination of the following:

4.3.8.2.1.4.1 Savings passbook (with three signed withdrawal slips) account made out to the Town of Southampton and controlled by the Town Treasurer, with agreement from the bank that no withdrawal from the account be made without approval of the Planning Board.

4.3.8.2.1.4.2 Certified cashier’s check or bank check.

4.3.8.2.1.5 For any surety bond:

4.3.8.2.1.5.1 The surety must agree that any litigation stemming out of the bond will take place in Massachusetts

4.3.8.2.1.5.2 The bond must include the name and address of the person to be served for any legal action.

4.3.8.2.1.5.3 The bond must specifically include the terms above.

4.3.8.2.1.5.4 No expiration date may be allowed in the bond (The bond must be valid until the work is complete.), and the warranty performance period has been completed.

4.3.8.2.2 Approval with covenant

Instead of filing a bond or depositing money, the applicant may fulfill a covenant, executed and duly recorded concurrent with recording the subdivision approval by the owner of record, running with the land, that no lot in the subdivision shall be sold and no building erected thereon until such ways, services and, whenever applicable, temporary turnarounds are constructed and installed, and until record plans, street acceptance plans, and other required work are accepted by the Planning Board in accordance with these rules and regulations so as to adequately serve the lots.

4.3.8.2.2.1 Such covenant shall be inscribed on the definitive plan or on a separate document referred to on the plan and delivered to the Planning Board. The Planning Board shall turn over the covenant agreement to the Town Counsel, who shall review its contents and forward his comments in writing to the Planning Board. Upon approval of the covenant by the Planning Board, the applicant shall note the Planning Board's action on the definitive plan and the Planning Board shall record the covenant, endorsed definitive plan, and other appropriate documents at the Hampshire County Registry of Deeds.

4.3.9 Completion Time Schedule

All required improvements and legal documents shall be completed within a maximum period of three years from the date of endorsement of the Definitive Plan by the Planning Board. There shall be at least a three-month period between the completion date of all improvements and one-year warranty period and the expiration date of any bond, deposit of money, letter of credit or covenant. Said three-month period shall give the Town the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case the developer is unable to do so and/or the Planning Board denies any requests for an extension of time. "Warranty" shall include all workmanship and materials.

- 4.3.9.1 Upon written request from the applicant, the Planning Board may, at its discretion, grant an extension of time, and such agreement shall be executed and affixed to the financial performance guarantee or covenant.
- 4.3.9.2 In the case of a surety company bond, such an agreement for an extension shall not be effective until the surety delivers to the Planning Board a written statement that the surety agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company.
- 4.3.9.3 In the case of a covenant, the Board may grant final approval of the Definitive Plan conditional upon the completion of the construction of all ways and installation of utilities within specified time period from date of said covenant. Failure to complete such improvements shall automatically rescind approval of the plan.
- 4.3.9.4 Failure to complete all improvements as required by these rules and regulations within the time allotted shall cause the Planning Board to draw upon the performance guarantee (surety bond, deposit of money, letter of credit) in order to complete said improvements and/or schedule a public hearing in order to rescind approval of the subdivision in accordance with appropriate sections of MGL c. 41, § 81.
- 4.3.9.5 If the specified subdivision improvements in accordance with the Rules and Regulations are not completed within two (2) years of the date of the bond, deposit of money, lender's agreement or covenant, the Planning Board may require an estimate of the costs of the remaining work, increase the amount of the performance guarantee proportionately, and establish a new date for completion of said required improvements. Failure of the developer to complete the improvements within said two (2) year period, or any extension thereof, shall not relieve the developer from his/her obligation to pay for increased costs for completing the improvements in excess of his/her performance guarantee and shall be grounds for rescission of the approval of the plan pursuant to G.1., Ch.41, Sec. 81 W.

4.3.10 Evidence of Performance and Release/Partial Release of Performance Guarantee

4.3.10.1 Procedures for partial release

The developer may, upon partial completion and installation of required improvements in a subdivision, the security for the performance of which was given by bond, deposit of money, letter of credit, or covenant, make formal application, in writing either by hand delivery or certified mail, to the Planning Board for partial release of his performance guarantee, in accordance with the procedures set forth herein:

4.3.10.1.1 Financial performance guarantee.

The amount of such a bond, or deposit of money, or letter of credit or three-party agreement for lender fund retention held may, from time to

time, be reduced by the Planning Board. The applicant shall present to the Planning Board a list of all construction items performed and/or completed, said list to be based on the subdivision approval, and the subdivision regulations in their entirety. The amount to be reduced by the Planning Board, after consultation with the Highway Superintendent, shall be based upon federal or state prevailing wage construction costs at the time the application for reduction is made. The Planning Board shall withhold adequate funds to complete the project, but shall withhold no less than 20% of the original approved cost estimate or \$50,000, whichever is greater. At the completion of the project (based on a written acceptance from the Planning Board that the project has been completed) and a one-year warranty period, the amount withheld shall be released under 4.3.10.2.

4.3.10.1.2 Covenant.

The developer may request a release of conditions for lots where the required improvements have been completed for that section of roadway beginning at any intersection with a Town road and abutting lots up through the last lot to be released. Lots may only be released if they abut the completed portion of the road. No partial release from the covenants will be approved if the total length of roadway, including a temporary turnaround, abutting said designated lots, exceeds the Town's maximum allowable length for dead-end streets unless the Planning Board has already approved within the limits of the development a dead-end street exceeding said limits. In the absence of financial performance guarantees, adequate covenants will be held to ensure completion of the project, including record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on one lot which can be built on will be held until either a) the town has acceptance all of the Definitive Plan's roadways a town streets, or b) said covenant has been exchanged in lieu of the cash value (as determined by the Planning Board) of the lot. Covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan, and delivered to the Planning Board.

4.3.10.1.2.1 The subdivider may request a Release of lots from covenant, in exchange for a bond, deposit of money or surety provided that:

4.3.10.1.2.2 A revised Construction Cost Estimate (see Section 4.3.8.1.8.1) for all of the work remaining to be completed in accordance with the approved plans has been submitted.

4.3.10.1.2.3 Lots will be released in area of the subdivision where all the required improvements have been completed.

4.3.10.1.2.4 The lots run consecutively and are released on both sides of the road simultaneously, beginning with the lots nearest any intersection of the subdivision road and a town road.

4.3.10.1.2.5 The amount of the surety of Bond shall be determined by

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the Planning Board, based on the submitted revised Construction Cost Estimate and their estimates for constructing the road within existing approval. The amount of the Surety or Bond shall be determined on a request by request basis, and each request shall be judged on its own merits.

4.3.10.1.2.6 The amount of the Surety or bond on existing lots for which prior Surety or Bond has been given may be increased by the Planning Board should the specified Subdivision improvements in accordance with these Rules and Regulations not be completed within the allotted time period as specified and such increase would take into consideration increased construction costs.

4.3.10.1.2.7 Such a covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan, and delivered to the Planning Board. The Planning Board shall turn over the covenant to the Town Counsel who shall review its contents.

4.3.10.1.3 All requests for a partial release of the performance guarantee must be accompanied by:

4.3.10.1.3.1 A revised Construction Cost Estimate (see Section 4.3.8.1.8.1) for all of the work remaining to be completed in accordance with the approved plans.

4.3.10.1.3.2 A certification from the project's engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended.

4.3.10.1.3.3 Proof that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.

4.3.10.2 Procedures for full/final release.

The developer may, upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in these rules and regulations, and the completion of a one-year labor and materials warranty period make formal application, in writing either by hand delivery or certified mail, to the Planning Board for full release of any outstanding performance guarantee.

4.3.10.2.1 Before the Planning Board releases the full interest of the Town in said performance guarantee, the Planning Board shall:

4.3.10.2.1.1 Receive a certification from the project's engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended.

In no instance shall bonding or covenants be released for the final road course and sidewalks until said work has withstood

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one full winter season. Partial or final release for this work may be requested of the Planning Board no sooner than April 1st of the calendar year subsequent to completion of way and walks.

4.3.10.2.1.2 That the streets and drainage system have functioned as designed and intended and been in use for through one full winter.

4.3.10.2.1.3 Obtain in writing from the Highway Superintendent, or from a registered professional engineer chosen by the Planning Board (and paid for by the applicant), a certificate of statement that all work and systems required by these rules and regulations has been constructed in conformance with the approved construction plans. In the case where roadways will remain under private ownership, the above-mentioned certificate or statement shall be supplied by the project's registered professional engineer.

4.3.10.2.1.5 Receive from the applicant written evidence from the electric, telephone, gas and cable TV companies and all other public and private utilities stating that their respective underground systems have been installed and are functioning to their satisfaction.

4.3.10.2.1.6 Receive from the applicant written evidence from a Registered Land Surveyor that all permanent bounds and monuments on all street lines and on the lot or lots within the subdivision are in place and are accurately located in accordance with the approved Definitive Plan.

4.3.10.2.1.7 Find that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.

4.3.10.2.1.8 Obtain from the applicant a set of record "as-built" construction plans. Approval of said plans by the Planning Board shall take place after review of the former by the Highway Superintendent.

4.3.10.2.1.9 Receive from the applicant street acceptance plan or plans and necessary documents. Said plans and documents, after approval by the Planning Board and the Highway Superintendent, shall be presented by the Planning Board to the Town Meeting for a formal street acceptance.

4.3.10.2.1.10 Copies of all of the recorded lot deeds showing that the applicant has retained his/her/their rights to the subdivision road(s) right-of-way, or Certification from developer's lawyer that all deeds to lots contained phrasing which retained his rights to the right-of-way(s).

4.3.10.2.1.11 All "as-built" Definitive Subdivision Plan

information pertaining to the creation of the lots (including annotation of frontage, dimensions, acreage, etc.) shall also be submitted on a 3 ½” or CD DOS compatible computer disk, using drawing interchange files (AutoCAD compatible DWG or DXF files), in either ASCII or binary format. Horizontal and vertical control shall have at least two (2) points tied (in feet) into the Massachusetts State Plane Coordinate System (NAD 1983) using municipal GIS monuments stationed throughout the Town. Horizontal control shall have a closure of 1:12,000 or better. Vertical control must be of second order D Class 2 accuracy or better and be tied to USGS datum. All records of control shall be delivered to and reviewed by the Town.

4.3.10.2.1.12 All “as-built” Definitive Subdivision Plan, Record and Street Acceptance Plan information shall also be submitted on a disc in pdf and AutoCAD compatible format such as dwg or dxf.

4.3.10.2.2 If the Planning Board determines that all improvements as shown on the endorsed definitive plan and all required plans and legal documents have been completed satisfactorily, it shall release all the interest of the Town in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which may be recorded.

4.3.10.2.3 If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said construction or installation fails to comply with these rules and regulations, the Planning Board shall send by registered mail to the applicant and to the Town Clerk the details wherein said construction or installation fails to comply with its rules.

4.3.10.2.4 The applicant shall have 30 days after receipt of such notice to correct all problems mentioned in the above. Failure of the applicant to finish all the necessary work within said 30 days shall cause the Planning Board to draw upon the bond or deposit of money as mentioned below.

4.3.10.2.5 Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town of Southampton, as provided in MGL c. 41, § 81, upon failure of the performance for which any bond or deposit was given to the extend of the reasonable cost to the Town of completing such construction and installation.

4.3.11 Recording of plan.

The developer shall, within 10 days after the definitive plan has been endorsed, record said plan, required forms and, whenever applicable, the Planning Board's order of conditions, public easements (plans and documents), restrictive covenants, master deeds, etc., at the Hampshire County Registry of Deeds, and in the case of registered land with the Recorder of the Land Court. Within seven (7) days of said recording the applicant shall provide the Board with a copy of the Registry's receipt of said recording including

the book, page number, and date of recording. The cost of said recording shall be borne by the developer.

4.3.12 Rescinding Approval of the Plan

Failure of the applicant to record the Definitive Plan at the Hampshire Country 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.

4.3.13 Preconstruction Conference

Prior to commencement of construction, the developer and the contractor must meet with the DPW Director and other relevant town officials (preferably at a single meeting) to review the subdivision permit and conditions. The applicant must provide evidence that all required documents have been recorded and all required fees paid. Subsequent to said recording and prior to any building permit being issued, the project applicant shall file within seven calendar days one print of the definitive plan with the Building Inspector. Further, in accordance with the statute, where approval with covenant is noted thereon, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the Planning Board of a copy of the certificate of performance releasing the lot in question.

