

TOWN OF ERVING

SUBDIVISION OF LAND RULES & REGULATIONS

EFFECTIVE MAY 17, 2001

**RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND**

ERVING PLANNING BOARD
ERVING, MASSACHUSETTS

These Rules and Regulations shall be effective on and after May 17, 2001, and so remain until modified or amended by the Planning Board.

SECTION I AUTHORITY AND PURPOSE

A) AUTHORITY These Rules and Regulations are enacted by the Erving Planning Board under the Authority granted by MGL, Chapter 41, Section 81-Q. For the purposes set forth in Section 81-M of said Chapter 41. For matters not covered by these rules and Regulations, reference should be made to the provisions set forth in the Subdivision Control Law, MGL Chapter 41, Sections 81-K to 81-GG as most recently amended.

B) PURPOSE The Subdivision Rules and Regulations have been enacted for the purpose of protecting the safety, convenience, and the general welfare of the inhabitants of the Town of Erving by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions, and in proper cases parks and open areas. The powers of the Planning Board under the Subdivision Control Law and 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; controlling congestion in such ways and in the adjacent public ways; reducing danger to life and limb in the operation of motor vehicle; securing safety in the case of emergency situations; insuring compliance with the applicable protective (zoning) bylaws; securing adequate provision for water, sewage, drainage, underground utility services, fire, police, ambulance services, and other similar municipal equipment, street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other, with the public ways in the town, and with the ways in neighboring subdivisions.

SECTION II APPLICABILITY

A) GENERAL No person shall make a subdivision, within the meaning of the Subdivision Control Law, of any kind within the Town of Erving 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 has been approved by the Planning Board as hereinafter provided.

B) DEFINITIONS In creating these Regulations, the definitions in MGL Chapter 41, Section 81-L shall apply (unless a contrary intention clearly appears). In addition, the following words shall have the following meanings:

- 1) Applicant, Developer, Subdivider The person who applies for the approval of a plan of a proposed subdivision. The applicant or applicants must be the owner or owners of all of the land included in the proposed subdivision. An agent or representative may act for an owner provided that a properly limited power of attorney or a statement witnessed by a Massachusetts Notary Public authorizing such a person to act in their behalf is submitted to the Board. In the case of any kind of partnership, all partners/owners must join in the application and listed with the Erving Assessors as part owners of all or some of the properties included in the subdivision. In the case of a trust, All trustees must join in the application and be listed as owners of all or some of the properties included in the subdivision. In the case of a corporation the application must be made by the president, shall have the corporate seal affixed, and shall be accompanied by a list of all officers and directors, plus documentation of the legal existence of the corporation and its authority to do business in Massachusetts. An attorney acting on behalf of any applicant shall be licensed to practice law in Massachusetts and shall submit a written statement of representation.
- 2) Board or Planning Board The Planning Board of the Town of Erving, Massachusetts.
- 3) Building A dwelling, shed, garage, or other structure.
- 4) Completed Application A request that includes all plans, forms and any other documentation required by the Planning Board. Any application found to be incomplete may be returned to the applicant as disapproved due to being an incomplete application.
- 5) 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.
- 6) Definitive Plan At least 5 copies of the map of the proposed subdivision, an acetate overlay, a development impact statement, together with all other documents, drawings, information, filling fees paid, and reimbursement of all consultants retained by the Planning Board that were needed to reach a decision of the application.
- 7) Development Impact Statement (DIS) A documented, written analysis of a proposed subdivision which contains all information provided by these regulations, and which provides the Planning Board and its agents or consultants with the information necessary for plan review. The DIS is prepared by the applicant.
- 8) Metric Equivalent Measure The equivalent distance in meters used on permanent right of ways and easements in anticipation of a national conversion to the metric system.
- 9) Owner or Owners The owner/s of record as shown by the records in the Franklin County Registry of Deeds.

10) Streets Streets within the Town of Erving are classified in 4 main categories:

- a) Major Street – A street which, in the opinion of the Planning Board, is likely to carry substantial volumes of through traffic;
- b) Secondary Street – A street other than a major street which, in the opinion of the Planning Board, is likely to carry traffic to destinations other than just to and from the lots on that street;
- c) Minor Street – A street which, in the opinion of the Planning Board, is likely to be used only by vehicles traveling to and from the lots on that street;
- d) One Way Street – Any of the 3 classes of streets listed above that is designed to carry traffic in only one direction. Such streets shall have a width that is satisfactory to the Board and the Highway Superintendent.

11) State Construction Standards, Mass DPW Construction Standards These specifications are published by the Massachusetts Department of Public Works. They are entitled Standard Specifications for Highway and Bridges, and include all supplements, updates, revisions, or future editions covering substantially the same subject matter. All matters left open or undetermined by these specifications shall be specified by the Planning Board on a case by case basis.

SECTION III PLANS BELIEVED NOT TO REQUIRE APPROVAL

A) PLAN BELIEVED NOT TO REQUIRE APPROVAL

1) Any person/s who wishes to cause to be recorded in the Registry of Deeds, or to be filed with the Land Court, a plan of land who believes that their plan does not require approval under the Subdivision Control Law, may submit his plan to the Planning Board with the following:

- a) A reproducible mylar original and a minimum of 5 copies of their plan;
- b) Written evidence that a filing fee in the amount of \$65.00 for a single lot, or \$35.00 per lot for all plans including 2 or more lots, made payable to the Town of Erving, Massachusetts.
- c) An application for hearing (Form A) appended hereto, signed by the applicant/s and providing all information requested;
- d) All supporting evidence necessary to show that the plan does not require approval.

The application in its entirety will be submitted to the Town Clerk who will present it to the Planning Board.

2) If the Planning Board determines that the plan does not require approval, it shall within 21 days, with or without notice or public hearing (Ref MGL Chapter 41, Section 81 – P), endorse on the plan the words "Planning Board Approval under the Subdivision Control Law Not Required." The said endorsement shall be signed by a majority of the Planning Board. After endorsing the plan it will be returned to the applicant/s along with the

- Approval Is Not Required Certificate (Form A - 1) and copies of the endorsement shall be sent to the Town Clerk and to the Assessors Office.
- 3) If the Planning Board determines that the plan does require approval from the Subdivision Control Law, It shall within 21 days of submission of said Plan, with or without notice or public hearing, inform the applicant and return the Acetate or Mylar portion of the plan along with the certificate stating that Approval Is Required. Before the Planning Board makes its determination, it shall review, or have a consultant review the correctness of all street information and compliance to the Town of Erving By-laws. If, in the judgement of the Planning Board, that consulting services are necessary or appropriate, the applicant/s shall reimburse the Town of Erving for the full cost of such services prior to endorsement of the plan. Where the physical condition or width of a "way in existence" as set forth in the provisions of MGL Chapter 41, Section 81-L, is considered by the Board to be inadequate either to provide for emergency services or to carry the traffic which is expected to be generated by such lots, the Board shall determine that Approval Is Required under the Subdivision Control Law.
 - 4) If the Board fails to act upon a plan submitted under this section or fails to notify the applicant/s and the Town Clerk within the 21 days after its submission, it shall be deemed to have been determined that Approval Is Not Required from the Subdivision Control Law.
 - 5) If the Board determines that an application is incomplete and the item/s needed to consider the application are part of submittal requirements, the application may be returned as denied. If the item/s needed are additional information from the submittal requirements the applicant will be notified that they need to supply these documents in order for the application to be considered.

SECTION IV PRELIMINARY PLANS

- A) GENERAL Prior to the submission of a Preliminary Plan, a developer is encouraged to discuss their intentions with the Board. A Preliminary Plan of a Subdivision may be submitted by the subdivider for discussion and approval by the Board. The submission of such a plan would enable the subdivider, the Planning Board, other municipal agencies and owners of abutting properties to the proposed subdivision to discuss and clarify the problems of such a subdivision before a Definitive Plan is prepared. Such a plan must be filed to allow the Board 45 days in which to study and make recommendations toward the preparation of a Definitive Plan. It is strongly recommended that a Preliminary Plan be filed in every case, especially where the developer intends to submit a series of Definitive Plans over a period of time, or where a developer intends to develop only part of the total contiguous parcel. In these cases, the Preliminary Plan shall show the future intended use or alternate uses for the part of the parcel not presently being developed. In either case, the Preliminary Plan will show all divisions, uses, and other improvements of the entire contiguous parcel. Prior to the submission of a

Preliminary Plan to the Planning Board and the Board of Health for approval, the subdivider should meet with the Board of Selectmen, Assessors, Conservation Commission, School Committee, Police and Fire Departments, and the Highway Superintendent to obtain their recommendations. These recommendations may be incorporated into the Preliminary Plan, in addition to any changes or additions suggested by the Planning Board.

- B) FILING PROCEDURES The Preliminary Plan may be drawn on any type of paper larger than 8 ½ inches by 11 inches but may not exceed 24 inches by 36 inches in size (tracing paper, graph paper, artist sketch pads, ect.) and at a suitable scale. Each plan should have a ¾ inch border and lettering no smaller than 1/8 inch in height. 12 copies of the plan should accompany the application, 5 of these should be color coded illustrating significant features according to the following color scheme:

- Roads – dark grey;
- Streams and other water bodies – blue;
- Wetlands – red;
- Wetlands 100 foot buffer zone – yellow;
- Flood plains and drainage easements – orange;
- Open space and recreation areas – green;
- Sidewalks and bicycle or pedestrian paths – brown;
- Subdivision and lot boundaries – black.

