

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND
BROCKTON, MASSACHUSETTS

(AMENDED MAY 2015)

A TRUE COPY, ATTEST

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PURPOSE

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

SECTION I. AUTHORITY

Under the authority vested in the Planning Board of the City of Brockton by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of Brockton. Such rules and regulations shall be effective on and after the 6th day of November 1957. As amended on August 1994, December 5, 2000 and March 2003 and May 2015.

A. PLANNING BOARD PROCEDURES

The Rules and Regulations of the Planning Board are found in the "Brockton Planning Board – Rules and Regulations" document.

Regular meetings of the Planning Board are held on the date and times as posted with the City Clerk. Meetings of the Planning Board shall be open to the public to attend. Any person attending an advertised public hearing may address the Board at the pleasure of the Chairman without prior notice, and in so doing shall state his name, address and person represented, if any. All meetings of the

Board shall be conducted formally under the direction of the Chairman of the Board. In the absence of the Chairman, the Vice-Chairman (Clerk) shall act as Chairman. A majority of the members of the Board shall constitute a quorum but less than a majority may vote to adjourn, subject to the meeting being rescheduled as hereinafter provided; all other action of the Board shall require a majority vote of all the members. In the event of there being less than a quorum present at any scheduled meeting, the Chairman shall reschedule a meeting as soon as practicable thereafter.

For the purpose of these Rules and Regulations, the words "shall," "should," and "may" are used to describe specific conditions.

The following definitions apply:

Shall: A mandatory condition. Where certain requirements in the design or application of the standard are described with the "shall" stipulation, it is mandatory that these standards be met.

Should: An advisory condition. Where the word "should" is used, the applicant is advised the stipulation is recommended and preferable to the Planning & Zoning Board, but it is not mandatory or required.

May: A permissive condition. No requirement or recommendation is intended.

SECTION II. DEFINITIONS

DEFINITIONS -

APPLICANT

Owner or his/her agent or representative, or his/her assigns. A person who applies for the approval of a plan or a subdivision.

BOARD

The Planning Board of the City of Brockton.

CERTIFIED BY

Certified by, or endorsed by, a Planning Board as applied to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of a Planning Board, or by its Chairperson 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 the majority of the Board.
(Chapter 41 G.L. Section 81-L)

DEFINITIVE PLAN

A plan of subdivision or re-subdivision along with appropriate application, submitted to the Board for approval in accordance with Section III of these Rules and Regulations.

DESIGNER

Professional Civil Engineer and Land Surveyor registered to practice in Massachusetts. All work defined as professional engineering or surveying shall be done under the direct supervision of a registered professional engineer or registered land surveyor.

DEVELOPER

A person who develops under a plan of a subdivision approved under these Rules and Regulations.

DRAINAGE

The control of surface water within the tract of land to be subdivided.

EASEMENT

The right of a person to use or control real property owned by another for a specified purpose.

FRONTAGE

The distance between side property lines measured along the street line. The frontage of any lot shall be the horizontal distance between the side lot lines measured between the points where said side lot lines intersect the street rights of way. Said frontage shall be continuous and unbroken and shall be measured along the constructed portion of the way only. On all corner lots, the frontage set forth above shall be measured on one (1) street only and when two (2) streets are connected by a radiused corner, said frontage may include one-half (1/2) the length of arc connecting the two streets. In the event that a lot is situated on a cul-de-sac, the frontage, as set forth above, shall be measured along the minimum setback line for the zone in which said lot is located (Per Sec. 27-13. - Lot Frontage of Brockton Zoning Ordinance)

LOT

Area of land in one ownership with definite boundaries, used, or available for use, as the site of one or more buildings. (Section 81-L of Chapter 41G.L.)

MUNICIPAL SERVICES

Public utilities furnished by the City in which the subdivision is located such as water, sewerage, gas and electricity.

OWNER

As applied in real estate, the person holding the fee simple title to a parcel, tract, or lot of land as shown by the record in the appropriate Land Registration Office, Registry of Deeds or Registry of Probate.

PARCEL

An area of land in the city under one ownership as shown on the last assessor's roll of the county or the records of the city, whichever is the most recent, or any area of land under legal control of any person. Not all parcels are buildable. For example: the parcel may not comply with the zoning district and may require zoning relief to be buildable.

PRELIMINARY PLAN

A plan of proposed subdivision or re-subdivision of land in accordance with Section III of these Rules and Regulations and Section 81-L of Chapter 41 G.L. for review and discussion by the Board prior to submission of the Definitive Plan.

RECORDED

Recorded in the Registry of Deeds of Plymouth County, except that as affecting registered land, it shall mean filed with the Recorder of the Land Court. (Section 81-L of Chapter 41 G.L.)

REGISTRY OF DEEDS

Shall mean the Registry of Deeds of Plymouth County and when appropriate, shall include the Land Court.

ROADWAY

That portion of a way that is designated and constructed for vehicular travel.

SITE INSPECTION SUB-COMMITTEE

A maximum of six (6) Board members who are designated to visit sites and locations that are, have been, or may become the subject of consideration of the Board, such as proposed or existing subdivisions. Members of the Site Inspection Sub-committee shall be appointed on a rotating basis and shall serve in three (3) month intervals. The sub-committee will inspect the site, assess conditions or activities at the site as they relate to matters under the Board's jurisdiction and promptly report its findings to the full Board at its next regular meeting or special meeting called for the purpose of considering the results of the inspection. The sub-committee is authorized to take photographs of the sites and surrounding areas if it deems such photographs would assist the Board in its consideration of the matter.

STREET

A public or private way shown on a plan approved in accordance with the Subdivision Control Laws.

Major - A street which in the opinion of the Board is being used or will be used as a thoroughfare within the City of Brockton or which will otherwise carry a heavy volume of traffic.

Minor - A street which in the opinion of the Board is being used or will be used primarily to provide access to abutting lots and which will be used for through traffic.

STREET SECONDARY

A street intercepting one or more minor streets and which in the opinion of the Board is used or will be used to carry a substantial volume of traffic from such minor streets to a major street or community facility and normally including a principal entrance street of a large subdivision, or group of subdivisions, and any principal circulation street within such subdivision.

SUBDIVISION

Division of a tract of land into two or more lots requiring a way and shall include re-subdivisions, and when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided.