4.3.14 Road Acceptance

When a road or way in a subdivision has been completed in a manner fulfilling the requirements of the Planning Board, the Applicant may request the Planning Board or their designee to inspect the road or way in order to give a recommendation to Town Meeting, on whether the road or way should be accepted.

The Planning Board shall require the following information before making a recommendation to the Town Meeting:

4.3.14.1 Two (2) copies of a plan of the road or way "as built," at a scale of one inch equals forty (1"= 40') feet to the inch at size 24" x 36". Said plan to show a center line profile (4 feet per inch on the vertical scale and 40 feet per inch on a horizontal scale) taken at fifty (50) foot intervals along the road or way as it has been completed. All utilities, public and private, above and below grade shall be shown on the plan as they exist. Said plan shall also be submitted in an electronic format acceptable to the Planning Board.

4.3.14.3 Two (2) copies of the description by metes and bounds of each road and easement considered for acceptance by the Town. After acceptance by the Town Meeting of a road or way in an approved subdivision, the "as built" plan referred to above, the vote of the Town Meeting and the description of the road or way shall be recorded with the Hampshire Registry of Deeds by the Town Clerk.

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- 4.3.14.4 A release of liens under oath from all contractors and subcontractors approved for work on the road or way, attesting to the fact that all payments due them for labor and materials have been received, and that payments for all materials have been rendered.
- 4.3.14.5 A plan for maintenance of the subdivision right-of-ways, easements and roads for the time after acceptance by the Town and continuing for 20 years. The maintenance plan should include provision for the maintenance of road pavement, soil settling problems, street sweeping, snowplowing, maintaining vegetative stabilization of all rights-of way and easements, erosion controls, fall leaf cleanup, catch basin and drainage system cleaning and maintenance, and other provisions as determined to be necessary by the Board.
- 4.3.14.6 A Roadway Conveyance Plan showing the overall boundary of the proposed roadway to be conveyed to the town.. This plan must include the bearing and distance descriptions of the roadway right-of-way.
- 4.3.14.7 A Roadway Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen after acceptance of the roadway at Town Meeting. This instrument must include a legal description of the right-of-way and include reference to any easement documents.
- 4.3.14.8 An Easement Conveyance Plan showing overall boundary of any proposed easements to be conveyed to the town. This plan must include the bearing and distance description of the easement tied to the roadway right-of-way.
- 4.3.14.9 An Easement Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen after acceptance of the easement at Town Meeting. This instrument must include a legal description of the easement as well as a description of the Town's rights within the easement.

SECTION 5.0 DESIGN STANDARDS

5.1 Streets

5.1.1 Location and Alignment

- 5.1.1.1 All streets in the subdivision shall be designed so that in the opinion of the Board they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout; in order to obtain the maximum livability and amenity of the subdivision. Where minimum standards are not herein specified, the latest edition of AASHTO (American Association of State Highway and Transportation Officials) A Policy on the Geometric Design of Highways and Streets shall apply.
- 5.1.1.3 Provision shall be made, which is satisfactory to the Planning Board, for the proper projection of streets: or for access to adjoining property which is not yet subdivided or developed.
- 5.1.1.4 Reserve strips prohibiting access to streets or to adjoining, property shall not be permitted without expressed approval of the Board.
- 5.1.1.6 Dead-end streets (cul-de-sac) shall be permitted as minor streets only. They shall have a circular turning radius of not less than 60 feet or a maximum of 100 feet (measured at the center-line), and a property line radius of at least 85 feet. They shall in all additional ways conform to the same requirements as any other street. The length of a dead-end street allowed by right is a maximum of one thousand feet (1000') as measured along the centerline of construction of the street from the edge of the development's property line nearest the connecting existing public street which is not itself a dead-end street to the middle of the cul-de-sac.
- 5.1.1.7 Horizontal curves on the street centerline shall not begin or end within one hundred and fifteen (115) feet of the centerline of the intersecting street.
- 5.1.1.8 Streets entering on opposite sides of another street shall be laid out directly opposite each other; or with a minimum offset of 150 feet between their respective centerlines.
- 5.1.1.9 The centerline of the roadway shall coincide with the centerline of the right-of-way unless otherwise approved by the Board. The distance from the edge of pavement to the edge of the right-of-way shall be equidistant from the center-line of the roadway.

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5.1.2 Road Design Standards

Street standards shall be provided in accordance with the tables below.

LOCATION AND ALIGNMENT		
	Type I Subdivision and Minor/Secondary Streets	Type II & III Subdivisions and Major/Collector Streets
Minimum Right-of-Way width	50	60
Horizontal Alignment Minimum radius of center line (in feet)	250	500
Vertical Alignment Minimum stopping sight distance at three and one-half (3.5) feet above pavement (feet)	200	275
Grade		
• Maximum (percent)	8	5
• Minimum (percent)	0.75	0.75
Intersection		
• Intersection angles (degrees)	90	90
• Minimum sight distance (in feet) (at stop-controlled or obstructed-view intersection)	300	550
• Minimum Distance center line of road shall be straight when approaching an intersection	100'	100'
• Max. grade for 30' approaching an intersection	2%	2%
• Minimum radius at edge of roadway pavement (in feet)	25	55
• Minimum Radius at edge of right-of-way	25	55

ROADWAY CONSTRUCTION		
Gravel Sub-Base	Type I, II & III Subdivisions	
• Processed gravel *	top 4"	
• Gravel base *	bottom 8"	
• Geotextile Road Fabric shall be placed under the gravel sub-base when the subgrade soil contains clay		
Bituminous Concrete	Type I Subdivision	Type II & III Subdivision
• Top Course*	1.5"	1.5"
• Binder Course*	2.5"	2.5"
• Base Course *	-	3
*shall comply with Massachusetts Department of Transportation Specifications for Highways, Bridges and Waterways (latest edition)		

PAVEMENT WIDTH (Face of Berm-to-Face of Berm)		
	Type I Subdivision	Type II & III Subdivisions
Proposed street with MDTVP** of not greater than 200 ADT*	24'	32'
Proposed street with MDTVP** of not greater than 500 ADT*	26'	32'
Proposed street with MDTVP** of not greater than 2,000 ADT*	28'	32'
Proposed street with MDTVP** exceeding 2,000 ADT*	32'	32'
<p>*Projected traffic volume generated by the development, based on ten (10) average daily trips (ADT) per dwelling unit (i.e. a two-family house will generate 20 ADT).</p> <p>**The Maximum Daily Traffic Volume Projected (MDTVP) shall be based on the above-mentioned ADT per dwelling unit, and shall include all traffic and all traffic types expected to utilize said street, whether generated within the development (as in the case of a dead-end street) or outside of said development (as in the case of a through street) and passing any section of a roadway, and shall determine the width of the entire length of said roadway. In establishing the proposed road width, the developer shall also consider the future growth of the surrounding area, and its utilization of these streets.</p>		

5.1.3 Adequate Access from Public Way

5.1.3.1 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 with such public way be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening of construction shall be borne by the Applicant. Such frontage shall be of at least such distance as is then required by zoning or other ordinances for the erection of a building on such lot. Conveyances or other instruments adding to, 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 Laws went into effect in the Town of Southampton into separate lots on each of which one such building, remains standing, shall not constitute a subdivision.

5.1.3.2 The Board may disapprove of a subdivision plan where, in the opinion of the Board, the existing surrounding municipal infrastructure (e.g. street width and construction and necessary utilities) is insufficient and/or incapable of handling the additional volumes (e.g. traffic, storm water) anticipated, by the Board, to be

generated by the project. Board may accept or require off-site improvements to mitigate any of these impacts.

5.2 Easements

- 5.2.1 Easements for utilities shall be located around the individual lot's perimeter wherever possible. They shall be contiguous from lot to lot. Easements shall be at least 20 feet in width.
- 5.2.2 Where a subdivision is bisected by or adjacent to a watercourse either natural or manmade, the Board may require that there be a storm-water or drainage easement of at least 20 feet in width to conform to the path of the watercourse, and to provide for any construction related to that watercourse.
- 5.2.3 The Board may require an easement for watercourse that are not within a subdivision but may be affected by it.
- 5.2.4 The Board may also require an easement at any place it deems necessary to protect the health and safety of the inhabitants of Southampton.
- 5.2.5 All easements, including their purpose, shall be shown on the Definitive Subdivision Plan and placed on the parcel(s) deed.

5.3 Protection of Natural Features

All significant natural features such as: large trees, watercourse and wetlands, as well as scenic and historic areas shall be preserved where possible and practicable. These features add to both the attractiveness, and economic value of the subdivision and the town.

5.4 Open Spaces

Before approving a Definitive Plan for a subdivision, the Board may require that a section of that land be set aside for possible use as a park or a playground. The Board may require that no building be erected upon such area until the land is either purchased by the town, or is deeded in gift to the town or to a neighborhood civic association. This land may be held in said status for a period of 3 years, at which time if the land is not deeded or purchased it may be included in a new subdivision proposal.

5.5 Storm Water Runoff Control

- 5.5.1 All subdivision designs must meet the Stormwater Management and Erosion Control Standards in Section XIV of the Zoning Bylaws for the Town of Southampton and Article XXXII of the General Bylaws
- 5.5.2 Erosion and sediment controls must be implemented during construction.
- 5.5.3 All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.

5.6 Sewerage

- 5.6.1 If a subdivision is within 500 feet of the public sewerage system, the developer shall be required to connect all new homes as part of the proposed plan to that system according to the Town of Southampton Construction Standards.
- 5.6.2 If a subdivision is within 500 feet of a planned public sewerage system, the developer shall be required to install a sewer main and laterals, according to the Town of Southampton Construction Standards in order to connect to the planned sewer in the future. The planned public sewerage system shall have been adopted at a previous Town Meeting and shall be scheduled to be built no more than 5 years from the date of submission of a Definitive Plan.
- 5.6.3 The subdivision shall be designed to be in compliance with the rules and regulations of the Southampton Sewer Commission, in effect at the time of definitive plan approval.
- 5.6.4 Where a public sewerage system connection is not feasible (according to the above rules), a private on site sewerage system shall be designed and constructed in conformity with the Title V Regulations of the Commonwealth of Massachusetts and subject to the approval by, and in conformity with the Town of Southampton Board of Health and its Rules and Regulations.

5.7 Water

- 5.7.1 To insure the health and safety of inhabitants, the subdivider shall connect all proposed subdivisions to the public water supply system if available.
- 5.7.2 Private on-lot water systems shall be constructed in accordance with the Title V Regulations of the Commonwealth of Massachusetts. It shall be subject to the approval of the Town of Southampton and Water Commissioners.
- 5.7.3 All connections to the public water supply shall be built in accordance with the Town of Southampton, Water Department Regulations at the time of construction.

5.8 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.

Any subdivision with lots located in Southampton must be serviced and accessible by a Southampton Road so that emergency and maintenance vehicles can service the lots without having to leave Southampton.

5.9 Relationship to Town Plans

The design and layout of a proposed subdivision should be guided by the goals and objectives of any existing Community Development plans, master plans, village plans, or statements of goals and objectives for the Town of Southampton.

SECTION 6.0 REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

6.1 General Requirements

The applicant shall provide all of the improvements required herein and installed at his/her own expense. All work done under this section shall be done under the direction of the Board, including registered engineer(s) and any other consultants appointed by the Board. The applicant shall promptly reimburse the Town for the full amount of the cost of such engineer(s) and other consultants. No performance guarantee under Section 4.3.10 shall be released until:

- 6.1.1 All streets and other improvements (except for the top coat of paving) shall have been in place at least 12 months and in place at least one winter (December 1 through April 15); All streets and other improvements (including the top coat of paving) must be completed prior to submission for Town Meeting approval and acceptance.
- 6.1.2 Full approval in writing of all work done under this section is received from the Board's engineer(s) and any other consultants (See Section 4.3.12); and
- 6.1.3 A cashier's check or money order, payable to "Town of Southampton, Massachusetts", has been received to provide reimbursement for the full amount of the cost of such engineer(s) and other consultants.
- 6.1.4 All of the above must be completed prior submission for town Meeting approval and acceptance.

In addition to the Mass. Department of Transportation Construction Standards, the following minimum specifications shall govern the installation of all roadways, utilities, and other improvements in all subdivisions.