The applicant/s shall present their application to the Town Clerk for filing. At this time the Clerk, or his designated assistants shall receive the application by writing the date and time on the Form B and signing it in the appropriate place. The Clerk will make 3 copies of this document and return it to the applicant. The Clerk will take the application in its entirety and submit 1 copy of the plan with a Form B to the Board of Health and the rest to the Planning Board, keeping a copy of Form B for their records. The Town Clerk will notify the Board of Health and the Planning Board of the submission.

- C) CONTENTS The Preliminary Plan shall show the following:

- 1) The subdivision name, boundaries, north point, date, scale, legend, and title "Preliminary Plan;"
- 2) The names, addresses, telephone numbers of owners of record, all applicants (if different from owners of record), engineers, and surveyors;
- 3) The full names and mailing addresses of all abutters within 300 feet of the subdivisions boundaries, as certified by the Board of Assessors or the Assessors Clerk;
- 4) Lines of all existing and proposed streets, ways, lots, easements, and public or common areas within 500 feet of the proposed subdivision. Anything proposed shall be shown in pencil until they have been approved by the Planning Board;
- 5) The proposed system of drainage including adjacent existing natural waterways in a general manner;
- 6) The approximate boundary lines of proposed lots with approximate areas and dimensions;

- 7) The names, widths, and approximate location of all streets approaching the proximity of the subdivision;
- 8) Sufficient data to determine the location, direction, length of every street and way line, lot line, and boundary line, and to establish these lines on the ground;
- 9) Indication of purpose of all easements both present and proposed;
- 10) The location of all surveyors pins, permanent monuments, fences, stone walls, and any other manmade fixtures or structures;
- 11) The location of all large natural objects including but not limited to, waterways, wetlands, natural drainage courses, ledge outcroppings, marshes, swamps, wooded areas, and general location and species of all trees over 8 inches in diameter as well as the existing and proposed topography at a suitable contour interval;
- 12) A written Development Impact Statement written by the developer with an area reserved for signatures of the Board for approval.
- 13) Written proof that all consultants bills have been paid in full.

It is generally preferred to draw as many of the above submittal requirements together as possible so they show how they interact with each other, but not so that the plan be excessively crowded, so the plan may be drawn on more than one sheet but should be displayed on as few sheets as possible. During the discussion of the Preliminary Plan the complete information for the Definitive Plan and the Financial Performance Guarantee will be developed.

D) TENTATIVE APPROVAL The Preliminary Plan, when submitted, will be studied to determine if it is in compliance with these Regulations, within 45 days after submission, the board shall, approve, disapprove, or approve with modifications, the Preliminary Plan noting any changes thereon that should be made. In the case of a disapproval, the Board shall state in detail its reasons therefore. The Board shall notify the applicant/s of its actions by certified mail, with return receipt requested, and shall notify the Town Clerk with a copy of the Form A with an endorsed copy of either Form A-1 or A-2 as appropriate, and an endorsed copy of the plans. One of the endorsed sets of plans will also be returned to the applicants. Approval of the Preliminary Plan does not constitute approval of the subdivision but does facilitate the procedure in securing approval of the Definitive Plan.

SECTION V DEFINITIVE PLAN

- A) GENERAL A Definitive Plan shall be governed by the Subdivision Regulations in effect at the time of the submission of the Preliminary Plan for the project, so long as, it reflects the approved version of the Preliminary Plan and that the submission of the Definitive Plan is within 7 months from the date of submission of the Preliminary Plan. Should these requirements not be met, then the Definitive Plan will be governed by the Subdivision Regulations in effect at the time of the submission of the Definitive Plan.
- B) FILING PROCEDURES The Definitive Plan shall be prepared by a Registered Professional Engineer or Land Surveyor, and shall be clearly and legibly drawn in black waterproof ink at a scale of 1 inch = 40 feet, or such other scale as the board may accept. The data required below may be on separate sheets as clarity

and sound practice dictate. If multiple sheets are used, they shall be accompanied by an index map, drawn at a smaller scale to the entire subdivision and the surrounding area. Plan sizes shall be at least 8 ½ inches by 11 inches maximum with a ¾ inch border and a minimum letter height of 1/8 inch. Each plan shall have a 3 ½ inch square reserved for Registry use. Any person who submits a Definitive Plan to the Planning Board for approval shall file with the Board the following:

- 1) 1 acetate/mylar original drawing of the Definitive Plan with an area reserved for signatures of the Board;
- 2) 12 paper prints made from the original drawing. At least 5 of these prints shall have the significant features illustrated according to the following color scheme;
 - Roads – dark grey
 - Streams and other waterbodies – blue
 - Wetlands – red
 - Wetlands 100 foot buffer zone – yellow
 - Flood plains and drainage easements – orange
 - Open space and recreation areas – green
 - Sidewalks and pedestrian or bicycle paths – brown
 - Subdivision and lot boundaries – black
- 3) A filing fee of \$150.00 per lot if a Preliminary Plan was approved, or \$350.00 per lot with no Preliminary Plan made payable to the Town of Erving, Massachusetts, or written evidence that said fee has been paid to an appropriate Town Official;
- 4) A properly executed application (Form C) appended hereto, signed by the applicant/s, providing all information requested;
- 5) A copy of the clients approved Development Impact Statement;
- 6) A properly executed Designers Certificate (Form D) signed by a Registered Land Surveyor and a Registered Engineer and providing all information requested;
- 7) A Certified List of Abutters, and their addresses, as certified by the Board of Assessors or the Assessors Clerk;
- 8) An properly executed and approved performance guarantee;
- 9) A signed covenant stating that the subdivisions homeowners association that shall be set up by the developers

The applicants file their application in its entirety with the Town Clerk. The Clerk shall write the date and time in the appropriate place on the Form C, make 3 copies of the document and return it to the applicant/s. The Town Clerk shall then remove 1 set of plans and 1 copy of the Form C for the Board of Health and the rest to the Planning Board. The Town Clerk shall then notify the Board of Health and the Planning Board of the submission within 10 days.

In addition, if in the judgement of the Planning Board, consulting services are necessary or appropriate, The applicant/s shall prior to a determination of the Definitive Plan by the Board, reimburse the Town of Erving for the full cost of such services, or provide written proof that these expenses have been paid.

C) CONTENTS The Definitive Plan shall be prepared by a Registered Professional Engineer or Registered Land Surveyor, and shall be drawn in black waterproof ink. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. Suitable space shall be provided on the plan to record the action of the Board and their signatures. The data required below may be on separate sheets as clarity and sound practice dictates. The Definitive Plan shall contain the following information:

- 1) The subdivision name including the way or ways on which it is situated, boundaries, north point, scale and date;
- 2) A legend denoting any signs or symbols used on the plan and not otherwise explained;
- 3) Names, address, and telephone numbers of record owners subdividers, and the surveyor. The seal and certificate number of the surveyor shall appear on the Definitive Plan;
- 4) The names and mailing addresses of all abutters within 300 feet of the proposed subdivision, as of the submission date of the Definitive Plan. This list must be certified by the Board of Assessors or the Assessors Clerk;
- 5) A Locus Plan, clearly showing the location of the subdivision at the largest scale possible and an index plan drawn at a scale of 1 inch = 100 feet;
- 6) All documents and information required on the Preliminary Plan.
- 7) Existing and proposed topography at 2 foot contour intervals for gentle slopes (less than 25%) and 5 foot contour intervals for steep slopes (greater than 25%) with elevations, shall be provided at 10 foot intervals;
- 8) Street frontage, land area, and identification number for each proposed lot;
- 9) Flood plains and drainage courses. Waterbodies, wetlands, swamps and marshes, rock or ledge outcroppings. Stone walls, trees, and other significant natural features;
- 10) Subsurface conditions on the tract, location and results of all tests made to ascertain subsurface soil, rock and water conditions, depth to ground water, and on a separate sheet, the location and results of all soil percolation tests if individual sewage disposal systems are proposed. These percolation tests shall be:
 - a) made on each lot within the subdivision;
 - b) made by and at the expense of the applicant/s;
 - c) shall be made in accordance with the Board of Health Regulations and the State Sanitary Code as applicable;
- 11) Size and location of existing and proposed water supply facilities;
- 12) Size and location of all fire hydrants, pumps, water lines to and from pumps and hydrants, and sources of water for fire fighting;
- 13) Location of all of the following improvements unless specifically waived by the Board in writing:
 - a) street paving;
 - b) sidewalks;