SUBDIVISION CONTROL

The power of regulating the subdivision of land granted by the subdivision control law, Chapter 4, Sections 81-K through 81-GG inclusive of the General Laws of Massachusetts as hereinafter amended.

WETLANDS

For definition see Massachusetts General Laws Chapter 131, Chapter 40; and 310 CMR 10.00 or contact the Brockton Conservation Commission at (508) 580-7167.

SECTION III. PROCEDURE FOR THE SUBMISSION OF PLANS FOR ENDORSEMENT OR APPROVAL

PLANS NOT REQUIRING APPROVAL (ANR)

General

Any person wishing to record a plan of land in the City who believes that the plan does not require approval under the Subdivision Control Law may file an application for endorsement by the Planning Board per MGL Chapter 41 Section 81P.

Filing Procedure

The applicant shall give written notice to the Brockton City Clerk by delivery or by registered mail, postage prepaid, that he has submitted such a plan. If the notice is given by delivery the clerk shall, if requested, give a written receipt therefore to the person who delivered such notice. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land.

On the same day as delivering notice to the City Clerk, the applicant shall submit a plan with requirements set forth below along with a Form A Application to the secretary of the Planning Board, stating the date of submission of the application.

Requirements of Plan Not Requiring Approval

The Approval Not Required (ANR) Plan shall be prepared by a Registered Professional Civil Engineer or Land Surveyor registered in Massachusetts.

The Applicant shall submit:

- a. A properly executed Form A Application, signed by all property owners
- b. ANR Plan, completed in accordance to Plan requirements
- c. Fee, payable to the City of Brockton, in the amount described in the Fee Schedule.
- d. Other information found on the Form A. Application.

The Plan shall include:

- a. Title
- b. Name and Address of Owner of subject land
- c. Registration Book and Page of Deed and previously recorded plans
- d. Name and Address of Surveyor if drawn by a Surveyor
- e. Surveyor's Stamp or Seal if drawn by a Surveyor
- f. Name and Address of Civil Engineer if drawn by a Civil Engineer or if civil engineering work is submitted
- g. Civil Engineer's Stamp or Seal if drawn by a Civil Engineer or if civil engineering is submitted
- h. Planning Board Signature Block
- i. Recorder's Block

- j. North Point, Scale, Legend, Dates of Submission
- k. Zoning District and District lines if within or coterminous with parcel
- l. Names of Abutters' from Recent Tax List
- m. Dimensions and Lines of Existing Streets
- n. Current Buildings and Structures
- o. Labeled parcels stating "the parcel is not buildable without zoning approval first"

Endorsement

If the plan does not require such approval, it shall, without public hearing and within 21 days of submission, be endorsed through the authority of the chairperson of the Board, on such plan in which "Approval under the Subdivision Control Law Not Required" in the space provided with appropriate signatures.

The Board may authorize the Director of Planning & Economic Development or other designee to endorse on a plan the approval of the board or to make any other certificate under the subdivision control law (Pursuant to Chapter 41, Section 81P.) Contact the Department of Planning and Economic Development for the current fee schedule.

Determination that the Plan Requires Approval

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it shall, within 21 days of the submission of the plan inform the developer and the City Clerk in writing of its action and return the plan.

Failure of the Board to Act

If the Planning Board fails to either act upon the plan or notify the City Clerk and the person submitting the plan of its action within the 21 day time limit, it shall be deemed that the plan does not require approval under the Subdivision Control Law. The Planning Board shall endorse the plan and on its failure to do so the City Clerk shall issue a certificate to the same effect.

FORMING A SUBDIVISION

No person shall make subdivision within the meaning of the Subdivision Control Law of any land within the City of Brockton, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

PRELIMINARY SUBDIVISION PLAN

General

A Preliminary Plan of a **RESIDENTIAL** subdivision may be submitted by the developer for discussion and tentative approval by the Board. The submission of

such Preliminary Plan will enable the developer, Planning Board, Board of Health, other municipal agencies (see Form H) and owners of property abutting the subdivision to discuss and clarify any problems associated with such subdivision before a Definitive Plan is prepared. Therefore it is strongly recommended that a Preliminary Plan be filed in every case.

In the case of NON-RESIDENTIAL subdivisions, the submission of a Preliminary Plan is mandatory.

Filing Procedure

The applicant shall give written notice to the Brockton City Clerk by delivery or by registered mail, postage prepaid, that he/she has submitted such a plan. If the notice is given by delivery the clerk shall, if requested, give a written receipt therefore to the person who delivered such notice. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land.

On the same day as delivering notice to the City Clerk, the applicant shall submit a plan with requirements set forth below along with a Form B Application to the secretary of the Planning Board, stating the date of submission of the application.

Requirements of Preliminary Subdivision Plan

The Preliminary Subdivision Plan shall be prepared by a registered professional Civil engineer or land surveyor registered in Massachusetts.

The Applicant shall submit:

- a. A properly executed Form B Application, signed by all property owners
- b. The Preliminary Plan completed in accordance to requirements
- c. Fee, payable to the City of Brockton, in the amount described in the Fee Schedule.
- d. Other information found on the Form B Application.

The Plan shall include:

- a. Name of Preliminary Subdivision
- b. Name and Address of Owner of subject land
- c. Registration Book and Page of Deed and previously recorded plans
- d. Name and Address of Surveyor if drawn by a Surveyor
- e. Surveyor's Stamp or Seal if drawn by a Surveyor
- f. Name and Address of Civil Engineer if drawn by a Civil Engineer or if civil engineering work is submitted
- g. Civil Engineer's Stamp or Seal if drawn by a Civil Engineer or if civil engineering is submitted
- h. Planning Board Signature Block
- i. North Point, Scale, Legend, Dates of Submission
- j. Zoning District and District lines if within or coterminous with parcel

- k. Names of Abutters' from Recent Tax List
- l. Dimensions, Profile Geometry, and Lines of Existing and Proposed Streets, sidewalks, curbs, existing curb cuts, and names of proposed streets
- m. Dimensions and Lines of Existing and Proposed Utilities (water, sewer, drainage, electrical, gas, telecom, lighting, utility poles, fire hydrants, etc.) in Right of Way
- n. Location of all permanent monuments properly identified as to whether existing or proposed
- o. Proposed and Existing Topography of Land at 5 foot contours or less when required by the Board.
- p. Proposed and existing Site Drainage System
- q. Proposed and Existing Significant On-site Natural and Man-made Features (wetland, ledge, bodies of water, wall, trees, fences, flood plain, etc.)
- r. Off-site Wetland Identification
- s. Easements
- t. Dimensions of proposed lots, including minimum frontage and lot area, per City Ordinance.
- u. Building Box or yard setback lines
- v. Identification of non-buildable lots
- w. Limits of work to be preformed, including private utility work, within the Right of Way
- x. Proposed planting types
- y. Current Buildings and Structures
- z. When lots are combined, the new lot designation shall be made by an appropriate letter or number and be noted on the plan.