6.2 Clearing and Grubbing of Right of Way

- 6.2.2 No perishable matter such as stump, trunks, or limbs of trees or brush shall be buried within the limits of the right-of-way lines.

6.3 Required Improvements Prior to Road Construction

- 6.3.1 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.
- 6.3.2 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 Board or its Agent shall take place to ensure conformance to Town regulations.

- 6.3.3 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.
- 6.3.4 No paving will be allowed between November 15 and April 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.

6.4 Foundation of Roadway

(See Diagram in Appendix)

6.4.1 Sub-base

- 6.4.1.1 Within the roadway area including driveway aprons, sidewalks, and grass strips, all material shall be removed to subgrade and any unsuitable material, in the opinion of the Consulting Engineer below subgrade shall be removed and shall be replaced with proper bank-run gravel and brought to proper compaction. The depth of the subgrade will be governed by existing conditions and shall be as specified by the Highway Superintendent (or his designee).
- 6.4.1.2 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 Highway Superintendent (or his designee) and the Planning Board.
- 6.4.1.3 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 Highway Superintendent (or his designee) and the Planning Board.
- 6.4.1.4 Where fill is required, it shall be placed in layers not deeper than eight (8) inches and shall be spread uniformly with the large stones at the bottom.
- 6.4.1.5 Any gravel used as fill in the subbase shall be composed of hard, durable stone and coarse sand, practically free from loam and clay containing no stone having a dimension greater than six (6) inches, and when spread and compacted shall present a stable foundation.
- 6.4.1.6 Each layer shall be thoroughly compacted with a roller weighing not less than ten (10) tons and rolling shall continue until a firm, even surface true to line and grade is achieved. Any depressions shall be filled and rerolled, and any soft or unsuitable areas shall be removed and replaced with suitable material and rolled. All fill shall be placed in eight (8) inch layers compacted to not less than ninety-five percent (95%) of maximum dry density as specified in the Massachusetts Department of Transportation Standards. The developer shall be responsible for the costs of all soil testing and analysis required by the Town.

6.4.1.7 The subgrade shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the Typical Street Cross-Section.

6.4.1.8 Inspections shall be required after completion of the subgrade (see § 7.1).

6.4.2 Gravel Base

6.4.2.1 The gravel base courses shall consist of well compacted gravel placed upon the subgrade, the entire width of the roadway in layers not greater than six (6) inches deep.

6.4.2.2 When spreading the gravel, care should be taken to rake forward and distribute the largest stones so they will be at the bottom of the gravel base course and evenly distributed.

6.4.2.3 Each layer shall be thoroughly compacted with a roller weighing not less than ten (10) tons, and rolling shall continue until a firm, even surface true to line and grade is achieved. Any depression that appears during or after rolling shall be filled with gravel and re-rolled. 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 Massachusetts Department of Transportation Standards. The developer shall be responsible for the costs of all soil testing and analysis required by the Town.

6.4.2.4 The gravel used in the base course shall conform to the specifications of the subgrade (§ 6.4.1), except that it shall contain no stones having a dimension that complies with Massachusetts Department of Transportation Standards.

6.4.2.5 The gravel base surface shall be shaped and finish graded at the required depth below and parallel to the proposed pavement surface, in conformance with the Typical Street Cross-Section.

6.4.2.6 Inspections shall be required before commencement and after completion of the gravel base (see § 7.1).

6.5 Surfacing of Roadway

6.5.1 The roadway shall be paved the entire width, including under the berms, and the surface treatment shall be compacted bituminous concrete placed in two (2) layers.

6.5.2 The first layer or binder course shall be Class I bituminous concrete pavement, Type I-1, binder course mix, laid at a thickness in accordance with Section 5.1.2 and in accordance with Section 460 of the Massachusetts Department of Transportation Standards Specifications for Highways, Bridges and Waterways. (Latest Edition)

6.5.3 The second layer of surface course shall be Class I bituminous concrete pavement, Type I-1, top course mix, laid at a thickness in accordance with Section 5.1.2 and in accordance with Section 460 of the Massachusetts Department of Transportation Standard Specifications for Highways, Bridges, and Waterways (Latest Edition).

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- 6.5.4 The plant mix material shall be delivered to the site in a hot and easily workable condition, when weather conditions are satisfactory, so that it can be properly placed on the appropriate base. Job mix formula must be approved by applicant's engineer in writing prior to installation.
- 6.5.5 All bituminous concrete shall be spread by an approved mechanical spreader in a uniformly loose layer to the full width required and to such thickness that each course when compacted shall have the required thickness and shall conform to grade and the Typical Street Cross-Section. Hand spreading of bituminous concrete material will be allowed only for special areas which do not permit mechanical spreading and finishing.
- 6.5.6 Each course of bituminous material shall be rolled with a self propelled, equally balanced, tandem roller weighing not less than five (5) nor more than ten (10) tons. Places inaccessible to the power roller, shall be compacted by means of hand or vibratory tampers. Any displacement caused by the roller shall be corrected by raking and adding fresh mixture where required. Compaction shall be in accordance with Massachusetts Department of Transportation Standards
- 6.5.7 Traverse joints shall be formed by laying and rolling against a form of the thickness of the compacted mixture placed across the entire width of the pavement. When the laying of the mixture is resumed, the exposed edge of the joint shall be painted with a thin coat of bituminous tack coat. The fresh mixture shall be raked against the joint and thoroughly tamped with hot tampers and rolled.
- 6.5.8 The final bituminous surface shall show no deviation greater than one-quarter (1/4) inch when tested with a sixteen (16) foot straight edge placed parallel to the centerline of the surface course.
- 6.5.9 Finished roadway and driveway apron surfaces less than the required thickness or containing any soft or imperfect places will not be approved.
- 6.5.10 All roadways shall be brought up to the finish grade as shown on the Definitive Plan, and all manhole covers, gate boxes, gas drips and other access to underground utilities shall be set flush with the surface of the road, grass strip or sidewalk.
- 6.5.11 Inspections shall be required upon completion of the binder and surface courses (see § 7.1).
- 6.5.12 Once completed, no steel tracked vehicles are permitted on the roadway's pavement

6.6 Berms

Berms shall be constructed along both sides of major, secondary and minor streets. Their construction shall meet requirements set forth by Massachusetts Department of Transportation in their latest volume of Standard Specifications for Highways and Bridges utilizing curbs, berms, catch basins, stormwater drains, oil/water separator (i.e. stormceptor, vortex, etc.) and detention/retention basins.

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- 6.6.1 Berms shall be per Massachusetts Department of Transportation Standards Class 1 bituminous Type A (sloped Cape Cod style) placed on the bituminous binder, if the road is paved, or granite curbs if the road is gravel. The installation of bituminous berm shall conform to the relevant provisions of the Massachusetts Department of Transportation Standard Specifications.
- 6.6.2 Berms shall not be cut out at driveway aprons.

6.7 Drainage

- 6.7.1 Storm water shall not be permitted to cross the surface of the roadway. It must be piped underneath.
- 6.7.2 Catch basins shall be placed on both sides of the street. They shall be placed at all sags in the roadway and at street intersections to intercept stormwater runoff.
- 6.7.3 The maximum distance between catch basins shall be 300 feet.
- 6.7.4 The minimum diameter of storm drainage pipes shall be 12 inches.
- 6.7.5 The method of construction and the materials used in construction shall conform to the most recent Massachusetts Department of Public Works, Standards and Specifications for Highways, Bridges and Waterways.
- 6.7.6 The design capacity of the drains shall be determined by the rational method, unless the engineer exhibits satisfactory evidence that another approach is more appropriate for the specific case. The engineer shall design the drainage collection and piping system in accordance with the zoning regulations and the natural drainage boundaries of the total contributing drainage area, using a minimum 10-year design frequency storm for Type I subdivision and a minimum 10-year storm design frequency for Type II and III subdivisions. Where, in the opinion of the Board, flooding would produce damage or a safety hazard, the design frequency storm shall be increased to 25-year. A 100-year design frequency storm shall be used for all bridge openings or major culverts. Detention/retention systems shall be designed as per the town's Stormwater Regulations.
- 6.7.7 Drainage pipe within the roadway shall be reinforced concrete (or other Planning Board approved equal based on supportive engineering data submitted by the development's engineer) and have a minimum diameter of 12 inches. Joints shall be rubber gasket type. HDPE (double walled) pipes may be used for drainage outside of the roadway or for culverts under the roadway.
- 6.7.8 Where open stream channels exist within a subdivision, adequate provision shall be made for properly maintaining them. It is the town's intent to preserve and maintain the natural features of such streams and any development should be planned accordingly.
- 6.7.9 Drainage pipe shall be bedded in accordance with the most recent Massachusetts Department of Public Works, Standards and Specifications for Highways, Bridges and Waterways or manufacturer's conditions.

- 6.7.10 Manholes and catch basins shall be precast (outlets shall contain debris hoods) and a typical detail of such noting materials, dimension and construction details shall be submitted to the Highway Superintendent for approval.
- 6.7.11 Drain manholes shall be located at every change in grade or direction of the drainage line, at catch basin connections and shall not exceed 300 feet apart in a continuous system.
- 6.7.12 Iron castings for manhole frames and covers and catch basin frames and grates shall be in accordance with the most recent Massachusetts Department of Transportation, Standards and Specifications for Highways, Bridges and Waterways.
 - (1) Manhole cover shall have 3-inch lettering to read "DRAIN".
 - (2) Catch basin grates shall be Massachusetts Department of Transportation compliant.
 - (3) Stormwater treatment units shall be installed prior to discharge into basins

6.8 Sidewalks

- 6.8.1 Sidewalks of not less than five (5) feet in width shall be constructed on both sides of the street starting at the property line, when in the opinion of the Board such sidewalks are necessary. The Planning Board may waive the requirement and permit sidewalks on only one side where an in-lieu of payment, in an amount approved by the Board, is made into a sidewalk improvement account. Their construction shall be of bituminous concrete with a 1" top coat, 2" binder course and 10" of gravel base that meet the requirements set forth by Massachusetts Department of Transportation in their latest volume of Standard Specifications for Highways and Bridges.
- 6.8.2 All sidewalks shall have wheelchair ramps at the time of construction in accordance with ADA/MA-AAB standards as most recently amended. The developer 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. Painted crosswalks are required at adjoining ADA/MA-AAB ramps. Their construction shall meet the requirements set forth by Massachusetts Department of Transportation in their latest volume of Standard Specifications for Highways and Bridges.

6.9 Grass Strips

All cleared areas of a right-of-way, not to be planted with groundcover plantings, including all disturbed area over all culverts in drainage easement, shall be loamed with not less than four (4) inches compacted depth of good quality loam, seeded with lawn grass seed. Seeding shall be done at appropriate times of the year and in a manner to ensure growth of grass. No utility poles, transformers, signs or similar items shall be placed within the grass plot within three (3) feet of the edge of the pavement.

6.10 Street Signs

Street name signs of a design conforming to the type specified by the Highway Superintendent shall be furnished and installed by the subdivider, of break-away design in accordance with the Massachusetts Department of Transportation latest Standards, and erected at all street intersections prior to the occupancy of any house on the street.

A blue street sign designating the street as a "Private Way" shall also be furnished and installed by the subdivider at the entry as a private way, until the street is accepted as a public way at Town Meeting.

6.11 Street Lighting

Street lighting shall be installed along any street the Board deems appropriate. Light standards to be used shall be subject to the approval of the Board and when used be spaced no less than every 500 feet.

6.12 Monuments and Markers

6.12.1 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 Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the Department of Public Works Director and shall be set according to such specifications.

6.12.2 Markers, the type of which shall be determined by the Planning Board, shall be installed at every corner of each lot within the subdivision. Their locations shall be noted on the Definitive Plan.

6.12.3 All monuments and markers shall be installed before bond or covenant is released.

6.13 Trees and Planting

6.13.1 Street Trees

6.13.1.1 Shade trees of a species to be determined by the board shall be planted along the side lines of the streets with the grass strips at intervals to be determined by the Board. The applicant shall be responsible for obtaining the full growing season for these trees or he shall be responsible for replacing the tree with one at least equal in size to the tree being replaced and again guarantee for at least one full growing season.

6.13.1.2 There shall be a minimum of two street trees for every lot frontage.

6.13.1.3 Large and medium height growing trees shall have a minimum 2 ½" trunk diameter, caliper measured at 4' above the ground. Small height growing trees (for placement under utility lines) shall have a 9' crown height and a 5' spread.