- c) utility poles and street lighting fixtures;
 - d) all utilities both above and below ground;
 - e) curbs;
 - f) gutters, storm drains, and drain lines;
 - g) all easements with statements of the purpose of each easement;
- 14) A storm drainage system showing invert and rim elevations of all catch basins and man-holes together with surface elevations of all waterways within the subdivision at 100 foot intervals and the approximate depth of water at these points. Surface elevation and approximate depth of water at the annual high water line shown at each point where the drainage point ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage areas and other information sufficient for the Board to check the size of any proposed drain, or bridge. Existing storm sewage should be shown.
- 15) Existing and proposed lines for streets, ways, easements and public or common areas within the subdivision. The proposed names of the streets shall be shown in pencil until approved by the Board;
- 16) Data concerning the length, radius, and central angles of all curves; the location, bearing, and length of every street and way line, and all lot and boundary lines, sufficient to permit the reproduction of the same on the ground;
- 17) Location of all permanent monuments properly identified as to whether they are existing or proposed. The distance and bearing to the nearest town, county or state monument on an accepted way, and monuments at all points of curvature and changes in direction of street side lines, or where designated by the Board;
- 18) Location, names, and widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines to the access road leading from the subdivision to the nearest public road;
- 19) A sketch plan, acceptable to the board, showing a possible or prospective street layout for any adjacent land owned or controlled by the owner or the applicant/s of the subdivision.
- 20) Existing and proposed profiles on the center line of proposed streets at a horizontal scale of 1 inch = 40 feet, and with vertical scale at a scale of 1 inch = 4 feet. All elevations shall refer to the Town datum;
- 21) Cross sections and construction details shall include:
- a) roadway section showing paving, crown, berm, shoulder, side walks, curb and curbstones, and all other components and features;
 - b) details for catch basins, manholes, endwalls, and all other components and features, with specific references to the appropriate sections of the State Construction Standards.
 - c) Drainage trench or waterway relocation section;

D) PERFORMANCE GUARANTEE

1) Amount of Guarantee: Before the endorsement or approval of a Definitive Plan for a subdivision, the subdivider shall provide a performance guarantee in accordance with these Regulations in an amount which, in the judgement of the Board, is sufficient to cover all of the following:

- a) The cost of the improvements;
- b) The reimbursement to the Town of Erving for the full cost of all supervision, inspection, and consulting services provided by the Town or the Board;
- c) A 15% contingency fund.

2) Type of Securities: The subdivider may file a performance guarantee using any of the options listed below:

- a) By a deposit of money with the proper execution of a Form G;
- b) Performance Guarantee through a Surety Company with the proper execution of a Form H;
- c) Performance Guarantee by Registered Negotiable Securities with the proper execution of a Form I;
- d) A Secured Bank Passbook with the proper execution of a Form J;
- e) Performance Guarantee through a Commercial Loan with the proper execution of a Form K;
- f) Any other financial arrangement that the Board may approve.

Any of the above methods must be executed in a manor acceptable to the Board and the Legal Council representing the Board, and shall be contingent on the completion of such improvements within 2 ½ years of the date of said guarantee. If the Board shall decide at any time during the said 2 ½ years that:

- a) The improvements have been installed in a manner satisfactory to the Board in sufficient amounts to warrant reductions in the amount of the Guarantee, or;
- b) The character and extent of the subdivision requires additional improvements, including but not limited to any improvements previously waived, or;
- c) The Board revises its estimates of the costs of said improvements;

Then the Board may modify its requirements for any or all such improvements and the face value of such Performance Guarantee shall there upon be reduced or increased respectively by an amount determined by the Board.

3) Final Release of Performance Guarantee: Full security, in what ever form provided, shall not be released by the Planning Board until:

- a) The Board has been assured of its integrity by the Town Highway Superintendent;

- b) Drainage and other improvements have been verified by 1 full calendar year of use or existence;
- c) Provisions for continued maintenance of improvements have been accepted by the Board;
- d) The Town of Erving has been reimbursed for the full cost of consulting services.

E) REVIEW BY THE BOARD OF HEALTH The Board of Health shall within 45 days of submission review the plan, and report to the Planning Board, and the Applicant/s, in writing the approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if, any of the lots shown on the plan cannot be used as building sites without injury to public health and safety, and include such specific findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustments thereof. Every lot so located that it will be serviced by the municipal water and sewer systems. If such utilities are not available, these lots must be able to be serviced by private wells and septic systems that are satisfactory to the Board of Health.

F) REVIEW BY OTHER TOWN OFFICIALS The Planning Board shall within 10 days post a copy of the plan in the Selectmen's Office where it may be viewed. The board shall also within 10 days notify the following Town Officials by sending them a plan referral form (Form M/M-1);

- 1) Board of Selectmen
- 2) Police Department
- 3) Fire Department
- 4) Conservation Commission
- 5) Highway Superintendent
- 6) Parks and Recreation Commission
- 7) Municipal Building Inspector*
- 8) Town Council*

*out of town offices

The above named Officials and Boards shall complete the Form M-1 that is on the reverse side of the Form M within 30 days.

G) 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. Notice of such hearing shall be given at least twice by the Board, once at least 2 weeks prior to the hearing, and once at least 1 week prior to the hearing. These notices shall be published in a newspaper of general circulation within the Town of Erving. A copy of said notice shall be to the applicant/s and all owners of land within 300 feet of any the proposed subdivision boundaries as certified by the Board of Assessors, or the Assessors Clerk.

H) APPROVAL, APPROVAL WITH MODIFICATION, DISAPPROVAL After the public hearing, and after the report of the Board of Health (or lapse of 45 days without such report), the Planning Board shall approve, approve with modifications, or disapprove the Definitive Plan. A Definitive Plan disapproved by the Board of Health shall not be approved until the deficiencies reported by

the Board of Health have been corrected and the Planning Board has received written conformation from the Board of Health that the site/s have been reinspected and corrected. In the event of a disapproval, the Planning Board shall state in detail wherein the plan does not conform to these Regulations or the recommendations from the Board of Health. In determining whether or not the plan conforms to these Regulations, the following criteria shall be considered;

- a) Completeness and technical adequacy of all submissions.
- b) Determination that development at this location, as proposed in the Definitive Plan, does not present unwarranted hazard to the health, safety, or welfare to future residents or to others because of possible natural disasters, traffic hazard, or environmental degradation;
- c) Conformity with design standards included in or cited by these regulations;

I) APPROVAL IS NOT ACCEPTANCE An approval of a Definitive Plan or subsequent release of security upon the completion of construction, does not constitute the laying or out acceptance by the Town of streets or easements within a subdivision. Compliance with the existing laws of the Commonwealth of Massachusetts and bylaws and procedures of the Town of Erving are all required before acceptance of any easement or street. Such acceptance is at the discretion of the Town.

J) MODIFICATION, AMENDMENT, OR RESCISSION OF PLAN APPROVAL
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. Any such action shall be in accordance with MGL Chapter 41, Sections 81-W through 81-X.

SECTION VI SMALL PROJECTS PROCEDURES

A) QUALIFICATION If he/she so chooses, a developer may their plan under the Small Projects Procedures, which are less demanding than normal ones. To qualify, the subdivision must consist of 4 or fewer lots; must not be contiguous with property previously divided with current or previous ownership; and must not be served by access of any subdivided parcels developed under the Small Projects Procedures, unless in the opinion of the Board, standard construction requirements for the access have been met. The Planning Board reserves the right to require standard project procedures for any development upon its determination that the Town's best interests and those of the future occupants would be served thereby.

B) LIMITING AGREEMENTS Any plan approved under the Small Project procedures must contain or refer to covenants that no additional lots will be created if such land is contiguous or reached via the roads of the previous Small Project. Any way within a Small Project shall service no more than 4 lots. Should waive this restriction, the Board shall impose lot and street betterments to be installed at the developers expense. Without such betterments, streets and

ways within the subdivision shall never be accepted by the Town to become a public way.

C) WAIVERS For a Small Project the following may be waived by the Planning Board.

- 1) Sidewalks
- 2) Bituminous concrete roadway pavement (unpaved roads must comply with other standards stated in the Subdivision Control Laws.
- 3) Property lines intersecting with streets at right angles if property line is on a Minor streets.
- 4) Right of Way widths on Minor streets may be reduced to 28 feet
- 5) 200 foot center line radii of curved streets, may be waived on minor streets.
- 6) Utility poles and transformers or similar items that must be placed 10 feet from the edge of a road surface may be moved inward to a distance of 4 feet from the edge of a road surface

SECTION VII DESIGN STANDARDS

A) STREETS All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular traffic. 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. Provisions satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which has not yet been subdivided. Reserve strips prohibiting access to streets of adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.

- 1) Streets shall be classified as stated in Section II, B, 10, a-d of these Rules and Regulations.
- 2) The Board may at their discretion, impose more stringent requirements than those listed within these regulations. In such cases, the Town may reimburse the developer/s for additional cost imposed upon them by such additional requirements providing such requirements are clearly in excess of those needed to satisfy the normal requirements of that particular development and that such requirements are specifically intended to benefit a substantial area outside of the intended subdivision.
- 3) All streets, roads, ways, ect, shall conform to the following guidelines and /or standards:
 - a) Street jogs with center line offsets of less than 100 feet shall be avoided;
 - b) Streets shall be laid out so as to intersect as nearly as possible to right angles;
 - c) The minimum center line radii of curved streets shall be;

Major Streets	500 feet
Secondary Streets	300 feet
Minor Streets	200 feet

One Way Streets

As Board determines

- d) Property lines at intersections of major or secondary streets shall be rounded or cut back to provide for a curb radius of not less than 30 feet. For minor streets a radius of not less than 20 feet is required;

- e) The minimum width of streets shall be;

Major Streets	52 feet
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Secondary Streets	40 feet
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Minor Streets	32 feet
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One Way Streets	
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The minimum width

of any one way street will be determined on the usage and the amount of traffic that will be anticipated. Any street that will provide on street parking shall have a width increase that will safely accommodate parked vehicles and shall be identified by signs and street markings. Any street that does not anticipate on street parking shall be posted every 50 feet. Only delivery vehicles parked for no longer than 15 minutes will be allowed to park on these streets. The Planning Board will determine these needs.