Approval of Preliminary Subdivision Plan

Approval, approval with modifications or disapproval will be given by the Planning Board on the Preliminary Plan within forty-five (45) days after their submission to the Board.

A disapproval of a plan will be accompanied by a detailed statement of the reasons for the action.

Once receiving approval or approval with modifications, the developer may begin to prepare the Definitive Plan. The Definitive Plan shall be submitted within seven (7) months after submission of the Preliminary Plan or the approval of the Preliminary Plan shall be null and void.

DEFINITIVE SUBDIVISION PLAN

General

No work shall begin until all requirements of the Definitive Plan Approval have been completed and a schedule of tasks with a proposed timetable for completion of each task is submitted and approved by the Planning Board and

Department of Public Works Engineering Section. (See Section V. Required Improvements for an Approved Subdivision)

Upon approval, the plan (and covenant if required) is to be recorded by the applicant at his or her expense. The Applicant shall provide the Planning Board with proof of recording prior to the start of any work.

Filing Procedure

The applicant shall give written notice to the Brockton City Clerk by delivery or by registered mail, postage prepaid, that he has submitted such a plan. If the notice is given by delivery the clerk shall, if requested, give a written receipt therefore to the person who delivered such notice. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land.

On the same day as delivering notice to the City Clerk, the applicant shall submit a plan with requirements set forth below along with a Form C Application to the secretary of the Planning Board, stating the date of submission of the application.

Requirements of Definitive Subdivision Plan

The Definitive Subdivision Plan shall be prepared by a registered professional Civil engineer or land surveyor registered in Massachusetts.

The Applicant shall submit:

- a. The Definitive Plan shall be completed in accordance to all Definitive Plan requirements. The applicant shall retain the original Mylar until the time of endorsement of the plan by the Planning Board. Sepia and/or Xerox type copies are not acceptable.
- b. A properly executed Form C Application, signed by all owners.
- c. Fee, payable to the City of Brockton, in the amount described in the Fee Schedule.
- d. Other information the Definitive Plan Application (Form C) requires.
- e. An original green Municipal Lien Certificate from the Tax Office.
- f. Notice of the time and place of the hearing and the subject matter shall be given by the Planning Board **at the expense of the applicant** by advertisement in an official publication of, or in a newspaper of, general circulation in the City of Brockton once in each of two successive weeks, at least fourteen (14) days prior thereof. The applicant will be billed directly by the advertising media for the advertisement prepared by the Board. Lack of timely advertisement will result in cancellation of the public hearing.
- g. Notification of the hearing shall be sent certified mail, return receipt requested, by the applicant or his/her agent at his/her expense to all owners of land abutting the locus.

- Abutters include those within 300 feet of the boundary of the property where the work is proposed and those within another municipality if within 300 of the property. The list of abutters is to be certified by the City Assessor's Office.
- The notice must tell abutters where they can get a copy of the plan and when and where the public hearing will be held.
- The Planning Board must be given proof of delivery, e.g., mailing receipt cards. A copy of the Assessor's list is to be contained within the Application at the time of filing.

The Plan shall include:

- a. Name of Definitive Subdivision
- b. Name and Address of Owner of subject land
- c. Registration Book and Page of Deed and previously recorded plans
- d. Name and Address of Surveyor if drawn by a Surveyor
- e. Surveyor's Stamp or Seal if drawn by a Surveyor
- f. Name and Address of Civil Engineer if drawn by a Civil Engineer or if civil engineering work is submitted
- g. Civil Engineer's Stamp or Seal if drawn by a Civil Engineer or if civil engineering is submitted
- h. Planning Board Signature Block
- i. City Clerk Certification Block
- j. Recorder's Block
- k. North Point, Scale, Legend, Dates of Submission
- l. Zoning District and District lines if within or coterminous with parcel
- m. Names of Abutters' from Recent Tax List
- n. Dimensions, Profile Geometry, Lines of Existing and Proposed Streets, sidewalks, curbs, existing curb cuts and names of proposed streets
- o. Cross sections of proposed streets
- p. Dimensions and Lines of Existing and Proposed Utilities (water, sewer, drainage, electrical, gas, telecom, lighting, utility poles, fire hydrants, etc.) in Right of Way
- q. Proposed and Existing Topography of Land at 2 foot contours
- r. Proposed site drainage system
- s. Proposed and Existing Significant On-site Natural and Man-made Features (wetland, ledge, bodies of water, wall, trees, fences, flood plain, etc.)
- t. Soil conditions in a general way, describing the relationship of soils to seasonal high water table, soil limitation for roads, house sites and on-site septic systems
- u. Off-site Wetland Identification
- v. Easements
- w. Dimensions of proposed lots, including minimum frontage and lot area
- x. Building Box or yard setback lines
- y. Identification of non-buildable lots

- z. Limits of work to be performed, including private utility work, within the Right of Way
- aa. Proposed planting types
- bb. Current Buildings and Structures
- cc. When lots are combined, the new lot designation shall be made by an appropriate letter or number and be noted on the plan
- dd. Terms imposed by the Planning Board as Condition(s) of Approval
- ee. Certification clause signed by a registered civil engineer and the registered land surveyor of record stating that the design and content of the Definitive Subdivision Plan conforms with conditions imposed by the Planning Board and all applicable rules and regulations established therein.

Any item not specifically covered in the Rules and Regulations of the Planning Board or by City Ordinance or Department of Public Works Standards shall conform to the latest edition of the Massachusetts Highway Department State Standard Specifications for Highway and Bridges.