6.12.3 Bank Plantings

6.12.3.1 All cut or fill bankings that tend to wash or erode shall be planted with suitable, well-rooted, and low-growing plantings. All plants shall be the equivalent of nursery grown stock in good health, free from injury, harmful insects, and diseases.

6.12.3.2 Use of invasive species is prohibited. Please refer to the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources for the latest list of invasive species. Acceptable

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planting include very low-growing (4" to 12"), low growing (12" to 30"), and herbaceous plantings. Perennial grass turf installed as sod is an acceptable alternative for the planting of banks.

- 6.12.3.3 If bank plantings are of a type which are properly spaced at close intervals, eight (8) to twelve (12) inches of loam shall be spread over the entire bank. If the plantings are to be widely spaced they may be planted in loam pits.
- 6.12.3.4 Mulch (wood chips or equal) shall be spread heavily among plantings for weed and erosion control.
- 6.12.3.5 The subdivider shall be responsible for maintenance of bank plantings and replacement of those which have died or become diseased from the time of planting through one full growing season.

6.12.4 Corner Plantings

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

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

6.12.5 Cul-de-Sac Plantings

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

- 6.12.5.1 Planting with ground cover using an eight (8) to twelve (12) inch base of loam, and spreading mulch between plants for weed control.
- 6.12.5.2 Planting perennial grass by either sod or seed.
- 6.12.5.3 Planting ornamental shrubs of a type acceptable to the Board.
- 6.12.5.4 Retaining existing vegetation, with the approval of the Board.
- 6.12.5.5 Standards and Specifications.

The standards of the American Nurserymen Association and the specifications of the Associated Landscape Contractors of Massachusetts shall apply to landscaping subject to these regulations. The Tree Warden will have final authority for the approval of trees concerning their health, species, size and location.

6.14 Fire Protection

Fire protection shall be designed in accordance with the requirements of the Southampton Fire Department.

6.15 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).

6.16 Utilities

All electrical, telephone, fire alarm and other wires and cables shall be installed underground, unless in the opinion of the Board and the appropriate utility company, such installation is impractical or not in the best interest of the town. If located within a flood prone area (determined by the Board), transformers, switching equipment, or other vital components shall be flood-proofed and approved by the Board or a Board appointed engineer at the subdividers expense.

6.17 Final Clean Up

After completion of construction and before release of the performance guarantee, the subdivider shall remove all temporary structures, debris, surplus materials, and rubbish, and shall otherwise leave the area in a neat and orderly appearance and shall clean the entire drainage system. Burning of the rubbish and waste material is prohibited.

SECTION 7.0 ADMINISTRATION

7.1 Inspections

- 7.1.1 Inspections shall be carried out at appropriate times during the development of the subdivision when the following stages of progress have been reached:
 - 7.1.1.1 Before clearing and grubbing, the Tree Warden shall designate those trees which are to be preserved in the tree belt;
 - 7.1.1.2 The roadway shall be inspected at the stages of sub-base, gravel base, binder course, surface course;
 - 7.1.1.3 The sanitary and storm drainage systems before the filling of utility trenches;
 - 7.1.1.4 The water system and related accessories shall be inspected by the Water Department of Southampton;
 - 7.1.1.5 Sidewalks shall be inspected upon completion of the sub-base, permanent binder and finish courses;
 - 7.1.1.6 Curbs, loaming, and seeding operations may also be inspected by a Board appointed Engineer. At the completion of all improvements in the subdivision, the Board appointed Engineer shall make an inspection before final release of performance guarantee.
 - 7.1.1.7 Inspections shall be made prior to backfilling of joints, bonds, couplings, etc.
 - 7.1.1.8 Requests for inspections shall be made at least 48 hours in advance.
- 7.1.2 The Board may make arrangements with a professional person or firm to carry out such inspections in behalf of the town. The subdivider shall notify the proper inspector at least 48 hours before carrying out the above mentioned stages.
- 7.1.3 Construction of streets and installation of utilities may be phased provided that each section shall not be less than 500 feet.
- 7.1.4 Inspection (full-time during utility installation, at strategic times during overall construction) costs shall be borne by the subdivider and shall be computed by the Highway Superintendent.
- 7.1.5 Each specified construction stage should be completed to the satisfaction of the Inspector in writing before further work shall be done. Further work performed without this approval will result in returning the construction to the status necessary to perform the required inspection.
- 7.1.6 The developer has the responsibilities to ensure that the approved construction plans are implemented and construction qualities are met. Surveillance and field revisions by town officials and inspectors cannot be construed as fulfilling this responsibility.

7.2 Waiver of Compliance

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Laws. Please refer to Appendix D for full waiver requirements.

7.3 Fees

The Board shall adopt reasonable fees to cover all administrative and review costs. The fee schedule may be amended by the Board when deemed necessary by the Board. See Section 8.0 for current fee schedule.

7.4 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.

7.5 Interpretation

Whenever these Rules and Regulations made under the authority hereof differ from those prescribed by any local bylaw or other local regulation, the provision which imposes the greater restriction or the higher standard shall govern. The Town of Southampton shall not be held responsible for any individual interpretation of these rules and regulations.

7.6 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.

7.7 Appeals

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

SECTION 8.0 FEES

8.1 Fee Schedule

Fees shall accompany each application and can be found in the SOUTHAMPTON PLANNING BOARD POLICIES AND PROCEDURES.

8.2 Hiring Consultants from Board Approved List

See the SOUTHAMPTON PLANNING BOARD POLICIES AND PROCEDURES.

8.3 Rules for Hiring Outside Consultants

8.3.1 As provided by GL Ch. 44, 53G, the Southampton Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services deemed necessary by the Board to come to a final decision on an application submitted to the Planning Board pursuant to the requirements of the Southampton Bylaws, the Southampton Subdivision Regulations, and any other Town bylaw, regulation, or rule as they may be amended or enacted from time to time.

8.3.2 Funds received by the Planning Board pursuant to these rules shall be deposited with the Town Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation as provided in GL Ch. 44, 53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.

8.3.3 Specific consultant services may include but are not limited to the engineering of roads and ways, private and public, driveways, grades, grading, and sanitary systems, to hydrogeologic and drainage analysis, to impact analyses of various kinds, and to environmental and land use law. The consultant shall be chosen by, and report only to, the Planning Board.

8.3.4 The Planning Board shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five (5) days of the date notice is given.

8.3.5 The fee must be received in its entirety prior to the initiation of consulting services. The Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information

requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to determine that the application is administratively incomplete (except in the case of an appeal). The Board shall state such in a letter to the applicant, copied to Town Counsel. No additional review or action shall be taken on the application until the applicant has paid the requested fee. For applications to be considered under the local bylaw regulations only, failure by the applicant to pay the consultant fee specified by the Board within ten (10) business days of the request for payment shall be cause for the Board to deny the application.

- 8.3.6 The applicant may appeal the selection of the outside consultant to the Selectmen, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Selectmen and a copy received by the Board within ten (10) days of the date consultant fees were requested by the Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

SECTION 9.0 APPENDIX

APPENDIX A: TYPICAL STREET CROSS SECTION & PAVEMENT DETAILS.....9-2

APPENDIX B: RECOMMENDED PROCEDURAL STEPS BY SUBDIVIDER FOR
SUBMISSION OF SUBDIVISION PLANS FOR APPROVAL.....9-4

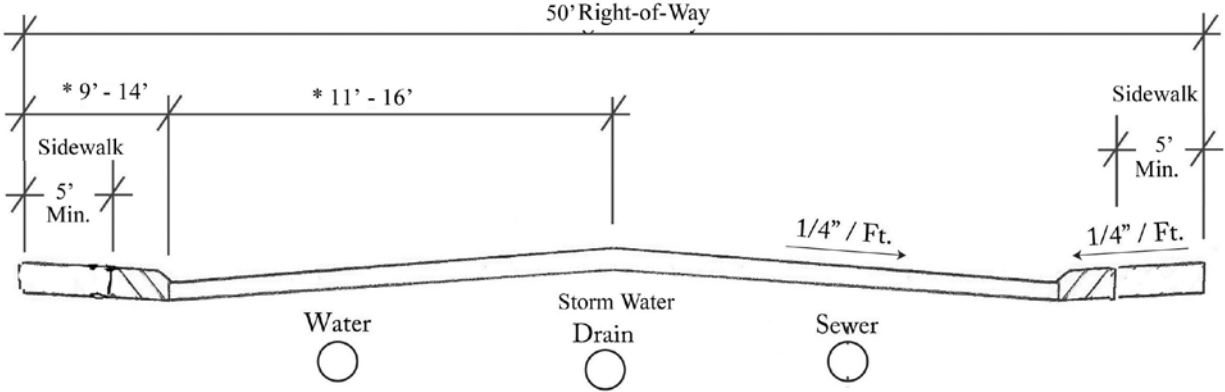
APPENDIX C: SUBDIVISION STATUS DATA FORM.....9-5

APPENDIX D: AUTHORITY OF THE BOARD TO ALLOW EXCEPTIONS AND WAIVE
REQUIREMENTS UNDER THE SUBDIVISION CONTROL LAW.....9-8

APPENDIX E: SELECTED PROBLEMS IN SUBDIVISION CONTROL.....9-10

APPENDIX A - TYPICAL STREET CROSS SECTION

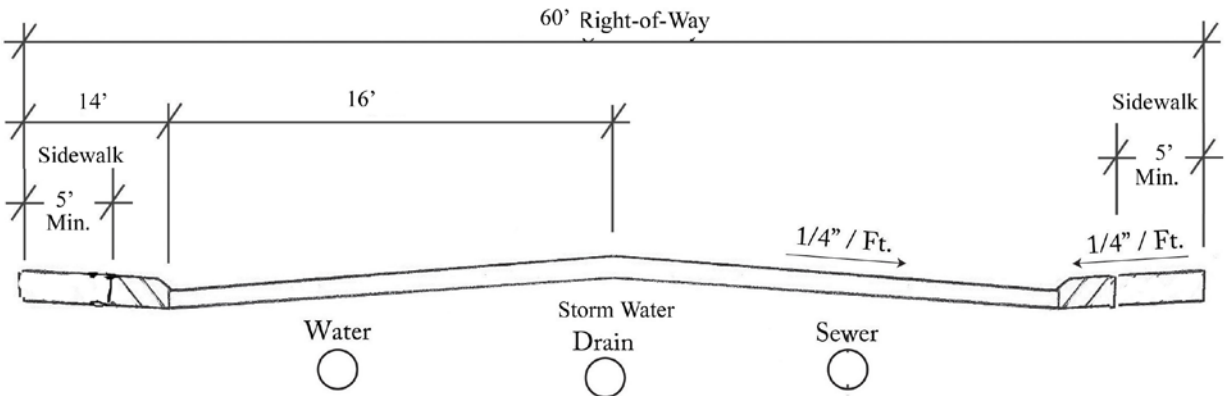
**TYPE I SUBDIVISION and
MINOR/SECONDARY STREETS**



* Based on Maximum Daily
Traffic Volume Projected (MDTVP)
(See Section 5.1.2)

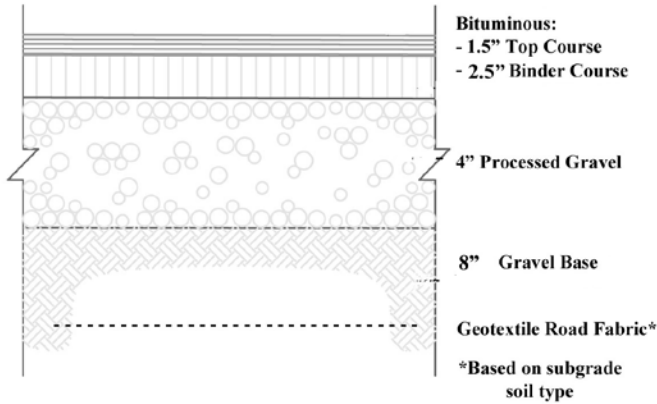
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**TYPE II & III SUBDIVISION and
MAJOR/COLLECTOR STREETS**