- f) The maximum grade of streets shall be;

Major Streets	6%
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Secondary Streets	9%
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Minor Streets	12%
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One Way Streets	
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Board will determine

- g) The center line grade of any street shall not be greater than 0.5%;

- h) Whether temporary or permanent, every dead end street shall provide an approved turnaround at the closed end of the street. A cul-de-sac turnaround must have diameter large enough to accommodate a school bus and the Town's largest fire truck;

- i) The Board may modify these requirements where, in their opinion, special or unusual conditions or circumstances so require it.

B) DRIVEWAYS All driveways shall constructed to the following standards:

- 1) Any driveway with a length in excess of 500 feet shall be considered a private, minor, road and must provide some kind of turnaround at each closed end for emergency vehicles to exit;
- 2) No driveway shall be shared by more than 2 lots;
- 3) A driveway may be constructed and covered with any material, as long as it will support the vehicles using it.

C) EASEMENTS All easements required must be properly filed by the owner/s of the property before approval may be given for a subdivision. These easements may be, but not limited to those listed below:

- 1) Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 20 feet wide;

- 2) Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide construction or other necessary purposes;
 - 3) Easements or right-of-ways in cases of shared driveways given to all users of this way.
- D) LOT SIZES AND SHAPES All lots within the subdivision shall conform to provisions set forth in the Town of Erving zoning bylaws and the lot shapes shown in the appendix section of these regulations;
- E) OPEN SPACES Before approval of a plan, the Board may also, in proper cases, require the plan to show a park or parks suitably located for a playground or recreational purposes, or for providing light and air. The park/s shall not be unreasonable in area in relation to the land to be subdivided and to the prospective uses of such land. The Board may by appropriate endorsement on the plan, that no building may be built on such a park without it's approval;
- F) PROTECTION OF NATURAL FEATURES Due regard shall be shown for all natural features, such as large trees(over 8 inches in diameter), water courses, scenic points, historical spots, large rock and ledge outcroppings, and similar assets that, if preserved may add attractiveness and/or value to the subdivision and the community.

SECTION VIII REQUIRED IMPROVEMENTS

The improvements required herein must be installed to the satisfaction of the Board of Selectmen or their duly appointed representatives. Schedule for installations of improvements should be filed with the Board of Selectmen, who will provide the developer with a checklist of required inspections. Failure to file such a schedule, or otherwise give adequate notice as to when improvements can be inspected, will significantly delay certification of such improvements and subsequent release of bond or covenant.

- A) STREET AND ROADWAY CONSTRUCTION Roads shall be constructed as follows:

- 1) The entire area of each street shall be cleared of all stumps, brush, roots, boulders, like material and trees not intended for preservation.
- 2) All loam, soft material, clay or mud, shall be stripped from the line of the streets for the full length and width, including shoulders, to a depth that will provide a firm foundation. No soft or inferior materials shall be permitted below the subgrade and the subgrade shall be thoroughly compacted before gravel shall be placed over the compacted base. The top 3 inches of gravel shall be screened or crushed to a maximum stone size of 1 inch. Extreme care shall be taken to insure that all trenches for utilities have been thoroughly compacted to prevent future settling. Sub-drains shall be installed if necessary.
- 3) All streets and roads shall be constructed to the following widths excluding parking:

<u>Classification</u>	<u>Right of Way</u>	<u>Paved Width</u>	<u>Shoulder Width</u>
Major Street	52 feet	24 feet	4 feet
Secondary Street	40 feet	20 feet	2 feet
Minor Street	32 feet	16 feet	2 feet
One Way Street	Board shall determine widths on case by case basis.		

- 4) The completed gravel surface shall be treated for its full paved width in the following manner:

- a) A bituminous concrete mixture shall be applied by a paving machine as a binder or base course at a thickness of at least 1 1/4 inches after compaction;
- b) After the sub-base has been inspected, a surface coat must be applied using the same methods and thickness as the sub-base. Under no circumstances shall any surface coat be applied until the sub-base has been inspected and approved. All paving must conform with Mass. Dept. of Public Works specifications for Type I-1 bituminous concrete, in materials, quality standards, and methods of application.

B) CURBS AND GUTTERS Curbing shall be installed in accordance with the following specifications:

Major Streets	Granite or concrete curbs at all intersections and steep grades.
Secondary Streets	Special situations only.
Minor Streets	Special situations only.
One Way Streets	As directed by Planning Board.

Curbing at all intersections shall include the full length of the curve, plus 6 feet of tangent in each direction. Curbing on steep grades shall mean all grades in excess of 6 percent. Curbs may be required on any street where the Planning Board deems that special conditions of topography, drainage, alignment, or any unusually high densities so require.

In all situations where curbing is not required the roadway edge and adjoining grass plot or shoulder shall be treated as to provide adequately for the carrying of surface water runoff. This may require special treatment of gutters, shoulders, ditches, etc.. All curb inlets shall be granite or concrete and of standard design.

C) SIDEWALKS Sidewalks shall be installed in accordance with the following specifications:

Major Streets	4 foot minimum width on both sides.
Secondary Streets	3 foot minimum width on both sides unless other wise specified by Planning Board.
Minor Streets	As specified by Planning Board.
One Way Streets	As specified by Planning Board

- 1) Sidewalks shall be constructed between the roadway and the property line, as close to the property line as practical.

- 2) Sidewalks shall be of bituminous concrete or cement concrete upon a sub-base consisting of at least 6 inches of good processed gravel at a maximum aggregate size of 2 inches or crushed stone after compaction. No surface material shall be applied until the sub-base has been inspected and approved. Bituminous paving shall conform to the same requirements as for street surfaces. Cement concrete paving shall be 4 inches thick, reinforced with No. 10 gauge, 6 inch by 6 inch, welded mesh with expansion joints at no more than 30 foot intervals.
- 3) Any sidewalk that travels on one side of a street that terminates and resumes or connects to a sidewalk on the opposite side of the street must do so via a crosswalk permanently marked on the roadway and by road signs and comply with the American Disability Administration's regulations.

D) GRASS PLOTS AND TREES All right-of-ways within the proposed subdivision shall have tree belts and planted areas as follows:

- 1) The entire width of the right-of-way, except for roadways, shoulders, curbs, gutters, and sidewalks shall be devoted to a plot of appropriate vegetation consisting of at least 4 inches of good quality loam, properly planted to control erosion and dust;
- 2) Utility poles, transformers, signs, or similar items shall be placed within this plot so they are to be less than 2 feet from the edge of the shoulder;
- 3) Where, in the opinion of the Planning Board, existing or proposed trees on the adjacent lots are not adequate, a provision of two or more trees may be required in the planting strips or in adjacent portions of the lots. Size and planting procedures for such trees shall conform to the Town's current practice of the planting of roadside trees.

E) UTILITIES All utilities shall be installed in accordance with the following specifications:

- 1) All sewer pipes and related equipment, such as manholes and Y's shall be constructed in conformity with the specifications of the Town of Erving. Where, in the opinion of the Planning Board, existing public sewer mains are not reasonably accessible, the plan may be approved without the provision of street sewers, provided that:
 - a) No lot shall be built upon without the provision of an on lot sewage disposal system specifically approved by the Board of Health;
 - b) That the Planning Board may require the installation of so-called "dry sewers" in the conformity with specifications of the Town of Erving in any street where a specific plan has been approved and money appropriated at a town meeting for an extension of sewers within 5 years.
- 2) Adequate disposal of surface water shall be provided in accordance with good engineering practices.
- 3) Water pipes and related equipment, such as Y's, fire hydrants, shutoff valves, etc., shall be constructed to serve all lots on each street in the

subdivision in conformity with specifications of the Town of Erving. Where, in the opinion of the Planning Board, existing public water mains are not reasonably accessible, the plan may be approved without the provision of street waterlines provided that:

- a) No lot be built upon without the provision of on-lot water facilities specifically approved by the Board of Health;
 - b) That the Planning Board may require special provisions for firefighting as are deemed necessary by the Chief of the Fire Department.
- 4) Provisions of electrical utilities, such as electrical power, telephone service, and cable television service, shall be installed and available to all lots in conformity with the Town of Erving and all local utilities. The Planning Board will determine whether these services shall be provided from utility poles or buried below ground.
 - 5) Provisions of street lighting shall be provided as determined by the Planning Board, in accordance with from recommendations from the Chief of Police and the Chief of the Fire Department.
- F) MONUMENTS Permanent monuments made from granite or concrete shall be installed at all street intersections, at all points of change of directions or curvature of streets, at all change of directions in property or lot lines, and at all other points required by good engineering practice. After the completion of all construction, certification in writing shall be made to the Planning Board and the Supt. Of Highways, by the registered engineer of the developer, that all monuments have been properly set in accordance with the final plan.
 - G) STREET SIGNS Street signs of a design conforming to or better than the type in general use in the Town shall be installed at all intersections and other proper places, under the direction of the Supt. Of Highways. All other signs shall conform with the Manual of Uniform Traffic Control Devices.
 - H) RECORDING OF PLANS Upon completion of construction, the subdivider shall file a complete set of recorded plans, certified by a registered professional engineer, with the Supt. Of Highways, as well as the Registry of Deeds, which shall indicate that streets, storm drains, sewers, water mains, and their appurtenances have been constructed in accordance with the Definitive Plan and are accurately located as shown upon the recorded plans. The location of all underground electrical, telephone, cable television wiring, as well as gas lines shall also be indicated on the recorded plan.
 - I) RELEASE OF BOND No subdivision bond or other financial surety shall be released until the developer can show a completed form O (release of surety), signed by a majority of the Planning Board and that the requirements in Sections F,G, and H have been satisfied in the judgement of the Board of Selectmen.
 - J) INSPECTION COSTS The developer shall be responsible for all required costs of all supervision, inspections, etc., pertaining to the subdivision, which are performed or supplied by the Town, its engineers or representatives. No subdivision bond, covenant, or other financial surety shall be released until all such expenses have been paid to the satisfaction of the Board of Selectmen.