Additional Requirements

At its discursion, the Planning Board may require impact studies, including but not limited to:

- a. Streets
 - The existing traffic conditions, peak hour levels, street capacities and the amount of expected traffic to be generated from the projected development.
 - The anticipated maintenance and cost of the streets to the City.
- b. Neighborhood and Community
 - Schools – The expected impact on schools from pre-primary to secondary level. The anticipated number of students, additional anticipated cost per student and changes in bus routing, if any.
 - Police and Fire – The expected impact on services, time, manpower and requirements of additional equipment to the police and fire departments.
 - Recreation and Community Facilities – The demand on recreation area and community facilities shall be taken into consideration. Any open space, either public or private, to be used by the residents shall be described.
- c. Benefit and Cost

- A review of the potential taxes expected to be derived from the proposed development shall be shown in a comprehensive analysis in relation to the costs to be incurred by the City of Brockton.

d. Environmental

- Stormwater Management – A review of stormwater retention, policy, management on and off the property, in accordance to the Stormwater Management Standards for the Commonwealth of Massachusetts
- Wetlands – Review of proper practices, in accordance with Wetlands Protection Act Regulations.

The Planning Board shall use a special revolving fund for fees charged to applicants for permits or approvals for the specific purpose of hiring expert consultants to assist in reviewing the applications, (in accordance to "Revolving Fund for Hiring Outside Consultants" from Brockton's Planning Board Rules and Regulations).

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

At the time of filing of the Definitive Plan, a copy thereof shall be also filed with the Board of Health. The Board of Health shall within 45 days after the plan is filed report to the Planning Board in writing of its approval or disapproval of said Plan. In the event of disapproval the Board of Health shall make specific findings as to which, if any, areas shown of such plan cannot be used for building sites without injury to the public health. Such specific findings and the reasons therefore shall be included in a report, and where possible shall make recommendations for adjustments thereof. Any approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which such doubt exists shall not be built upon without prior consent of the Board of Health, and shall endorse on the plan such condition, specifying the lots or land to which said condition applies. Failure of the Board of Health to report shall be deemed approval by such Board. A copy of the written report shall also be sent by the Board of Health to the developer. (Section 81-U, Chapter 41. G.L.)

Public Hearing

Before approval, approval with modifications, or disapproval of the Definitive Plan is given a public hearing shall be held by the Planning Board within the following time frame unless a written extension is agreed upon and such written extension shall specify the additional time period agreed to.

Approval of Definitive Subdivision Plan

Approval, approval with modifications or disapproval will be given by the Planning Board on the Preliminary Plan within the following time period:

- a. Nonresidential and/or Residential Definitive Plan with a Preliminary Plan Subdivision – 90 days.
- b. Residential Definitive Plan with no Preliminary Plan Submission – 135 days.

A disapproval of a plan will be accompanied by a detailed statement of the reasons for the action.

Certificate of Approval

The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered mail to the developer. If the Board modifies or disapproves such plans it shall state in its vote the reason(s) for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the Certification of Action of the Board with the City Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed the developer must provide the Department of Public Works Engineering Section with a reproducible Mylar showing the exact location of streets, lots, easements and all utilities with the stamp and signature of a registered land surveyor and registered professional engineer as well as provide one fully endorsed copy of the plan to the Planning Board. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the City of streets within a subdivision.

Performance Guarantee

The Planning Board shall determine that the monetary amount of the chosen method is sufficient to guarantee construction of ways and the installation of municipal services required for the lots shown on the plan. The Planning Board should include in the total monetary amount a sufficient sum to cover costs that may occur due to inflation. The Planning Board should also require the applicant to specify the time within which the construction and installation will be completed.

Before endorsement of its approval of a Definitive Plan the Planning Board shall require that the construction of ways and the installation of municipal services be secured by one, or in part by one and in part by the other of the following methods which may be varied from time to time by the developer:

- a. By a proper bond or a deposit of money or negotiable securities sufficient in the opinion of the Planning Board and Department of Public Works Engineering Division to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan.

- b. Instead of filing a bond or depositing surety, the developer may request approval of his/her Definitive Plan on condition that a covenant running with the plan has been duly executed and recorded and inscribed on the plan, or a separate document referred to on the plan in accordance with Section 81-U of Chapter 41 G.L. Such covenant shall provide in part that no lot may be built upon or sold until all of the improvements as required in the Regulations have been completed and approved as provided hereafter.

Upon completion of such required improvements and as shown in a submitted As-Built Plan (See Section IV Design Standards A. (3)) the developer shall so notify the Planning Board and the City Clerk by Certified Mail, requesting releases from such covenant.

- c. By delivery to the Planning Board, an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Planning Board and otherwise due the applicant to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.

Any covenant given under the preceding paragraph and any condition required by the Board of Health or officer shall be either inscribed on the plan or contained in a separate document referred to on the plan.

Reduction of Bond or Surety

The penal sum of any such bond or the amount of any deposit held under clause "8a" and "8c" above shall bear a direct and reasonable relationship to the expected cost including the effects of inflation, necessary to complete the subject work. Such amount or amounts shall from time to time be reduced so that the amount bonded, deposited or retained continues to reflect the actual expected cost of work remaining to be completed.

Time Limit

The Planning Board shall set a two (2) year time limit within which construction of all streets, sidewalks and utilities must be completed. If the work is not completed within the specified time the Planning Board may rescind approval of the plan. An applicant may request a time extension from the Planning Board.

Release of Performance Guarantee

Upon the completion of improvements required in Section V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the developer shall send by registered mail to the City Clerk and the Planning Board a written statement that the said construction or installation in connection with such bond, deposit or covenant has been given and completed in accordance with the regulations of Section V, such statement is to continue the addresses of the applicant. If the Planning Board, after consultation with other municipal agencies, determines that said construction or installation has not been completed, it shall specify to the developer in writing the details wherein said construction and installation fails to comply with requirements under Section V. Upon failure of the Board to act on such application within forty-five (45) days after receipt of the application by the City Clerk, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall become void. In the event that said forty-five (45) day period expires without such specification, or without the release of the bond or return of the deposit or release of the covenant as aforesaid, the City Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

SECTION IV. DESIGN STANDARDS

A. General

1. All lots shown on the plan shall be in compliance with the current zoning ordinance, Wetlands Protection Act and Board of Health Regulations before the Board will grant approval.
2. All required licenses, permits, tests and certificates shall be arranged and paid for by the developer.
3. Any subdivision proposals and other proposed new development shall be reviewed to determine if such area is located in a Flood Plain District. If any part of the subdivision or new development is located within the Flood Plain District the Planning Board may impose certain requirements to minimize flood damage.