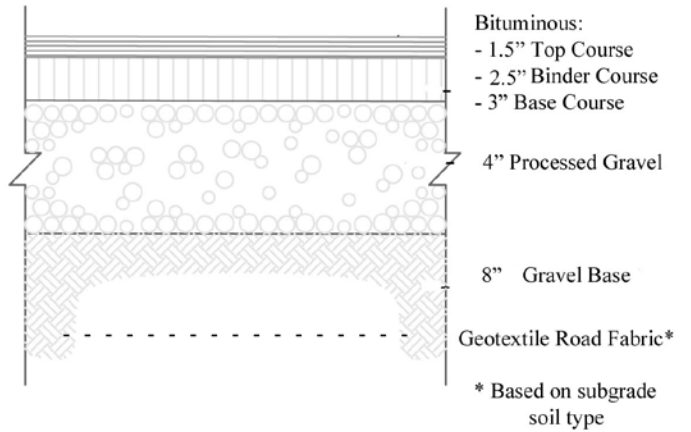


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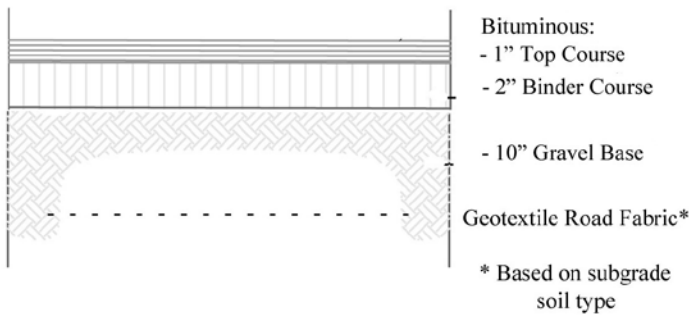
APPENDIX A - PAVEMENT DETAILS



**TYPE I SUBDIVISION and
MINOR/SECONDARY STREET**



TYPE II&III SUBDIVISION



SIDEWALKS



**APPENDIX B: RECOMMENDED PROCEDURAL STEPS BY SUBDIVIDER
FOR SUBMISSION OF SUBDIVISION PLANS FOR APPROVAL (*)**

The Subdivider:

1. Discusses subdivision requirements with the Planning Board preferably on the basis of an informal sketch Plan.
2. Prepares a Preliminary Plan and submits it with proper application form to the Planning Board.
3. Submits prints of the plan to the Board of Health, Selectmen, Conservation Commission, Police, Fire and Highways Departments.
4. Files a copy of the application form signed by the Chairman or Clerk of the Planning Board with the Town Clerk as a notice of plan submission.
5. Attends Planning Board meeting with his Land Surveyor and Engineer for plan review and approval by the Board with representatives of other involved Town agencies.
6. Prepares a Definitive Plan on the basis of the approved Preliminary Plan and submits it (including a digital pdf copy) to the Planning Board with proper application form and fee.
7. Submits prints of the plan to the Board of Health, Selectmen, Conservation Commission, Police, Fire and Highways Departments.
8. Files a copy of the application form signed by the Chairman or Clerk of the Planning Board with the Town Clerk as a notice of plan submission.
9. Submits such additional data and information as may be required by the Planning Board, Board of Health or Selectmen.
10. Attends the public hearing held by the Planning Board with his Land Surveyor and Engineer.
11. Puts up a bond or deposit in the amount determined by the Planning Board or signs a covenant after the Definitive Plan has been approved by the Board of Health and by the Planning Board.
12. Files the approved lot plan after it is endorsed by the Planning Board in the Registry and furnishes a **paper and electronic (pdf and CAD (DWG))** copy and of the recorded plan to the Planning Board.
13. Proceeds with the construction of road and other required improvements and installation of municipal services in accordance with the approved (and endorsed) plan and recommendations of the Board of Health and in conformance with the established standards and specifications for such improvements in the Town, and subject to periodic inspections by appropriate Town agencies.
14. Notifies the Planning Board when all required construction and installation of required improvements and services is completed and requests that the bond, deposit or covenant be released.

(*) See the Planning Boards Subdivision Rules and Regulations for detailed requirements.

APPENDIX C - SUBDIVISION STATUS DATA FORM

(A general guide for processing of subdivisions plans)

Procedural Steps for Subdivision Approval (Under Subdivision Control Law, Sections 81-K to 81-GG, Chapter 41, G.L. and the Planning Board's Subdivision Rules and Regulations)

Name and location of development

Plan entitled _____ Prepared by _____ Dated _____

Applicant (Owner, his agent or representative) Address

Total acreage _____ Number of lots _____ Zone _____

PRELIMINARY PLAN SUBMISSION (Recommended, but not mandatory under the law)

DATES

1. Preliminary Plan and application form filed with Planning Board _____
2. Copy of Preliminary Plan filed by applicant with Board of Health & Conservation Commission _____
3. Notice by applicant to Town Clerk that he has submitted Preliminary Plan to Planning Board _____
4. Board of Health notice to applicant and Town Clerk:
 - () Plan Approved
 - () Approved with modifications
 - () Plan Disapproved (Detailed reasons must be given within 60 days after submission of plan in the case of disapproval)
5. Board of Health notice to Planning Board of its action _____
6. Planning Board at its meeting
 - a. Reviewed the plan (See Subdivision Regulations what the plan must show) _____
 - b. Determined that plan represents subdivision requiring approval by Planning Board _____
 - c. Voted on the plan _____:
 - () Approved
 - () Modified and approved
 - () Disapproved (Detailed reasons must be given)
7. Planning Board notice to applicant of its action by mail (Within 60 days after filing of plan) _____
8. Planning Board notice to Town Clerk of its action _____ (within 60 days after submission of plan)

DEFINITIVE PLAN (Final plan of land on mylar)

Plan entitled _____ Prepared by _____ Dated _____

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9. Definitive plan submitted and application form filed with Planning Board by: _____
() Delivery () Mail () Fee Paid
10. Print of definitive plan filed by applicant with Board of Health _____
11. Notice by applicant to Town Clerk that he has submitted definitive plan to Planning Board

12. Planning Board at its meeting:
a. Reviewed the plan _____
b. Determined that plan represents subdivision of land requiring Planning Board Approval _____
(See Section 81-L for definition of "subdivision")
c. Set public hearing for _____
13. Public Hearing advertised by Planning Board on ____ and on _____ in _____ (Newspaper)
(In a newspaper of general circulation in town, once in each of two successive weeks, the first
publication at least 14 days before the day of hearing.)
14. Copies of advertisement sent to:
a. Applicant _____
b. Abutters (as appearing on most recent tax list) _____
c. Board of Selectmen _____ (A recommended procedural step but not mandatory under the law)
15. Board of Health report received (See suggested _____ form, Memo 7-D) (Failure to report in
45 days is deemed approval but only in case subdivision is to be serviced by municipal sewerage)
() Plan approved
() Conditionally approved
() Disapproved (Specific findings and recommendations required as to lots which can not be used
for building sites).
16. Public Hearing held by Planning Board _____ (Must be held well within 60 days. See item 18)
17. Vote taken by Planning Board at meeting held on _____. (Not before approval of plan by Board
of Health except _____ subdivision serviced by municipal sewerage in which case Board of
Health's failure to act in 45 days is deemed approval by that Board.)
() Plan approved
() Conditionally approved
() Modified and approved
() Disapproved (Detailed reasons must be given)
18. Certificate of its action filed by Planning Board _____ with Town Clerk (Failure to file within
60 days after submission of plan is deemed approval).
19. Planning Board notice of its action to applicant by certified or registered mail. _____
20. Performance bond or deposit in amount of \$ _____ or covenant filed with Planning
Board (Amount set by Planning Board to cover cost of construction of roads, etc. under subdivision
regulations.)
21. Bond, deposit or covenant sent to Town Counsel for approval. _____

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22. Bond, deposit or covenant returned by Town Counsel _____
Approved _____ Disapproved _____
23. Bond, deposit or copy of recorded (by applicant) covenant filed with Town Clerk (Must be completed before next step can be taken). _____
24. Planning Board's approval endorsed on plan (lien) _____ by majority of the Board (not before 20 days after plan approval by the Board without notice of approval to the Superior Court, so certified by Town Clerk on the plan).
25. Endorsed plan of land (lien) returned to applicant _____ for recording in Registry of Deeds or Land Court.
26. Plan of land recorded by applicant with Register _____ of Deeds or Land Court (Must be done within 6 months after endorsement).
27. Notice of recording of plan received from applicant (A recommended procedural step but not mandatory under the law) (Photostat copy of recorded plan serves as notice). _____
28. Notice from applicant as to completed work ready for inspection. _____
29. Notice to Selectmen (Road Superintendent) by Planning Board requesting inspection of work completed. _____
30. Notice from Selectmen (Road Superintendent) that inspection has been made. _____
Construction approved () not approved ()
31. Notice from applicant that all required improvements have been constructed. _____
32. A copy of the above notice from applicant mailed by Planning Board to Board of Health _____
33. Notice from Board of Health to Planning Board that all required work has been completed in accordance with recommendations of the Board of Health and to their satisfaction (To be detailed if not so completed) _____
34. Planning Board determines at its meeting held on _____ that the required work is:
() Completed
() Not completed (Specify in detail to applicant and Town Clerk by certified mail. Failure to do so within 45 days from receipt of notice from applicant that work is completed, is deemed approval.
35. Planning Board at its meeting held on _____ voted to:
() Release bond, deposit or covenant
() Reduce the amount of bond or deposit
36. Notice from Planning Board to Town Clerk and applicants: _____
() Bond, deposit or covenant is released
() Amount of bond or deposit is reduced

APPENDIX D - AUTHORITY OF THE PLANNING BOARD TO ALLOW EXCEPTIONS AND WAIVE REQUIREMENTS UNDER THE SUBDIVISION CONTROL LAW

Requirements Which Can Be Waived:

The authority given to the Planning Board to make exceptions and waive compliance with the Subdivision Rules and Regulations is found in Sections 81-M and 81-R.

Section 81-M states, in part, as follows: "... such board (Planning 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 81-R authorizes the Planning Board, "... in any particular case where such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law, ..." to waive requirements regarding the following:

- A. Strict compliance with the Subdivision Rules and Regulations may be waived. Such waivers are commonly confined to specific land development standards such as road construction details, in accordance with the provisions of Section 81-Q which states, in part, as follows: "In establishing such requirement regarding ways, due regard shall be paid (by the Planning Board) to the prospective character of different subdivision, ... and the prospective amount of travel upon the various ways therein, and to adjustment of the requirements accordingly."
- B. The Planning Board may, "... where roads are not otherwise deemed adequate, approve a plan on conditions limiting the lots upon which buildings may be erected and the number of buildings that may be erected on particular lots and the length of time for which particular buildings may be maintained without further consent by the Planning Board to the access provided. The Planning Board shall endorse such conditions on the plan to which they relate, or set them forth in a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the Subdivision Control Law be deemed to be a part of the plan."
- C. Frontage or access requirements specified in the Subdivision Control Law may be waived. (Cannot be waived, if required by Zoning Bylaw)

NOTE: A specific requirement as to lot frontage in a subdivision is found in Section 81-O which states, in part, as follows: provided every lot "... has frontage on a public way or way shown on a plan approved in accordance with the Subdivision Control Law of least such distance, if any, as is then required by Ordinance or Bylaw of said city or town for erection of a building on such lot, and if no distance is so required has such frontage of at least twenty feet."

Requirements Which Cannot Be Waived:

With the above exceptions, all other statutory requirements contained in the Subdivision Control Law though frequently included in the Planning Board's Subdivision Rules and Regulations cannot be waived or modified but must be carefully followed. Among such requirement the following are found to be included:

- A. Requirements governing the submission, amendment, approval, endorsement and recording of definitive plans prepared by registered land surveyors.
- B. Approval of plans by the Board of Health.

Town of Southampton Subdivision Regulations

- C. Requirements regarding performance guarantees for completion of the work in accordance with the Subdivision Rules and Regulations, and the recommendations of the Board of Health before the plan is endorsed by the Planning Board.
- D. Procedure and requirements regarding the adoption, amendment and filing of the Subdivision Rules and Regulations by the Planning Board.

Summary

Although a rather broad authority has been delegated to the Planning Board, to waive the various requirements under the Subdivision Control Law, it is in the public interest to bear always in mind the purposes of the Subdivision Control as set forth in Section 81-M. Among those the most basic requirement is the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel.