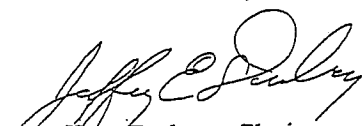
- K) STREET ACCEPTANCE The acceptance of a plan by the Planning Board does not make any street thereon a public way. Existing laws of the Commonwealth of Massachusetts and by-laws of the Town of Erving must be complied with for acceptance of any street as well as winning a clear majority of votes by residents at an annual or special town meeting.

SECTION IX ADMINISTRATION

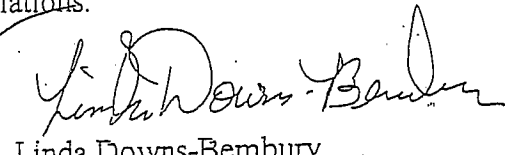
- A) VARIATION Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.
- B) For matters not covered by these rules and regulations, reference is made to MGL Sections 81-K to 81-G.

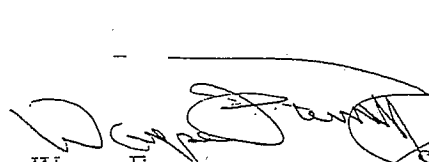
SECTION X STATEMENT OF DISCLAIMER

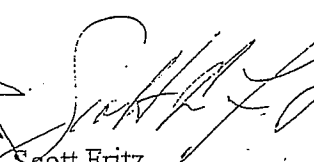
Any portion of these rules and regulations found to be unlawful or unconstitutional, will have no effect on the rest of the regulations.


Jeffrey Dubay, Chairman
Erving Planning Board


Derek Fritz, Secretary/Clerk
Erving Planning Board


Linda Downs-Bembury
Erving Planning Board


Wayne Feary
Erving Planning Board


Scott Fritz
Erving Planning Board

A. LOTTING PRACTICES

EFFECT OF NEARBY DEVELOPMENT ON THE SITE

One obvious effect of existing development that may adjoin the site of a proposed subdivision comes from the need to provide for the extension of roads from the adjoining area into the new one. In some cases, the new development will need to employ the streets in the older one as the means of access to it, and in others the older subdivision streets will provide a second means of access to the new subdivision.

Experience throughout the State has shown that there are some basic principles that should not be violated when new streets are laid out adjacent to existing ones. One of these principles is that no "reserve strips" be permitted at the end of a street so as to prohibit future access into land beyond it. The need for convenient traffic circulation throughout a community makes this protective device an obsolete method of providing "privacy" for a particular subdivision.

Another principle is that the main means of access to a large new subdivision (say more than ten lots) should be provided from a street designed to carry a fairly high traffic load and should not be provided through a local street designed only for light traffic.

If the community does not have a master plan that shows how these traffic routes are to be laid out and coordinated as the area is developed, common sense will often indicate where through traffic or collector-street traffic is best routed. The planning board which has a master plan for traffic circulation will be in a better position to make sure that both new and existing development is not devalued by heavy or high-speed traffic.

When the subdivision design requires that a proposed street be continued to the edge of a presently undeveloped area to make provision for its future extension, it is desirable to require a temporary turn-around at the end of the street to allow for convenient vehicular movement. Such excess right-of-way that may be required for the temporary turn-around can revert to the abutting lots when the street is extended.

Unless there is an existing or proposed street to be extended, it is generally undesirable to terminate a street at a property line (See Figure 1). The problem of providing street access to the corner of a property can be solved by the provision of a short stub or "eyebrow" around which usable lots can be created (See Figure 2).

When the new subdivision lies next to an area already provided with public services and utilities, the extension of these becomes an important factor in the layout. Water mains and hydrants can usually follow streets without serious problems, unless a significantly higher elevation is involved, which may call for some adjustment in water pressure. Gas mains are a similar utility, with pressure rarely a problem. Sanitary sewers, however, normally rely on gravity flow, and the grades of streets will very definitely affect the adequacy and cost of this service. In many cases, it is necessary to provide a sanitary sewer easement across lots to make the system workable. (It is good practice to have such easements follow lot lines where possible.) Pumping sewage should be avoided and in some areas will not be approved by health authorities. Storm water drainage is a comparable service; it requires careful analysis to relate its requirements to the street system, the slope of the individual lot, and the location of buildings.

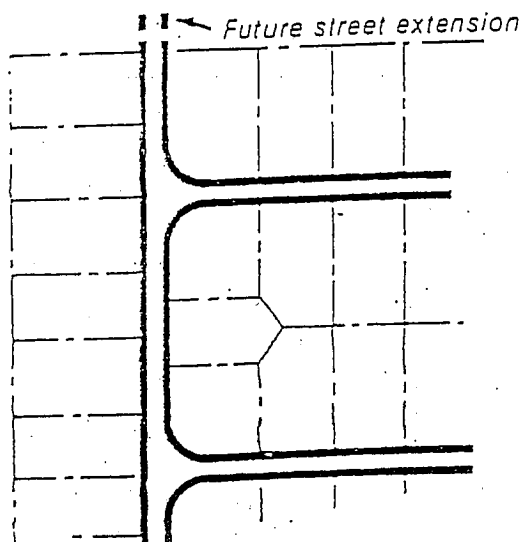


FIGURE 1 - Provision for future street extension

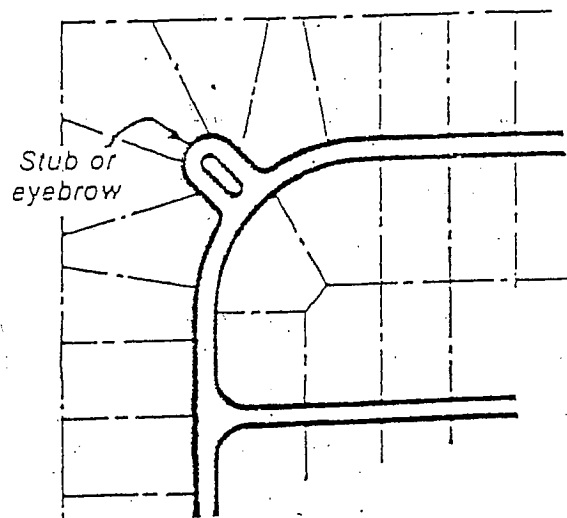


FIGURE 2 - Use of stub street or "eyebrow."

B. STREET AND LOT LAYOUT

The prime function of residential streets is to provide access to individual properties, to accommodate their prospective traffic and to allow the convenient entry of fire fighting, snow removal and other road maintenance equipment and emergency vehicles. Streets should also be logically related to the topography and be coordinated into a system whereby each street performs the function for which it is intended.

The function that a street is intended to serve will determine both its right-of-way width and its pavement width. A minor residential street that serves a relatively low density residential area may need less pavement width than if the same street served higher concentrations of residential development. This results from both the higher volumes of traffic on the street and from the resultant higher incidence of on street parking. Collector streets and major streets carry progressively higher amounts of traffic than minor residential streets. This fact must be reflected in the criteria used for determining the street cross-section. Other considerations affecting street right-of-way width are sidewalks, planting strips and utilities including street lights and fire hydrants.

The volume and speed of vehicular traffic on a street can be influenced by its particular design. An undifferentiated rectangular or grid street pattern usually does not include a collector or secondary street system and tends to make each local street as important as the next (See Figure 3). This encourages through traffic at higher speeds on each street and also creates many potential traffic conflict points at the four-way intersections. One of the most trouble-free designs for a residential street is that of a "loop" which provides convenient access to each lot without encouraging through traffic (See Figure 4).

The dead-end or cul-de-sac street can also be used to advantage in residential subdivisions. (See Figure 5). Through traffic is completely eliminated because there is only one entrance into the street. This creates an added sense of privacy, safety and value to the lots fronting on this street. Two major drawbacks of cul-de-sac streets are that access to the interior lots can be impeded by a blockage at the open end and that traffic at the open end can become undesirably high if the street is too long and access to a large number of homes is provided. These streets should have paved turn-arounds at their closed ends that are wide enough to permit vehicles to negotiate the turn without the need for backing.

When residential development occurs along major streets and other highly travelled traffic arteries, special consideration must be given to its design. Lots should not front directly on or have direct access to such streets (See Figure 6). When this occurs, the efficiency of these streets is reduced and they are no longer able to adequately perform the function for which they were designed. This problem can usually be solved by either building a marginal access street (See Figure 7) or backing the lots up to the major street (See Figure 8). The marginal access street provides frontage for the individual lots and greatly reduces the number of points of access to the major street. When a landscaped buffer strip is provided between the marginal access street and the major street, the traffic noise will be reduced and a more private environment created. Unless care is taken in designing the marginal access street, it may cause more traffic conflict at its entrances and exits than it is intended to solve. By maintaining a minimum safe distance between these entrances and exits and other intersections most of this traffic conflict can be avoided.