B. New Streets

1. Location

- a. All Streets in the subdivision shall be designed so that in the opinion of the Board they will provide for safe vehicular travel. Due consideration shall also be given by the developer to the attractiveness of the street layout in order to obtain the maximum livability and amenities of the subdivision.
- b. The proposed street shall conform to the master or study plan as adopted in whole or in part by the Board.
- c. Provision, satisfactory to the Board, shall be made for the proper projection of streets or for adjoining property that is not yet subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where in the opinion of the Board such strips shall be in the public interest.

2. Alignment

- a. Street jogs with centerline offsets of less than one hundred seventy-five (175) feet shall be avoided.
- b. The minimum centerline radii of curved streets shall be one hundred fifty (150) feet.
- c. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.
- d. Property lines at street intersects shall be rounded or cut back to provide for a radius of not less than thirty (30) feet, tangent to the two lot lines.

3. Width

The minimum width of residential street rights-of-way shall be fifty (50) feet with a thirty-four (34) foot pavement centered within the layout except when the proposed subdivision is located on an existing way of record.

The minimum width of a commercial and/or industrial street shall match existing pavement width but shall be no less than twenty-four (24) feet. Rights-of-way shall be sixty (60) feet with forty (40) foot pavement centered within the layout. Greater width shall be required by the Board when deemed necessary for present and future vehicular traffic.

4. Grades

Grades of all streets shall not be less than one half ($\frac{1}{2}$) of one (1%) percent. Grades shall not be more than twelve (12%) percent for any street.

5. Dead-End Streets

a. Dead End shall not be longer than seven hundred (700) feet, unless in the opinion of the Board a greater length is necessitated by topography or other local conditions.

b. Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least one hundred twenty (120) feet unless otherwise specified by the Planning Board. **NO "HAMMERHEAD" LAYOUTS WILL BE ALLOWED.**

C. Easements

1. Easements for utilities across or centered on rear or side lot lines shall be provided where necessary and shall be at least thirty (30) feet in width.
2. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Board shall require that there be provided a storm water easement or drainage right of way which shall not be less than thirty (30) feet in width to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for the possibility of flood, protection of banks, future maintenance or construction or other necessary purpose.
3. Maintenance of detention/retention basins is the sole responsibility of the owner of record/developer until such time as the Planning Board issues a Certificate of Completion. At that time a joint easement between the owner of record and the City of Brockton is to be prepared at the cost of the owner of record/developer.

In the event the owner of record fails to maintain the detention/retention basin the City shall have entry rights. However all costs incurred by the City for any

maintenance or repair work as a direct result of the owner of record's failure to maintain the area shall be born solely by the owner of record. The deed for any such lot is to include the identification of the detention/retention basin and requirements for the maintenance.

4. Easements shall have sufficient monuments to be easily reproduced and shall be located on or adjacent to the property lines as nearly possible.

D. Open Space

Before approval of a plan the Board may also, in proper cases, require the plan to show a park or parks suitably location for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Board may, by appropriate endorsement on the plan, require that no building be erected on such park or parks without its approval for a period of not more than three (3) years. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes of a park and or playground.

Any individual use that directly abuts a park or playground must be screened by a minimum of one hundred (100) feet wide natural landscape buffer or a dense planting not less than fifty (50) feet in width. Screening trees shall have an original planting height of not less than six (6) feet for evergreens and not less than ten (10) feet for deciduous trees.

E. Protection of Natural Features

Due regard shall be shown for all natural features such as large trees six (6) inches over in diameter measured four (4) feet above finished ground level), water courses, scenic points, historic spots and similar community assets which, if preserved, will add attractiveness and value to the subdivision. Such trees as are suitable, in the opinion of the Planning Board, shall be preserved.

F. Utilities

All utilities shall be placed underground. The installation shall be to the specifications of the utility company concerned and the Department of Public Works of the City of Brockton and in accordance with the approved definitive plan. No installation will begin without prior written approval of the Superintendent of Engineering and/or City Engineer of the Department of Works.

SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

ALL ROADWAY AND UTILITY WORK SHALL BE PERFORMED BY CONTRACTORS LICENSED BY THE CITY OF BROCKTON. APPLICATIONS FOR LICENSES CAN BE OBTAINED AT THE OFFICE OF THE DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION. NO ROADWAY OR UTILITY WORK SHALL BEGIN PRIOR TO WRITTEN NOTIFICATION OF THE APPROPRIATE DEPARTMENT OF PUBLIC WORKS DIVISION AND THE DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION.

A. Street and Roadway

1. The entire area of each street or way including sidewalk layouts shall be cleared of all stumps, brush, roots, boulders or other unsuitable material and all trees not intended for preservation.
2. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
3. All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan with at least the top twelve (12) inches consisting of well compacted binding gravel to a width of at least thirty-four (34) feet for residential and forty (40) feet for commercial or industrial.
4. The surface of all roads shall consist of 4" bituminous concrete pavement Class I – Type I-1 laid in two courses – 1 ½" top course will be placed on a 2 ½" base course which has been placed directly on a twelve (12) inch gravel foundation as directed by the Department of Public Works Operations Division - Highway Section and Department of Public Works Engineering Section in accordance with the specifications and the sample cross section. (See Addendum A).

Surface of roads in commercial and industrial zones shall be composed of 2 ½" of Type I-1 bituminous concrete laid in two layers of 1 ¼" base and 1 ¼" top over a base course of 3" of compacted crushed stone penetrated with 1/5 gallons OA-3 per square yard chinked with pea stone. The foundation shall be a twelve (12) inch gravel foundation as directed by the Department of Public Works Operations Division – Highway Section and Department of Public Works Engineering Section in accordance with the specifications and the sample cross section. (See Addendum A).

5. a. Bituminous concrete pavement shall be composed of mineral aggregate, mineral filler and bituminous material mixed and laid hot. The pavement shall be constructed as directed by the Department of Public Works Engineering and Operations Divisions on the prepared or existing

base and in accordance with these specifications and the sample cross section (See Figure I).

b. Composition of the mixture must be within the following allowable tolerances:

Asphalt	0.5%
Aggregate (#10 sieve or smaller)	0.4%
Delivery Temperature	40F

c. Mineral Aggregate – The mineral aggregate shall consist of the same or a mixture of sand and stone screenings of which at least 50% shall be sand. The same shall consist of clean hard durable grains free from clay, loam or other foreign matter. Stone screenings shall be the product of a secondary crusher and shall be free from dirt, clay or other deleterious material as approved by the Department of Public Works Engineering and Operations Divisions.

d. Mineral Filler – Mineral filler shall consist of approved hydrated lime, Portland cement, limestone dust or other materials approved by the Department of Public Works Operations Section – Highway Division and Department of Public Works Engineering Section and shall be added to the mineral aggregate. The filler must completely pass a #40 sieve and at least 85% must pass a #200 sieve.

e. Bituminous Material – The asphalt shall conform to the requirements of specifications #M20-26 AASHO for 60-85 penetration or 85-100 penetration.