APPENDIX E- SELECTED PROBLEMS IN SUBDIVISION CONTROL

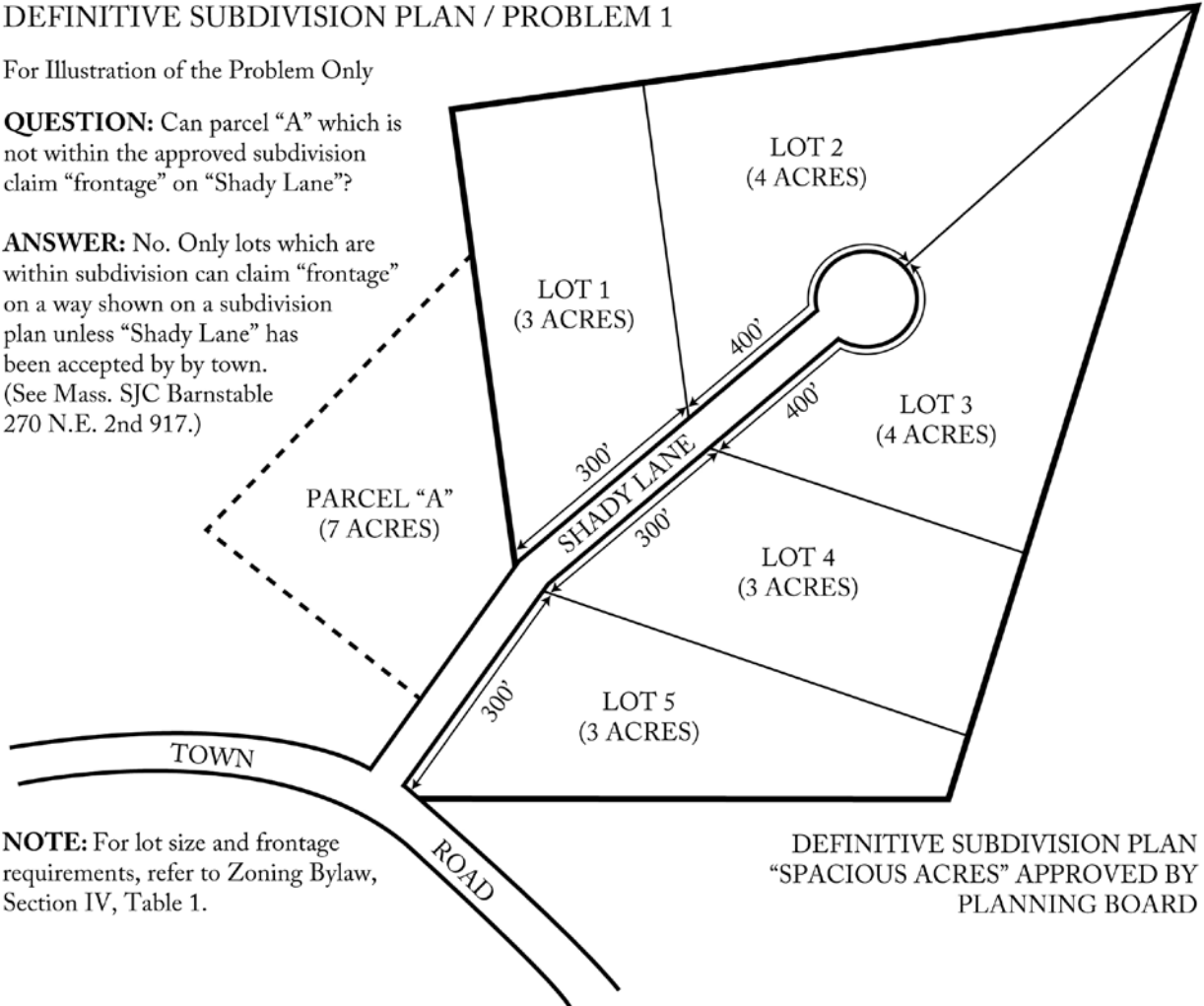
Problem 1 – Frontage

DEFINITIVE SUBDIVISION PLAN / PROBLEM 1

For Illustration of the Problem Only

QUESTION: Can parcel "A" which is not within the approved subdivision claim "frontage" on "Shady Lane"?

ANSWER: No. Only lots which are within subdivision can claim "frontage" on a way shown on a subdivision plan unless "Shady Lane" has been accepted by town. (See Mass. SJC Barnstable 270 N.E. 2nd 917.)



NOTE: For lot size and frontage requirements, refer to Zoning Bylaw, Section IV, Table 1.

DEFINITIVE SUBDIVISION PLAN
"SPACIOUS ACRES" APPROVED BY
PLANNING BOARD

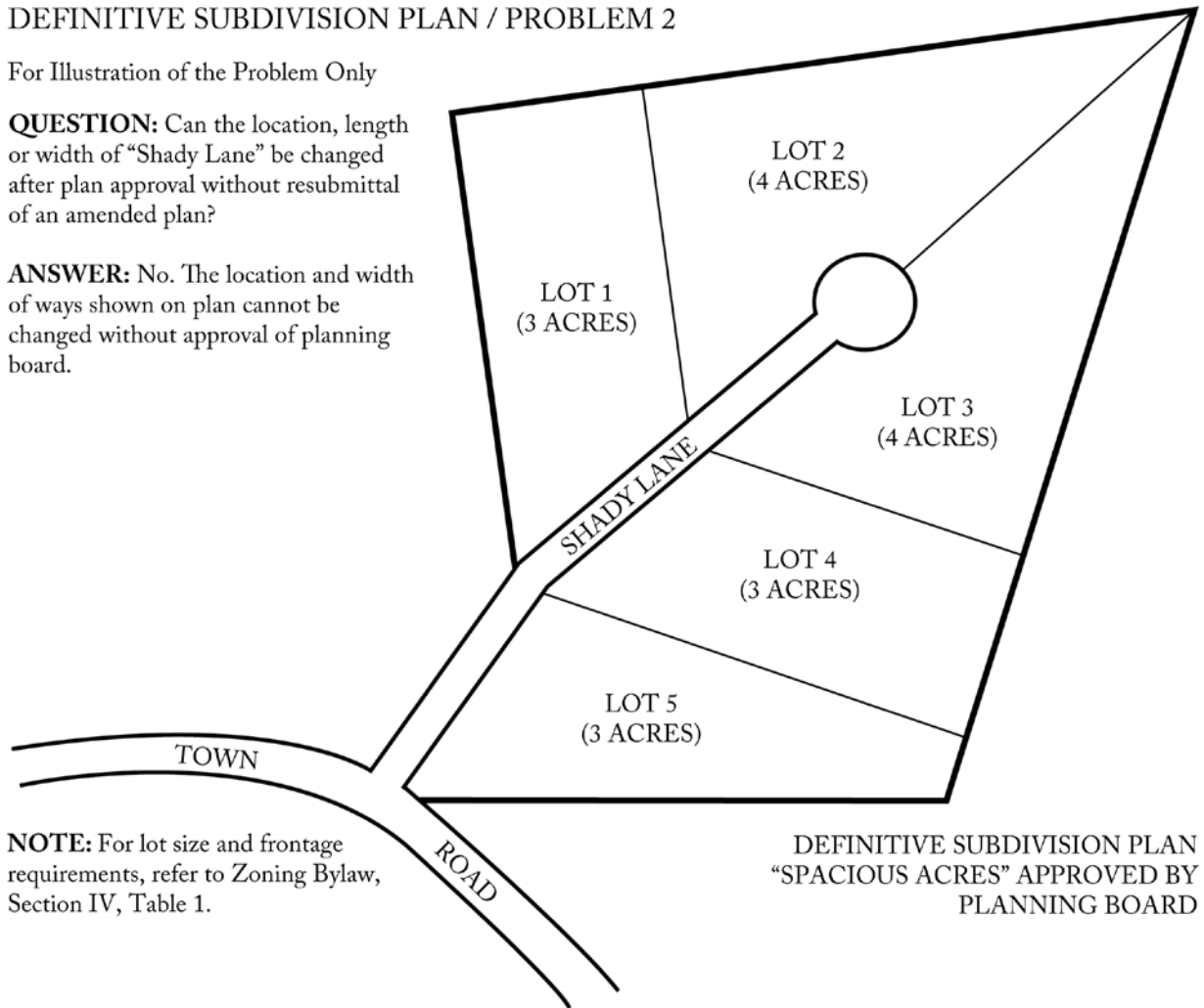
Problem 2 - Revision to Road Layout

DEFINITIVE SUBDIVISION PLAN / PROBLEM 2

For Illustration of the Problem Only

QUESTION: Can the location, length or width of "Shady Lane" be changed after plan approval without resubmittal of an amended plan?

ANSWER: No. The location and width of ways shown on plan cannot be changed without approval of planning board.



NOTE: For lot size and frontage requirements, refer to Zoning Bylaw, Section IV, Table 1.

DEFINITIVE SUBDIVISION PLAN
"SPACIOUS ACRES" APPROVED BY
PLANNING BOARD

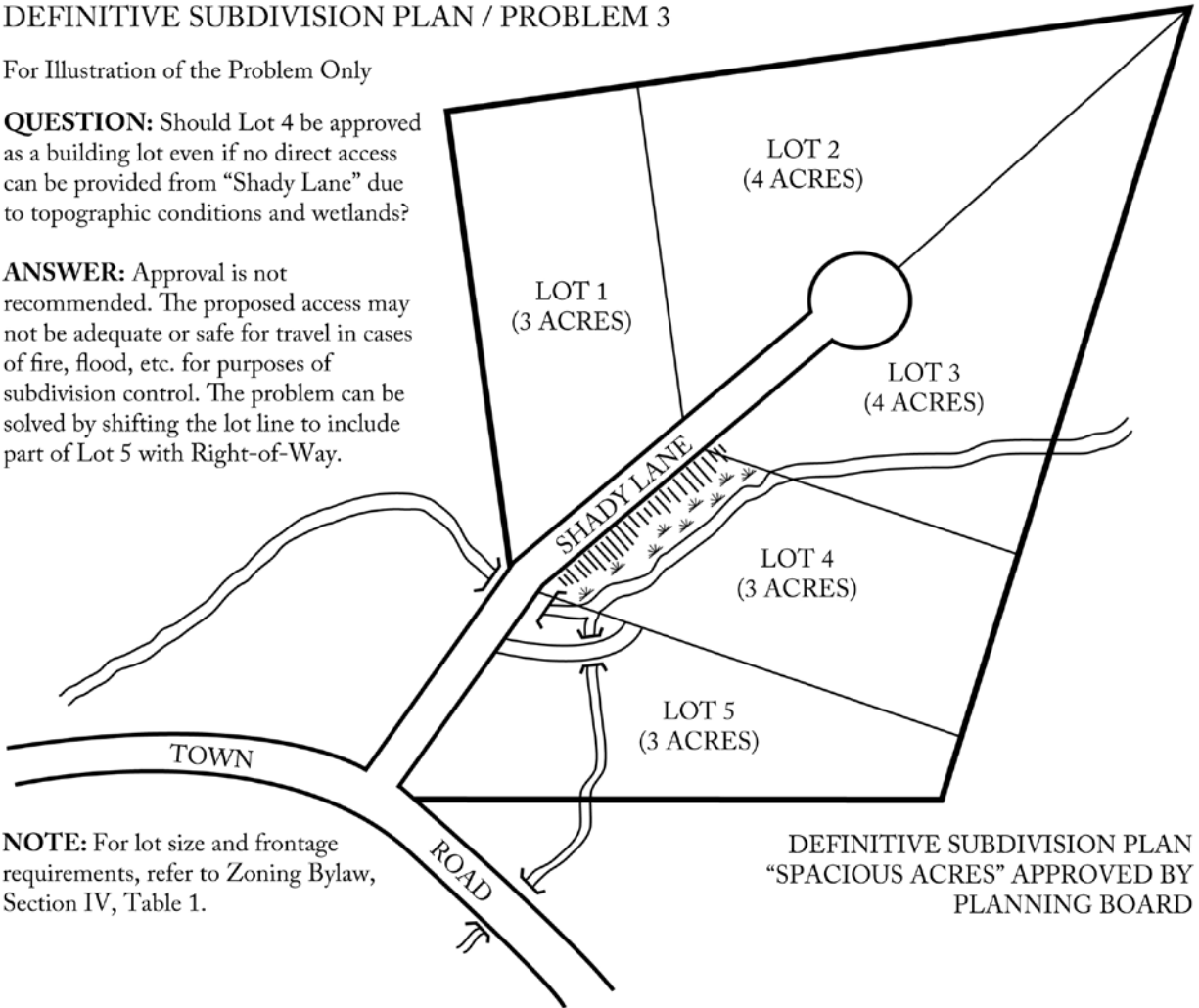
Problem 3 - Frontage and Adequate Access

DEFINITIVE SUBDIVISION PLAN / PROBLEM 3

For Illustration of the Problem Only

QUESTION: Should Lot 4 be approved as a building lot even if no direct access can be provided from "Shady Lane" due to topographic conditions and wetlands?