In cases where lots can be backed onto a major street, the land use conflict can be reduced by requiring a landscaped buffer zone between the major street and the rear property line. In addition, a fence along the rear property line can provide for more privacy and a safer back yard.

Intersections are another important element of street design. When improperly designed, street intersections become potential traffic hazards. Streets should intersect at right angles (See Figure 10) and not at acute angles (See Figure 9). The centerlines of offset street intersections should be far enough apart so that traffic is deterred from cutting diagonally across them. Intersections should occur on straight sections of street instead of on curves, and should have gentle grades rather than steep slopes. Fourway intersections should be avoided except at the crossing of collector or major streets where traffic control devices are utilized.

The blocks which make up a subdivision are inherently related to the street patterns. Although the number of intersections should be kept to a minimum, it is necessary to limit block length in order to permit adequate vehicular and pedestrian circulation within the subdivision. In situations where excessive block lengths are unavoidable, such as under unusual topographic or drainage conditions, a right-of-way or easement for pedestrians should be provided across the block to break up its excessive length.

The lot layout and street arrangement in a subdivision are so closely interrelated that one cannot be planned without considering its effect on the other. Once the general lot size and dimension requirements have been determined, a street system can then be designed to allow for the development of a desirable lot layout. In order to create a desirable home site which can be developed economically, several factors must be considered and certain general principles adhered to when lots are being laid out.

Good trees and other desirable natural growth should be preserved and the amount of grading kept to a minimum. Generally, it is preferable for the lot elevation to be somewhat higher than that of the abutting street. The grade between the street and the house location on the lot should not be excessive but should be enough to provide good surface drainage to the street and subsequently to a storm drainage system. Each lot should provide a desirable building site which allows adequate space for side yards and a driveway. It should be deep enough to allow for proper building setback and provide some space for outdoor activities.

The size and shape of the individual lot is often influenced by the type and size of dwelling contemplated for the development. This is especially true when the subdivider is also the home builder. Rectangular lots are generally the most usable. However, topography, street layout and the shape of the original parcel often necessitate creation of lots which are not rectangular. When this occurs, odd shaped lots with excessive jogs and corners should be avoided (See Figure 11). Whenever possible, side lot lines should be perpendicular to straight streets or radial to curved streets (See Figure 12). Corner lots that are too small do not provide an adequate building site (See Figure 13). Generally, corner lots should be larger than interior lots to allow for required setback from each street and provide a more usable back yard (See Figure 14).

When developing an odd shaped parcel of land fronting on an existing road, creation of excessively deep lots should be avoided (See Figure 15). Use of a short cul-de-sac street can often facilitate development of the parcel into more desirable lots (See Figure 16).

A subdivision site which is traversed by a small drainage way or a small stream often requires special consideration. A small stream may necessitate a different treatment from that used for a small drainage way. The lots should be laid out so that the drainage way will not be near the center of a lot (See Figure 17). More desirable and usable lots (See Figure 18) can be created by letting the side lot line follow the center of the drainage way and by providing an adequate easement on each side of this line for drainage purposes. The lot width should be increased to allow for the easement and still provide a suitable building site. When a small stream traverses a subdivision site, desirable lots can be created by providing a drainage right-of-way or easement on each side of the stream and backing the lots up to it (See Figure 20). This treatment tends to preserve the stream bed in its natural state, provide continuous public or private open space, and eliminate the need for costly and undesirable driveway culverts which would be required if lots were fronted on the stream (See Figure 19).

The development of a desirable street arrangement and lot layout is essential if the subdivision is to become an asset to the community. However, this alone is not enough. Adequate street improvements, utilities and drainage facilities must be installed and certain community facilities provided.

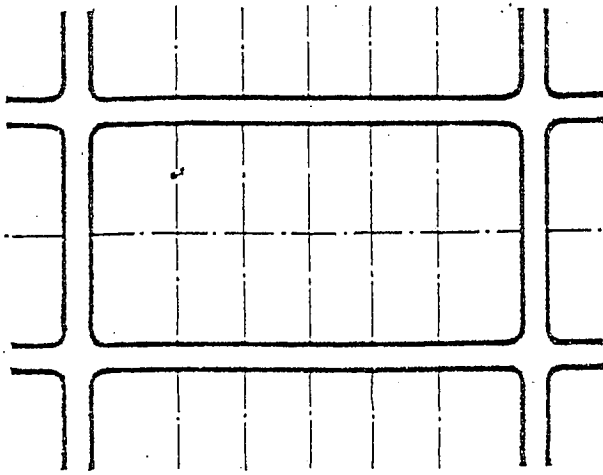


FIGURE 3 - A rectangular or grid street pattern.

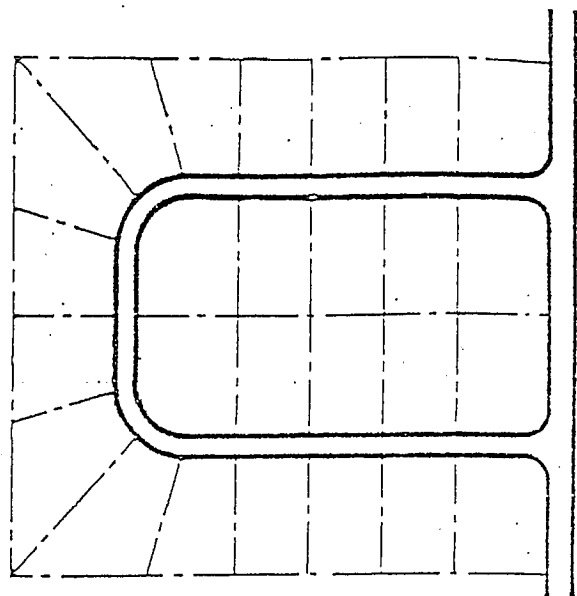


FIGURE 4 - A loop street.

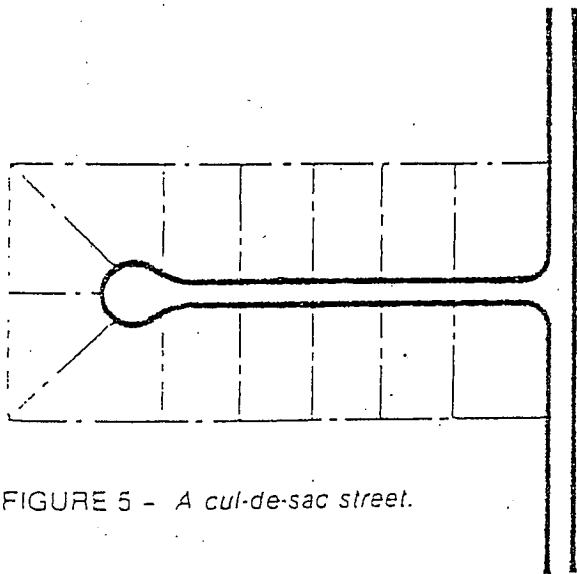


FIGURE 5 - A cul-de-sac street.

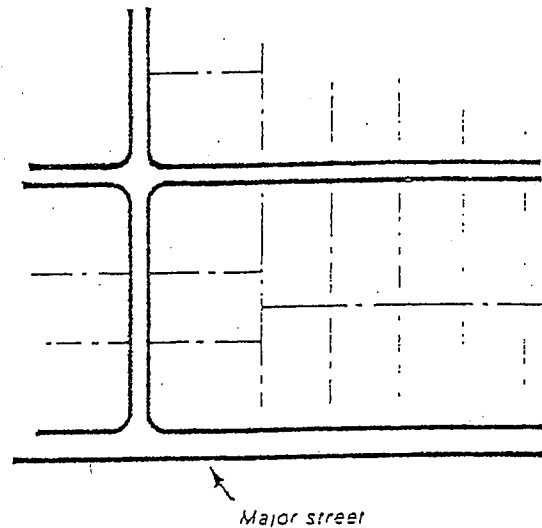


FIGURE 6 - The practice of fronting lots directly on a major street is undesirable.

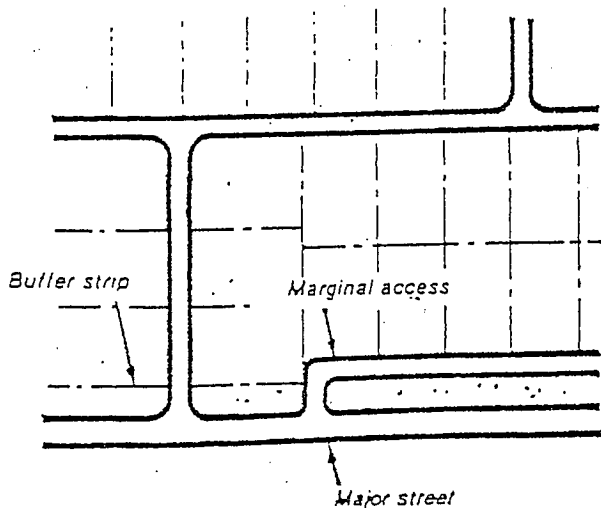


FIGURE 7 - Use of a buffer strip and marginal access street is more desirable.