6. The gravel foundation shall be constructed to a depth to be determined by the Department of Public Works Operations Section – Highway Division and Department of Public Works Engineering Section but shall be not less than twelve (12) inches. **Approved gravel shall be placed on the sub-grade after the sub-grade has been prepared and has received the approval of the Department of Public Works Operations and Engineering Sections.** The gravel shall consist of hard durable stones and coarse sand generally free from loam and clay and of a uniform grade, or dense graded crushed stone. When spread on the sub-grade and after being rolled, the gravel shall form a stable foundation.
7. In general, all road construction will be done as directed by the Department of Public Works Operations and Engineering Sections. Inspection of road construction at various phases of completion will be required and will be made as directed by the Operations and Engineering Sections. **Any developer who progresses beyond an inspection stage without the approval of the Operations and Engineering Sections will**

be required to return his construction to the status required to perform the necessary inspection.

B. Utilities

1. Sanitary Sewer – Sewer pipes and related equipment such as manholes and connecting Y's, service connections and cleanouts shall be constructed in conformity with specifications of the Sewer and Highway Sections and in accordance with the appropriate City Ordinances. All manhole rings and covers must be kept at grade at all times during construction to ensure property drainage.
2. Storm Drainage – Adequate disposal of surface water shall be provided. Catch basins shall be built in conformity with the specification of the Department of Public Works Operations and Engineering Sections on both sides of the roadway on continuous grades at intervals of not more than three hundred (300) feet at low points and sags in the roadway and near the corners of the roadways at intersecting streets. Drainage must reflect the current Stormwater Management Guidelines of the Commonwealth of Massachusetts and all appropriate City Ordinances. All castings must be kept at grade at all times during construction to ensure proper drainage.
3. Water – Water pipes six (6) inches or larger and related equipment such as hydrants and main shut-off valves shall be constructed to serve all lots on each street in the subdivision in conformity with the specifications of the Department of Public Works Utilities Division – Water Section and Department of Public Works.
4. Street Lighting – **Installation of all street lighting must be completed by the developer before the first house is occupied.** Lighting must be installed at a ratio of one light per every four (4) house lots, but not more than 350 feet. Poles are to be located at or adjacent to the curb line. **The construction and operating costs of said lights to be borne by the developer until such time as the City of Brockton Planning Board issues a Certificate of Completion.**
5. Cuts in Existing Streets
Where utility cuts (water, sewer, drain, gas, etc.) accrue between the front lot line and the center line of the right of way, the pavement will be milled 1 ½ inch and repaved 1 ½ inch for the width of the lot, from curb to center line, with hot mix. Trenches shall be backfilled with Flowable Fill (or similarly approved product).

C. Curbs and Sidewalks

In a Residential Subdivision the sidewalk shall be at least six (6) inches higher than the adjacent roadway and at least eight (8) feet wide. Sidewalks shall be installed with the placement of the final top course pavement.

In a Commercial or Industrial Subdivision the sidewalk shall be at least six (6) inches higher than the adjacent roadway and at least ten (10) feet wide.

Sidewalks shall be constructed of four (4) inches of cement concrete on a minimum eight (8) inch gravel borrow sub-base conforming to the requirements of Section 701 of the "State Specifications". Concrete shall have a minimum 28 day compressive strength of 4,000 psi with maximum 3/4 inch aggregate. One layer of No. 4, 4 by 6 welded wire mesh shall be provided at mid depth. The walking surface shall be broom finished. Concrete surfaces shall be coated on the top and sides with an approved sealer. Expansion joints (1/2 inch open) shall be provided at least every twenty (20) feet, with score joints at four (4) foot intervals. All expansion joints shall use preformed expansion joint filler conforming to Section 9.14.0 of the "State Specifications".

Sidewalks may meander to avoid destruction of existing major trees.

All driveway aprons that cross proposed sidewalks shall be concrete to match the concrete sidewalk. Concrete driveway aprons shall be installed with the installation of sidewalks.

Vertical GRANITE curbing shall separate the paved road surface from the sidewalk.

All handicap ramps must be constructed of concrete and must conform to ADA Specifications and Massachusetts State Standard Specifications for Highways and Bridges.

Sidewalk and curbs are to be repaired to match existing.

D. Street Trees

1. Location. Street trees must be planted, at the developer's expense, on each street within the tract being subdivided. Trees must be planted within the street right-of-way in the area designated for sidewalks immediately behind the curb and must be spaced between 35 to 50 feet apart on center.
2. Species. Street trees must meet the following standards:
 - a. The species of street trees selected must be of USDA Zone 5 hardiness and must be licensed nursery stock with good root development and branching characteristics, and with a two-year warranty.
 - b. No more than 50% of any one genus may be proposed.
 - c. Street tree species must be native to North America.

3. Size. The minimum size of street trees is four (4) inches in caliper, measured four feet from the ground level, and eight to 10 feet of height in place.
4. Planting. Street trees must be planted in a three (3) foot by three (3) foot tree pit. Trees must be planted at their proper depth and in good quality topsoil and must be securely staked. Topsoil backfill shall come level to the sidewalk surface.

E. Monuments

Monuments shall be installed on all street lines, at points of intersection, points of curvature, tangency, angles and at other points where in the opinion of the Planning Board permanent monuments are necessary.

F. Street Names and Signs

Street name signs shall be furnished by the applicant and erected at all street intersections at the expense of the developer prior to the issuance of an occupancy permit for the first house in the subdivision. The Department of Public Works Engineering Section shall issue all house numbers. The Developer must consult with the Police and Fire Departments before final approval of the street names. Approval of street signs and metal signposts must be obtained from the Department of Public Works Operations Division – Highway Section before erection.