ANSWER: Approval is not recommended. The proposed access may not be adequate or safe for travel in cases of fire, flood, etc. for purposes of subdivision control. The problem can be solved by shifting the lot line to include part of Lot 5 with Right-of-Way.



NOTE: For lot size and frontage requirements, refer to Zoning Bylaw, Section IV, Table 1.

DEFINITIVE SUBDIVISION PLAN
"SPACIOUS ACRES" APPROVED BY
PLANNING BOARD

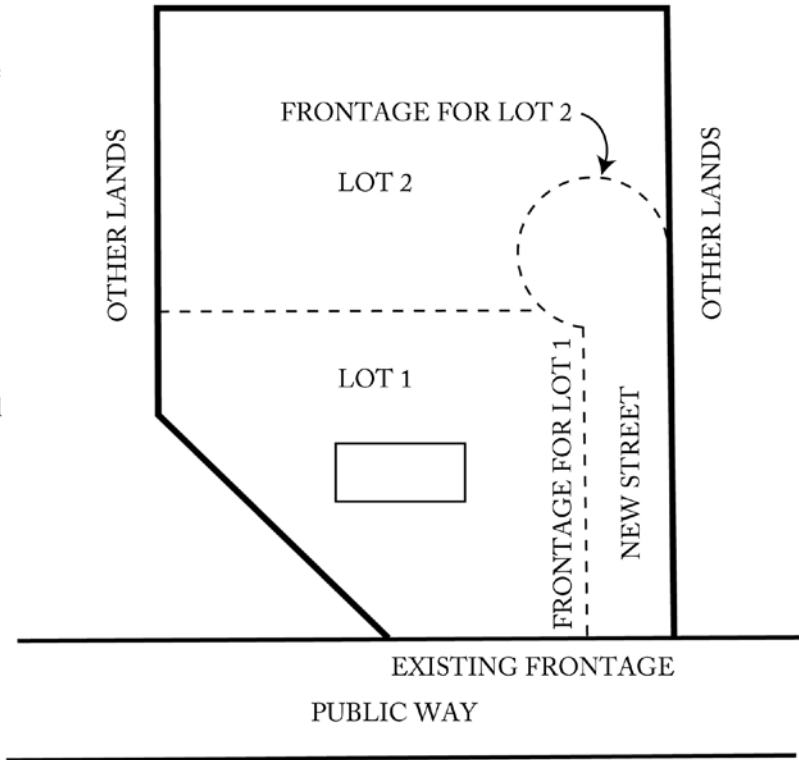
Problem 4 - Two Dwellings on a Lot

DEFINITIVE SUBDIVISION PLAN / PROBLEM 4

For Illustration of the Problem Only

QUESTION: Can another dwelling be erected on a lot which has more than the required acreage for two lots but only a minimum (or non-conforming) frontage?

ANSWER: Yes, by laying out a new "street" which would provide the required frontage for two lots, and then dividing the parcel into two parts, Lot 1 and Lot 2 as illustrated (plan must be approved under the Subdivision Control Law).



NOTE: For lot size and frontage requirements, refer to Zoning Bylaw, Section IV, Table 1.

DEFINITIVE SUBDIVISION PLAN
"SPACIOUS ACRES" APPROVED BY
PLANNING BOARD

SECTION 10 FORMS

Form A: Application for Endorsement of Plan Believed
 Not to Require Endorsement.....10-2

Form B: Application for Approval of a Preliminary Plan.....10-4

Form C: Application for Approval of a Definitive Subdivision Plan.....10-5

Form C-1: Application for Approval of a Modified Definitive
 Subdivision Plan.....10-6

Form D: Request For Certified List of Abutters.....10-7

Form E: Definitive Subdivision Construction Cost Estimate.....10-8

Form F: Performance Bond Agreement.....10-10

Form G: Covenant Agreement.....10-13

Form H: Substitution Performance Guarantee.....10-14

Form I: Certificate of Performance – Release of Lots.....10-15

Form J: Request for Inspection Services.....10-16

Form K: Engineer’s Certification of Performance.....10-18

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Town of Southampton Planning Board
Form A

APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL

Application Filing Date (to be filled out by the Town Clerk):

Applicant Information:

Name: _____

Address: _____

Telephone: _____

Email: _____

Owner Information

(if different from applicant)

Name: _____

Address: _____

Telephone: _____

Email: _____

Engineer/Surveyor Information:

Name: _____

Address: _____

Telephone: _____

Email: _____

Property Information:

Property Address/Description:

Deed of Property Recorded in: _____

Book: _____ Page: _____

Assessor's Map/Parcel: _____

Zoning District: _____

Number of Existing Parcels/Lots: _____

Number of Proposed Parcels/Lots: _____

Frontage (in feet) of proposed parcels/lots:

Signatures

To the Southampton Planning, the undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the reasons listed on page 2:

Owner: _____ Date: _____

Printed Name/Title: _____

Signature of Applicant (if other than Owner): _____

Printed Name/Title: _____ Date: _____

Circle the appropriate response or explain fully on a separate sheet

1. The accompanying plan is not subdivision because the plan does not show a division of land.
2. The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distances as is presently required by the Southampton Zoning ordinance under section _____ which requires _____ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
 - A. a public way or way in which the Town Clerk certifies is maintained and used as a public way namely _____ or
 - B. a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely _____ on (date) _____ and subject to the following conditions (*attach sheet*), or
 - C. a private way in existence on _____, the date when the sub-division control law become effective in the town of Southampton, 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 installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____
3. The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance/other instrument, namely _____ which adds to/takes away from/changes the size and shape of lots in such a manner that no lot affected is left without frontage as required by the Southampton Zoning Ordinance under section _____, which requires _____ feet.
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings, were standing on the plan prior to _____, the date when the subdivision control law went into effect in the Town of Southampton, and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law is as follows: (*attach sheet*)

I certify that the above is true and accurate to the best of my knowledge:

Signature of Engineer/Surveyor _____

Printed Name/Title _____

Date _____



Town of Southampton Planning Board
Form B

APPLICATION FOR APPROVAL OF
PRELIMINARY SUBDIVISION PLAN

Application Filing Date (to be filled out by the Town Clerk):

Applicant Information:

Name: _____

Address: _____

Telephone: _____

Email: _____

Owner Information

(if different from applicant)

Name: _____

Address: _____

Telephone: _____

Email: _____

Engineer/Surveyor Information:

Name: _____

Address: _____

Telephone: _____

Email: _____

Property Information:

Property Address/Location/Description:

Deed of Property Recorded in: _____

Book: _____ Page: _____

Assessor's Map/Parcel: _____

Zoning District: _____

Number of Existing Parcels/Lots: _____

Number of Proposed Parcels/Lots: _____

Number and Length of Proposed Streets:

Signatures

To the Southampton Planning, the undersigned herewith submits the accompanying Preliminary Plan of a subdivision of property located in the Town of Southampton for study, discussion and approval under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Southampton, as amended.

Owner: _____ Date: _____

Printed Name/Title: _____

Signature of Applicant (if other than Owner): _____

Printed Name/Title: _____ Date: _____



**Town of Southampton Planning Board
Form C
APPLICATION FOR APPROVAL OF
DEFINITIVE SUBDIVISION PLAN**

Application Filing Date (to be filled out by the Town Clerk):

Applicant Information:

Name: _____

Address: _____

Telephone: _____

Email: _____

Owner Information

(if different from applicant)

Name: _____

Address: _____

Telephone: _____

Email: _____

Engineer/Surveyor Information:

Name: _____

Address: _____

Telephone: _____

Email: _____

Property Information:

Property Address/Location/Description:

Deed of Property Recorded in: _____

Book: _____ Page: _____

Property Identification-Original Parcel's

Assessors Map/Parcel #:

Zoning District: _____

Number of Existing Parcels/Lots: _____

Number of Proposed Parcels/Lots: _____

Number and Length of Proposed Streets:

Signatures

To the Southampton Planning, the undersigned herewith submits the accompanying Definitive Plan of a subdivision of property located in the Town of Southampton for study, discussion and approval under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Southampton, as amended. A list of the names and addresses of the abutters of this subdivision provided by the Southampton Assessor's Office is attached.

Owner: _____ Date: _____

Printed Name/Title: _____

Signature of Applicant (if other than Owner): _____

Printed Name/Title: _____ Date: _____



**Town of Southampton Planning Board
Form C-1**

**APPLICATION FOR APPROVAL OF
MODIFIED DEFINITIVE SUBDIVISION PLAN**

Application Filing Date (to be filled out by the Town Clerk):

Applicant Information:

Name: _____

Address: _____

Telephone: _____

Email: _____

Owner Information

(if different from applicant)

Name: _____

Address: _____

Telephone: _____

Email: _____

Engineer/Surveyor Information:

Name: _____

Address: _____

Telephone: _____

Email: _____

Property Information:

Property Address/Location/Description:

Deed of Property Recorded in: _____

Book: _____ Page: _____

Property Identification-Original Parcel's

Assessors Map/Parcel #: _____

Zoning District: _____

Number of Existing Parcels/Lots: _____

Number of Proposed Parcels/Lots: _____

Number and Length of Proposed Streets:

Describe Modification(s) being requested:

Signatures

To the Southampton Planning, the undersigned herewith submits the accompanying Modified Definitive Plan of a subdivision of property located in the Town of Southampton for study, discussion and approval under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Southampton, as amended. A list of the names and addresses of the abutters of this subdivision provided by the Southampton Assessor's Office is attached.

Owner: _____ Date: _____

Printed Name/Title: _____

Signature of Applicant (if other than Owner): _____

Printed Name/Title: _____ Date: _____



Town of Southampton Planning Board
Form D

REQUEST FOR ABUTTER'S LIST FOR APPROVAL
OF DEFINITIVE SUBDIVISION PLAN
And ASSESSOR'S VERIFICATION

Request Filing Date (to be filled out by the Assessor's Office):

Applicant Information:

Name: _____

Address: _____

Telephone: _____

Email: _____

Owner Information

(if different from applicant)

Name: _____

Address: _____

Telephone: _____

Email: _____

Property Information:

Property Address/Location/Description:

Deed of Property Recorded in: _____

Book: _____ Page: _____

Property Identification-Original Parcel's Assessors

Map/Parcel #: _____

Signatures

I acknowledge that it is my responsibility to procure the abutter's list and understand that up to two (2) weeks may be required for its preparation.

Requesting Party : _____ Date: _____

Assessor's Certification

This is to certify that at the time of the last assessment for taxation made by the Town of Southampton, the names and addresses of the parties on the attached list are assessed as adjoining owners to the parcel of land subject to this request.

Assessor: _____

Date of Certification: _____



**Town of Southampton Planning Board
Form E**

**DEFINITIVE SUBDIVISION
CONSTRUCTION COST ESTIMATE**

Applicant Information	
Name	
Address	
Phone	
Email	

Subdivision Information	
Name	
Address	

Engineer Information	
Name	
Company	
Address	
Phone	
Email	

Developer / General Contractor Information	
Name	
Company	
Address	
Phone	
Email	

Item	Item Description	Unit	Quantity	Unit Cost	Total Cost
1	Site Clearing, Grubbing, Earth Excavation				
2	Backfill and Grading to Sub-Base				
3	Drainage Utility System (pipe, structures, basins, etc)				
4	Water Utility System (pipe, hydrants, services, valves, etc)				
5	Telecommunication Utility System				
6	Electrical Power Utility System				
7	Lighting Utility System				
8	Gas Utility System				
9	Other Utility System _____				
10	Gravel Placement and Compaction on Sub-Base				
11	HMA Roadway - Base / Binder Course				
12	HMA Roadway - Top Course				

Town of Southampton Subdivision Regulations

Item	Item Description	Unit	Quantity	Unit Cost	Total Cost
13	HMA Sidewalk - Binder Course				
14	HMA Sidewalk - Top Course				
15	HMA Berms / Curbs				
16	Linestriping				
17	Signage & USPS Collection Box				
18	Guardrails & Fencing				
19	Landscaping				
20	Loam Placement and Seeding				
21	Town Inspection Fees				
22	Engineering / Testing / As-Built Fees				
23	Other _____				

Total Projected Construction Cost

Cost Adjustment Municipal Prevailing Wage Rates

Cost Adjustment for 20% Factor of Safety / Inflation

Total Adjusted Construction Cost

Definitive Subdivision Construction Cost Estimate Certification	
Name	
Title	
Company	
Address	
Phone	
Email	
Certification Date	



**Town of Southampton Planning Board
Form F**

PERFORMANCE BOND AGREEMENT

THIS AGREEMENT made this _____ day of _____, 20__ , and at Southampton, in the County of Hampshire and Commonwealth of Massachusetts, by and between _____ party of the first part, hereinafter called the SUBDIVIDER, and the TOWN OF SOUTHAMPTON, a township within said County of Hampshire acting through its Planning Board, party of the second part, hereinafter called the Town.