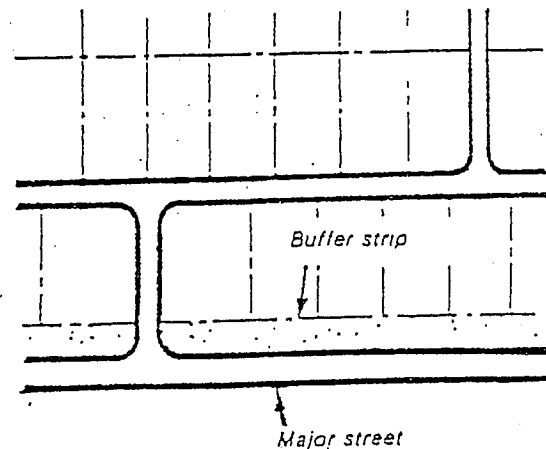


FIGURE 8 - Use of a buffer strip when backing lots on a major street is desirable

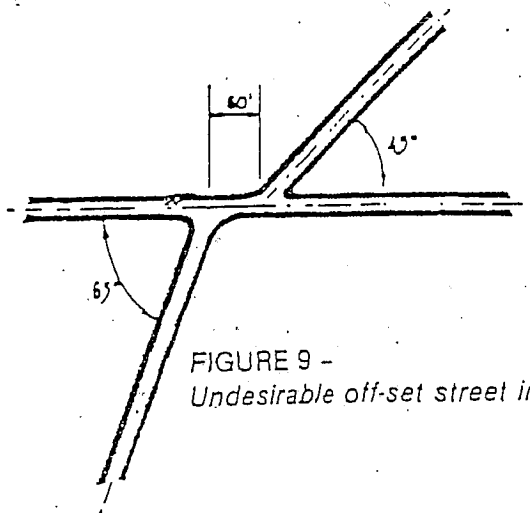


FIGURE 9 -
Undesirable off-set street intersection.

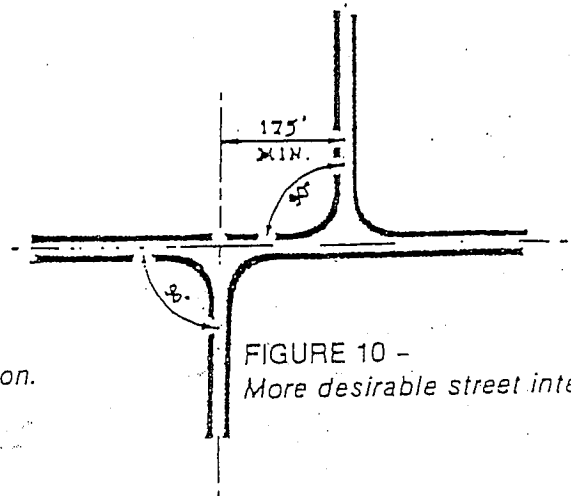


FIGURE 10 -
More desirable street intersection.

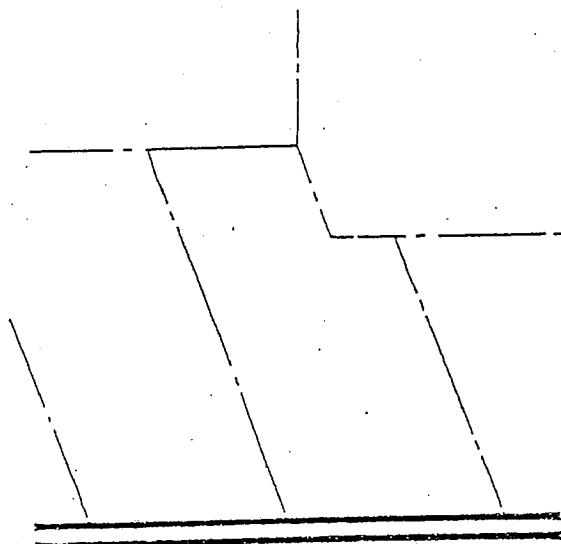


FIGURE 11 - Undesirable lot layout.

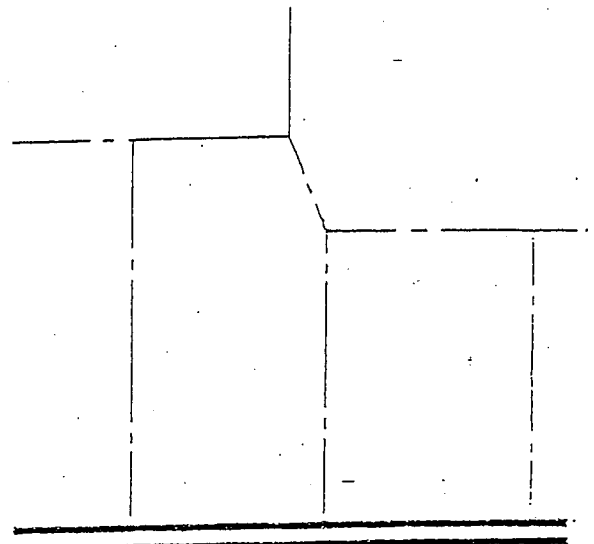


FIGURE 12 - More desirable lot layout.

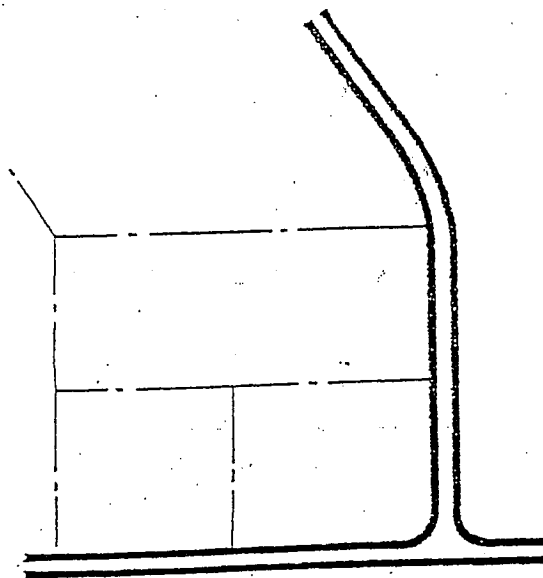


FIGURE 13 - Undesirable corner lot arrangement.

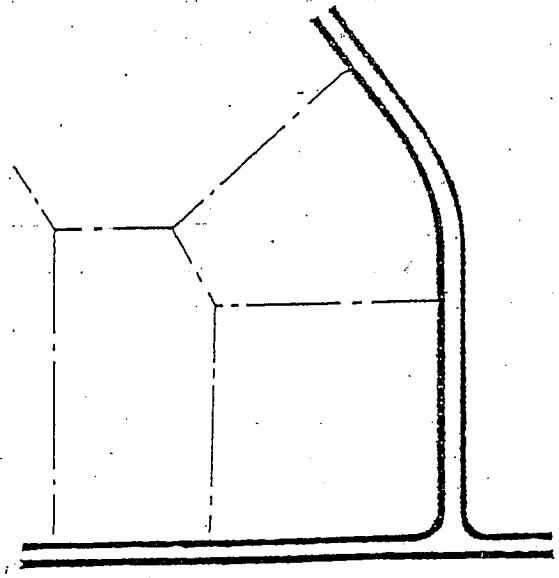


FIGURE 14 - More desirable corner lot arrangement

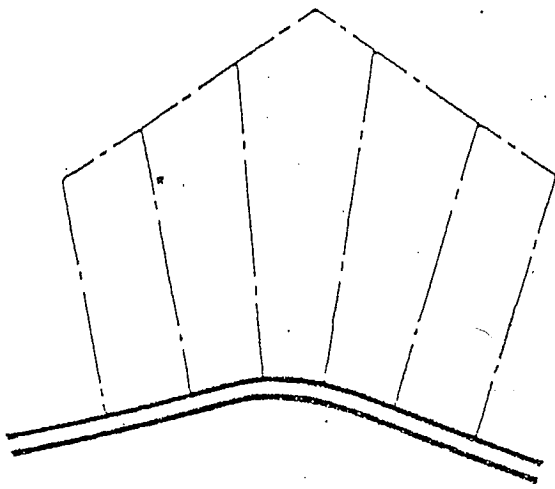


FIGURE 15 - Excessively deep lots.

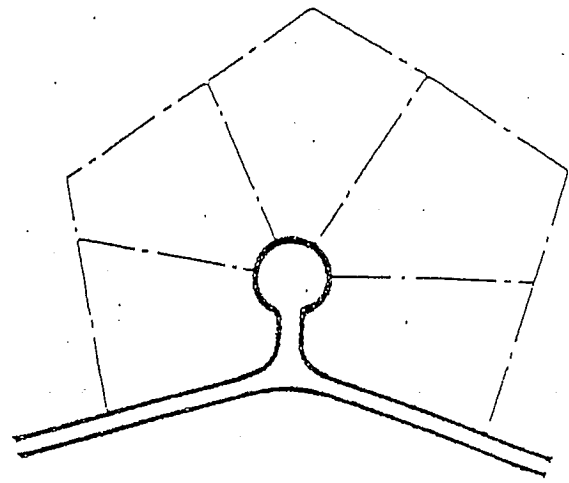


FIGURE 16 - More desirable lots.