G. Clean-Up

Before the sale of a lot, the developer shall clear any debris thereon caused by street construction and installation of utilities. All areas within a street layout disturbed, destroyed or otherwise altered by construction operations shall be restored in a manner satisfactory to the Planning Board and Department of Public Works Engineering Section.

H. Maintenance of Roadways and Utilities

The developer shall be responsible for lighting of roadways in a subdivision, as previously set forth, for the underground and above ground utilities and for the complete maintenance of sidewalks, curbs, driveway entries and street surfaces and all utilities including, but not limited to, sewers, water mains and services, drains, man holes, catch basins, and snow removal operations, etc. until the roads are accepted by the City of Brockton or a Certificate of Completion is issued by the Planning Board for the subdivision and recorded at the Plymouth County Registry of Deeds.

I. Fire Department

There shall be installed within a subdivision a sufficient number of fire alarm boxes located so that a person does not have to travel more than 500 feet to an alarm box. The number and location are to be established by the Chief of the Brockton Fire Department. Costs to be borne by the developer shall

include all materials necessary for a satisfactory installation together with all fire alarm system wiring necessary to make connection to the existing fire alarm boxes in that area.

The location of all hydrants within all subdivisions shall be approved by the Brockton Fire Department. **Hydrants must be located within the grass strip area of the sidewalk and where there is no grass strip shall be located on the curbside of the sidewalk.** They shall be located in an area so as to receive maximum sun and/or heat exposure.

J. Notification of Board

Following final approval, the developer shall notify the Board, through the Department of Planning and Economic Development in writing prior to the start of any work. The developer must submit a construction sequence schedule with dates to the Department of Public Works Engineering Division and the Planning Board that must be approved prior to the start of any work. The developer shall notify the Department of Planning and Economic Development at sixty (60) day intervals of the progress of the work until the construction of all roadways and the installation of all utilities have been completed. During the construction process the developer shall schedule regular inspections with the appropriate section of the Department of Public Works. An inspector from the Department of Public Works must be present at established intervals. (See Article 2 of the City of Brockton Ordinances, "Street and Sidewalk Excavations and for the Installation and/or Repair of Sewer, Water, Drain or other Utility Conduit".) Upon receipt of such notification, the Site Inspection Sub-Committee will visit the site and report its findings to the full Board at its next meeting. If appropriate the Board shall schedule a formal discussion of the sub-committee's report. If warranted, the Board shall request the attendance of the developer or his/her representative at such meeting or a future meeting.

K. Preliminary As-Built Plan

Plan Content and Procedure – A suitable benchmark on "*Brockton City Base*" shall be maintained as a uniform point of reference throughout the entire period of construction and shall not be removed until the final release of the performance guarantee by the Planning Board. Upon the completion of the base course of the street and the installation of drainage improvements and public utilities, the applicant shall submit the original and three (3) copies of a Preliminary As-Built Plan to the Planning Board and Department of Public Works Engineering Section. The plan shall show the precise location of the centerline of the street as well as all physical improvements to date within the approved right of way and related easements. It shall bear the stamp and signature of a registered professional engineer. **The performance guarantee then existing for the subdivision shall not be released, in whole or in part, until the Preliminary As-Built Plan has been submitted and improvements shown thereon have been determined by the**

Planning Board and Department of Public Works Engineering Section to conform to the Rules and Regulations.

SECTION VI ADMINISTRATION

a. Variation

Strict compliance with the requirements of these Subdivision 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 intent of the Subdivision Control Law.

b. Modification, Amendment and Rescission

The Planning Board, on its own motion or on the petition of any person interested, shall have the power to modify, amend or rescind its approval of a plan of a subdivision or to require a change in a plan as a condition of its retaining the status of an approved plan. All the provisions of the Subdivision Control Law relating to the submission and approval of a plan of a subdivision shall, so far as appropriate, be applicable to the approval of the modification, amendment or rescission of such approval and to a plan which has been changed under this paragraph.

No modification, amendment or rescission of the approval of a plan of a subdivision or changes in such plan shall affect the lots in such subdivision which has been sold or mortgaged subsequent to the approval of the plan, or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of mortgage or mortgages, if any, thereon; provided, however, that nothing herein shall be deemed to prohibit such modification, amendment or rescission when there has been a sale to a single grantee of either the entire parcel of land shown on the subdivision plan or of all the lots not previously released by the Planning Board.

So far as unregistered land is affected, no modification, amendment or rescission of the approval of a plan nor change in a plan under this section shall take effect until (1) the plan as originally approved, or a copy thereof, and a certified copy of the vote of the Planning Board making such a modification, amendment, rescission or change, and any additional plan referred to in such vote have been recorded; (2) an endorsement has been made on the plan originally approved as recorded referring to such vote and where it is recorded; (3) such vote is indexed in the grantor index under the names of the owners of record of the land affected.

So far as registered land is affected, no modification, amendment or rescission of the approval of a plan nor change in a plan under this section shall take effect until such modification, amendment or change has been verified by the Land Court pursuant to Chapter 185, and in case of rescission, modification, amendment or change not so verified, until ordered by the Court pursuant to Section 114 of said Chapter 185.