WITNESS:

WHEREAS the subdivider has petitioned the Town for approval of a Definitive Plan of a subdivision entitled: _____, Located _____, said Plan has been submitted to the Town Planning Board, copies of which are on file in the office of said Board.

NOW THEREFORE, in consideration of the approval of said Definitive Plan and plan-profile by the Planning Board of said Town, the Subdivider agrees with the Town as follows:

(1) To construct and install streets, ways, utilities and improvements as shown on the approved Definitive Plan, cross-sections and plan-profile in strict compliance with the subdivision rules and regulations of the Planning Board and in accordance with the following general specifications:

- (a) Streets and ways shown on the Plan shall be cleared for the entire width, including the necessary side slope excavations, and the roadway shall be excavated to sub-base grade and below sub-base grade where specified by the Planning Board and/or Highway Superintendent, and then brought up to sub-base grade by compacting gravel the required number of inches.
- (b) Utilities shown on the Definitive Plan and plan-profile endorsed by the Planning Board shall be installed, where specified, including water mains, hydrants, sanitary sewers, storm water drains, manholes, catch basins, electrical and telephone wires and cables, together with their appurtenances.
- (c) All roadways shall consist of a gravel base course of good binding gravel in accordance with the approved definitive subdivision plan and the Southampton Subdivision Regulations.
- (d) The hardened surface of the roadway shall be paved the required width, and the hardened surface treatment shall be compacted bituminous concrete as specified in the Subdivision Regulations of Southampton.
- (e) Monuments, sidewalks, curbs, loaming and seeding, planting and street signs shall be installed as shown on the Definitive Plan and in accordance with the Subdivision Regulations.

(2) To file with the Planning Board a Certificate of Performance attesting to the satisfactory performance of all works and installations as set forth in this agreement and the subdivision rules

and regulations of the Town at which time the Planning Board or their authorized representative shall inspect the works and installations and said Board will proceed with the release of the deposit or bond if the provisions of this agreement have been completed.

(3) SPECIAL CONDITIONS:

The Planning Board, its representatives, or other agents of the Town shall have right of entry at all times during the life of this agreement for the purpose of examination and inspection of works and installations included herein and that the Town at its discretion shall have the right to use whatever materials may be in or on the land for completion of said works and installations as hereinafter provided.

(a) All easements to be transferred to the Town by recording said instruments in the Hampshire County Registry of Deeds or Land Court at the expense of the Subdivider before the final bond is released.

(b) Sale or transfer of any lot or lots abutting any street covered in this Bond Agreement shall not release the Subdivider of any obligation contained herein to complete any roadway construction, including clearing, excavation, side slopes, utility installations, grading, gravel or paving, monuments, sidewalks, curbing, loaming and seeding, planting, and street signs in the right-of-way strip.

(4) To deposit with the Town Treasurer cash in the form of a Certified Check or Pass Book payable to the Town of Southampton, or file with the Town Treasurer a bond with sufficient sureties, approved by the Town in the amount of _____ which shall insure to the said Town the faithful performance, by the subdivider, of the within covenants, promises and agreements, which shall be applied in one of the following ways:

(a) Full amount to be deposited before the Definitive Plan is endorsed and to be released on satisfactory completion of this agreement.

(b) Full amount to be deposited before the Definitive Plan is endorsed and at the request of the subdivider, partial releases to be made upon satisfactory completion and approved by the Planning Board of items

1 (a), 1 (b), 1 (c), 1 (d), and the remainder to be released upon completion of the remaining conditions of this agreement.

NOW, THEREFORE, if the Subdivider shall, on or before _____, 20__ make and complete the work and installations as set forth herein and file with the Planning Board the Certificates of Performance required, any cash deposited hereunder shall be released to the Subdivider, and, the obligation under any surety bond filed with the Board shall be null and void; otherwise the amount which the Town pays to complete said work and installations shall be deducted from such cash deposit, and, the principal and surety shall pay to the Treasurer of the Town the amount which the Town pays to complete said work and installations; provided, however, the amount shall not exceed the total deposit required or the penal sum of the bond.

This agreement shall terminate upon satisfactory completion of all requirements under the subdivision rules and regulations of the Planning Board and of said work and installations agreed to.

This instrument includes the Subdivider, his administrator, executor successor or assigns.

Town of Southampton Subdivision Regulations

The Subdivider herein states as one of the material allegations that induce the said Town to approve this Subdivision that he/it is the owner of the tract in fee, subject to the following encumbrance: _____ and that he will not sell, convey, mortgage or pledge the tract in whole or in part, except as individual building lots, without consent of the Town and without making such sale, conveyance, mortgage or pledge subject to the conditions set forth herein.

IN WITNESS WHEREOF, the said Subdivider and mortgagee has/have caused his/their seals to be affixed and these presents to be signed the day and year first above written.

MORTGAGEE

SUBDIVIDER

RECEIPT of the original, hereof, together with the cash deposit or Bond stipulated in paragraph (4) is hereby acknowledged.

Approved by Majority of the Planning Board of the Town of Southampton:

Date: _____



**Town of Southamton Planning Board
Form G**

COVENANT

The undersigned _____
of _____ County, Massachusetts,
hereinafter called the "Covenantor," having submitted to the Southamton Planning Board, a definitive plan of
subdivision, entitled _____
dated _____ made by _____ does hereby covenant and agree
with said Planning Board and the successors in office of said Board, pursuant to General Law (Ter.Ed.) Chapter
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 services 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 than by 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 been
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, may 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.

OWNER: _____ Date _____

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

COMMONWEALTH OF MASSACHUSETTS

_____ ss. _____ 20____

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

Notary Public
My commission expires _____ 20____



**Town of Southampton Planning Board
Form H**

SUBSTITUTION PERFORMANCE GUARANTEE

Filing Date (to be filled out by the town Clerk):

AGREEMENT made this ____ day of _____ at Southampton in the County of Hampshire and Commonwealth of Massachusetts, by and between _____ hereinafter called the SUBDIVIDER and the TOWN OF SOUTHAMPTON, a municipal corporation located within said County acting through its Planning Board, hereinafter called the TOWN.

WITNESSETH:

WHEREAS on _____ the Planning Board approved a certain Definitive Plan of the Subdivider entitled _____ in return for which the Subdivider executed a certain Performance Agreement, dated _____ the performance was secured by the Covenant of the Subdivider, duly recorded in Hampshire County Registry of Deeds, Book _____ Page _____.

WHEREAS the Subdivider now desires to have certain lots released from the operation of said Covenant and offers to provide other security for the faithful performance of said Agreement.

NOW THEREFORE, the parties, in consideration of their mutual undertakings, agree as follows:

1. The Subdivider deposits with the Town hereunder the following collateral:
in the amount of \$ _____ with payment order in the name of the Town of Southampton to insure the true and faithful performance of all of the requirements of said Performance Agreement as they relate to _____ Street in its entirety, and _____ Street for a distance of _____ feet from the end of the present public way.
2. In the event the ways described in the Performance Agreement are laid out as public ways subsequent to the date of that Agreement, the Subdivision agrees to complete the work required by the Performance Agreement nevertheless.
3. The Town will deliver forthwith to the Subdivider its formal Release (from the aforesaid Covenant) as to lots _____ through _____, inclusive, on Subdivider's Definitive Plan.

IN WITNESS WHEREOF the said parties have caused these presents to be signed, sealed, and delivered the day and year first above written.

OWNER: _____ Date _____

Approved by Majority of the Planning Board of the Town of Southampton:

 _____ Date: _____



**Town of Southampton Planning Board
Form I**

CERTIFICATE OF PERFORMANCE – RELEASE OF LOTS

Filing Date (to be filled out by the town Clerk):

Certification and Signatures

The undersigned being a majority of the Planning Board of the Town of Southampton, Massachusetts hereby certify that the requirements for work on the ground called for the covenants dated _____ and recorded in the Hampden County Registry of Deeds, Book _____, Page _____, (or registered in Land Registry District as Book _____ Page _____) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on a plan entitled _____ recorded with said Deeds, Plan Book _____, Page _____ (or registered in Land Registry District as Book _____ Page _____) and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots Designated on said Plan as follows: _____

Majority of the Planning Board of the Town of Southampton

COMMONWEALTH OF MASSACHUSETTS

_____ ss. _____,
2003

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

Notary Public

My commission expires: _____



**Town of Southampton Planning Board
Form J**

REQUEST FOR INSPECTION OF CONSTRUCTION

Request Filing Date (to be filled out by Department):

<p>Applicant Information: Name: _____ Address: _____ _____ Telephone: _____ Email: _____</p> <p>Engineer/Surveyor Information: Name: _____ Address: _____ _____ Telephone: _____ Email: _____</p>	<p>Property Information: Name of Subdivision: _____</p> <p>Property Address/Location/Description: _____ _____ _____</p> <p>Descriptions of works and/or installations to be inspected: _____ _____ _____ _____</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Certification and Signature

To the Planning Board

The undersigned hereby certifies that the above described works and/or installations have been made in accordance with the approved plans as designed and laid-out by me.

Engineer: _____

Printed Name/Title : _____

Date: _____

Professional Seal:

Town of Southampton Subdivision Regulations

REQ'D	ITEM	DATE	INSPECTOR	DEPT.	REMARKS
	1. Roads				
	a. Subbase				
	b. Base Course				
	c. Binder Course				
	d. Top Course				
	2. Berms				
	3. Sidewalks				
	a. Subbase				
	b. Base Course				
	c. Cement Concrete				
	d. Binder Course				
	e. Top Course				
	4. Loam & Seed				
	5. Street Trees				
	6. Street Name Signs				
	7. Monuments				
	8. Fire Alarm				
	9. Police Call System				
	10. Drainage System				
	11. Water System				
	12. Sewer System				
	13. Other Improve.				
	14. Final Acceptance				

cc: Planning Board



**Town of Southampton Planning Board
Form K**

Engineer's Certification of Performance

Request Filing Date (to be filled out by the town Clerk):

<p>Applicant Information: Name: _____ Address: _____ _____ Telephone: _____ Email: _____</p> <p>Owner Information (if different from applicant) Name: _____ Address: _____ _____ Telephone: _____ Email: _____</p>	<p>Property Information: Name of Subdivision: _____</p> <p>Property Address/Location/Description: _____ _____ _____</p> <p>Descriptions of works and/or installations certified to: _____ _____ _____ _____</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Certification and Signature

To the Planning Board

The undersigned hereby certifies that the above described works and/or installations have been made in accordance with the approved plans as designed and laid-out by me, and all systems are functioning as designed.

Engineer: _____

Printed Name/Title : _____

Date: _____

Professional Seal:



**Town of Southampton Planning Board
Form L**

Definitive Subdivision Extension Request

Filing Date (to be filled out by the town Clerk):

<p>Applicant Information:</p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>Telephone: _____</p> <p>Email: _____</p>	<p>Property Information:</p> <p>Name of Subdivision: _____</p> <p>_____</p>
----------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------

To the Southampton Planning Board, please accept this request for an extension to the time period for the following project: _____

I would like to extend the Planning Board's (circle one):

- Public Hearing to: _____
(date)
- Deadline date for filing its decision with the City Clerk to: _____
(date)
- Deadline for completion of construction to: _____
(date)

Applicant's Signature: _____

Printed Name: _____ Dated: _____

Approved by Majority of the Planning Board of the Town of Southampton:

Date: _____