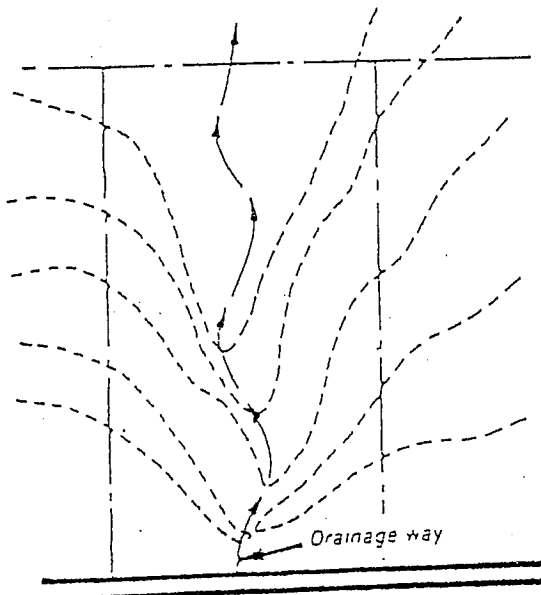


FIGURE 17 - Undesirable building site.

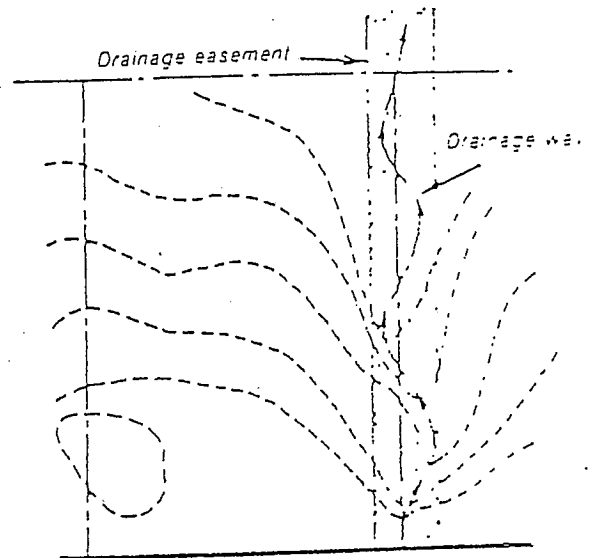


FIGURE 18 - More desirable building site

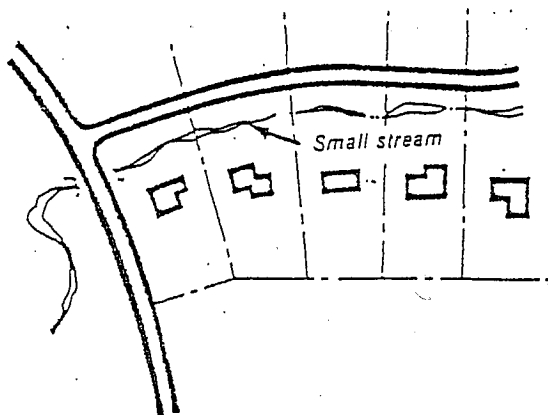


FIGURE 19 - Undesirable design.

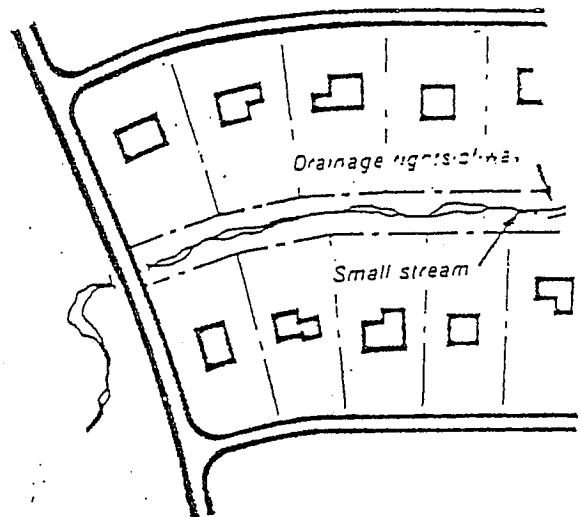


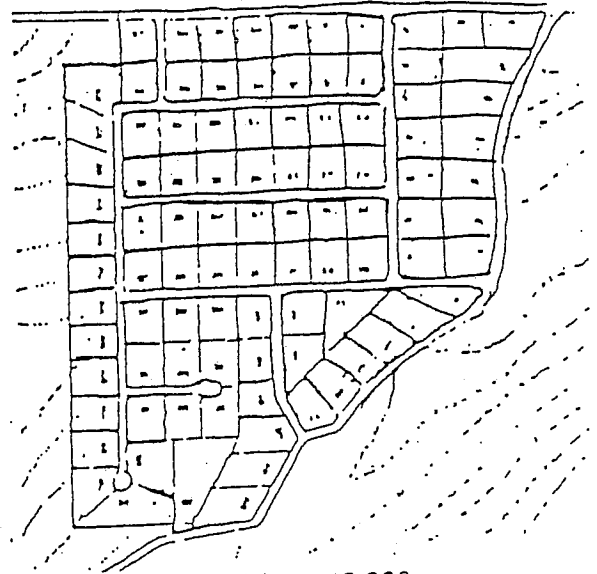
FIGURE 20 - More desirable design.

C. CLUSTER DEVELOPMENT AND COMPARISON

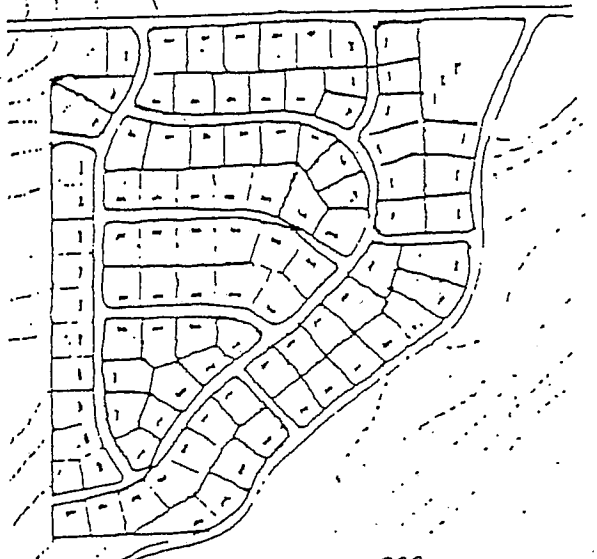
Several practical advantages of a cluster design are listed as follows and several are illustrated by the accompanying diagrams:

- Fewer linear feet of street and utilities, thus lower initial cost, reduced maintenance cost
- Less costly burial of normal overhead utilities
- Fewer intersections for potential accident occurrence
- Best soils for development are more fully utilized
- Less storm runoff
- Less disturbance to natural features
- More usable open space, promotes walking, bicycling, outdoor activities
- Yard maintenance reduced
- Sense of neighborhood enhanced

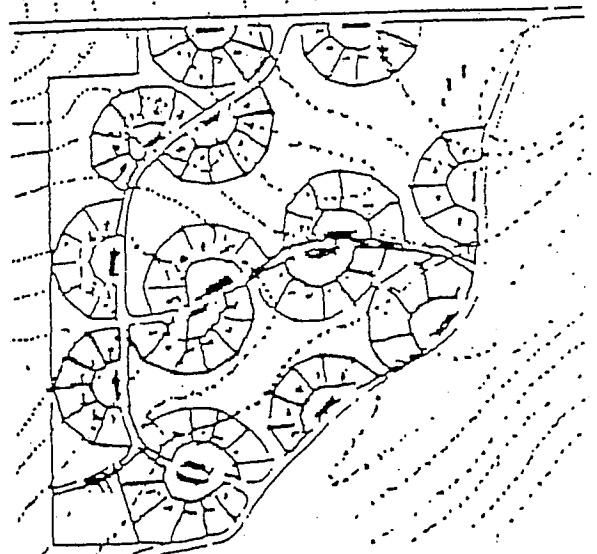
Lot size in the first two cases is 50,000 square feet; in the third case, lot size is reduced to 30,000 square feet, with some 44 acres left open. Design by Myron X. Feld, planning engineer, from *The American City*.



Recilinear plan, 94 lots, 12,000 feet of streets and utilities.



Curvilinear plan, 94 lots, 11,600 feet of streets and utilities.



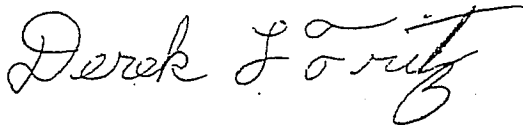
Cluster plan, 94 lots, 6,000 feet of streets and utilities.

NOTICE OF CERTIFICATION

This notice is to certify that the preceding document shall be the official Rules and Regulations for the Subdivision of Land of the Town of Erving, that shall be in effect on and after the date of May 17, 2001, and will so remain until modified or amended.

PLANNING BOARD

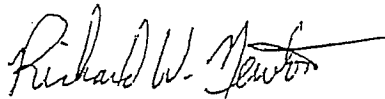
As Planning Board Clerk for the Town of Erving, I certify that this notice is correct.



Derek Fritz, Planning Board Clerk
Town of Erving, Massachusetts

TOWN CLERK

As Town Clerk for the Town of Erving, I certify that this notice is correct.



Richard Newton, Town Clerk
Town of Erving, Massachusetts