c. Reference

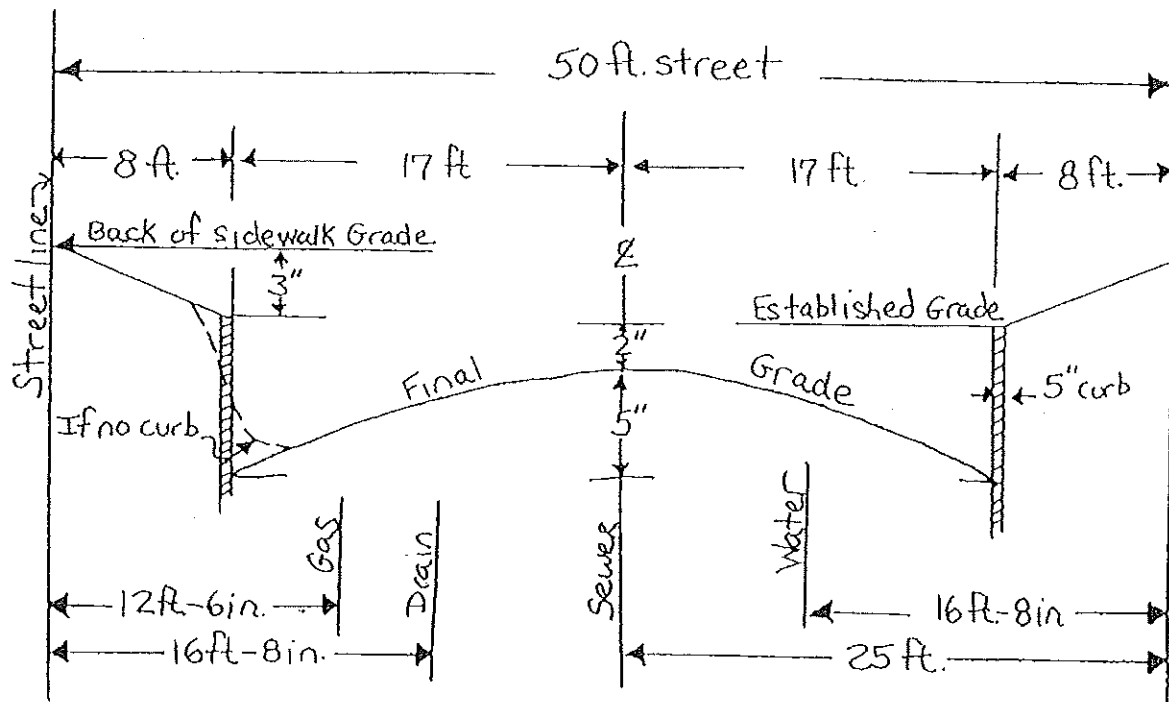
For matters not covered by these Rules and Regulations reference is made to Sections 81K-81GG inclusive of Chapter 41 of the General Laws.

d. Independent Review

The Planning Board may request further information relative to drainage, soil composition, availability of water and any other information deemed appropriate; and all plans may be subject to review by an independent professional engineer designated by the Planning Board on a rotating basis. The applicant shall bear all expenses in connection with the independent review (in accordance to "Revolving Fund for Hiring Outside Consultants" from Brockton's Planning Board Rules and Regulations).

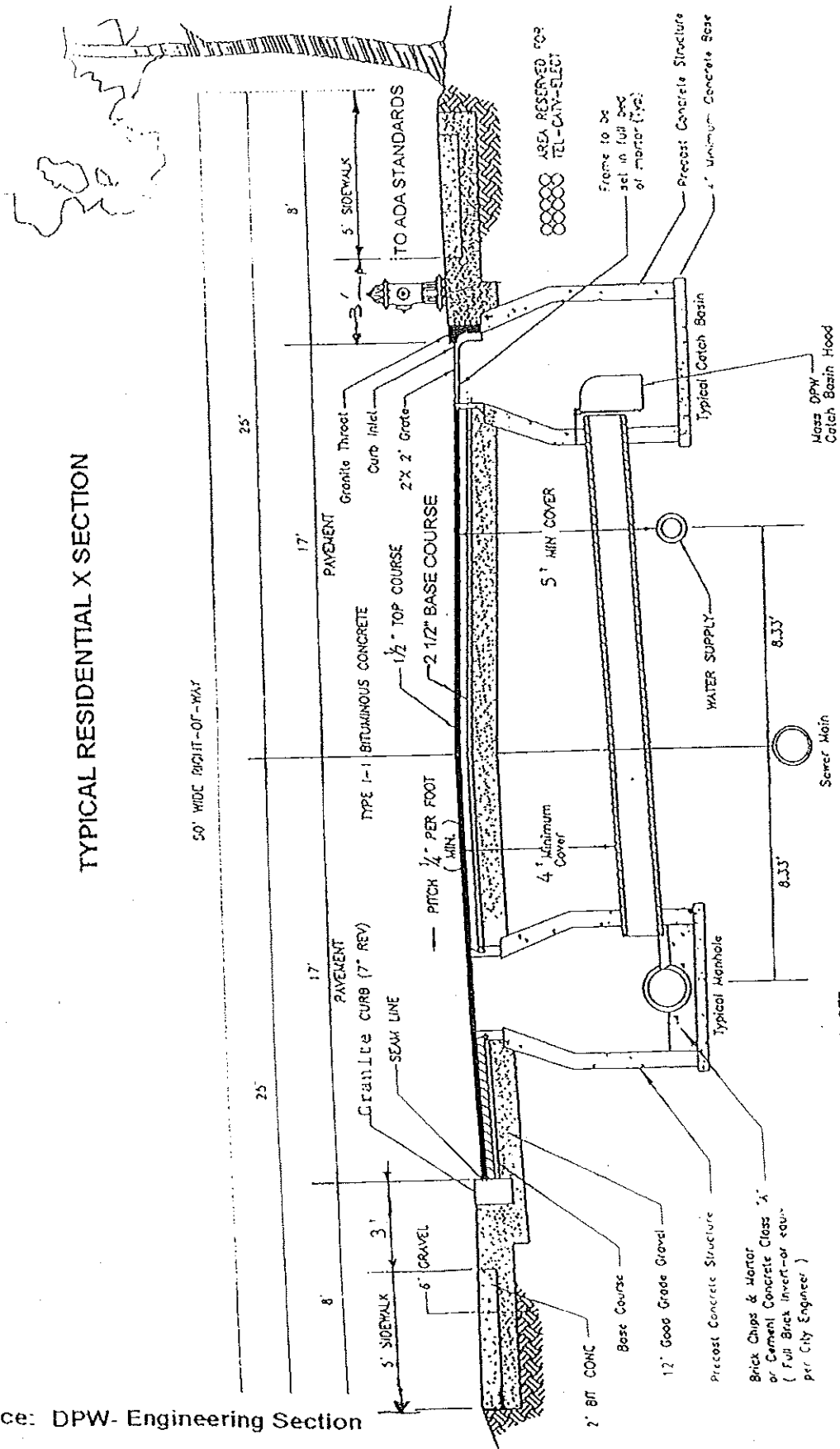
Addendum A

Typical Street Section



Gas main location on $\frac{1}{4}$ width of street, south or west side.
 Water " " " $\frac{3}{4}$ " " " , north " east "
 Drain pipe " " " $\frac{3}{4}$ " " " , south " west "
 Sewer " " " $\frac{1}{2}$ of street.

TYPICAL RESIDENTIAL X SECTION



Source: DPW- Engineering Section

Roadway X-Section: For General Information Purposes Only.

N.T.S.