

RULES AND REGULATIONS GOVERNING THE
SUBDIVISION OF LAND IN THE
CITY OF HOLYOKE

HOLYOKE PLANNING BOARD

ADOPTED - MARCH 27, 1972
EFFECTIVE DATE - APRIL 1, 1972
AMENDED (SECTION 5) - FEBRUARY 12, 1973
AMENDED (SECTION 6) - JUNE 10, 1974
AMEND (SECTION 3) APPENDIX "A" - JUNE 27, 1977
AMENDED (SECTION 5) - MAY 13, 1986

TABLE OF CONTENTS

	<u>Page</u>
<u>SECTION 1- GENERAL</u>	
1.1 Purpose	1-1
1.2 Authority	1-2
1.3 Waiver of Compliance	1-2
1.4 Effective Date	1-2
<u>SECTION 2- TYPES OF PLANS AND APPROVALS</u>	
2.1 Basic Requirements	2-1
2.2 Subdivision	2-1
2.3 Nonsubdivision ("Plans Believed Not To Require Subdivision Approval")	2-1
2.4 More Than One Building For Dwelling Purposes Per Lot	2-3
2.5 Others (No approval or endorsement by Planning Board required)	2-3
<u>SECTION 3- PROCEDURES FOR THE SUBMISSION AND APPROVAL OF SUBDIVISION PLANS</u>	
3.1 Preapplication Conference	3-1
3.2 Preliminary Plan	3-1
3.2.1 General	3-1
3.2.2 Submission	3-1
3.2.3 Contents	3-2
3.2.4 Approval of Preliminary Plan	3-3
3.3 Definitive Plan	3-4
3.3.1 General	3-4
3.3.2 Submission	3-4
3.3.3 Contents	3-5
3.3.4 Approval of Definitive Plan	3-9
3.3.5 Performance Guarantee Release	3-15
<u>SECTION 4- PROCEDURES FOR THE SUBMISSION AND ENDORSEMENT OF NON-SUBDIVISION PLANS (Plans Believed Not To Require Subdivision Approval)</u>	
4.1 General	4-1
4.2 Submission	4-1
4.3 Contents	4-2
4.4 Endorsement	4-3
<u>SECTION 5- PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS FOR MORE THAN ONE BUILDING FOR DWELLING PURPOSES PER LOT</u>	
5.1 Preapplication Conference	5-1
5.2 General	5-1
5.3 Submission	5-1
5.4 Contents	5-2
5.5 Approval of Plan With More Than One Building For Dwelling Purposes Per Lot	5-5
5.6 Performance Guarantee Release	5-8

TABLE OF CONTENTS - (Continued)

Page

SECTION 6- DESIGN STANDARDS FOR AN APPROVED PLAN

6.1	Suitability of the Land	6-1
6.2	Suitability of the Streets and Ways	6-1
6.2.1	Location and Alignment	6-1
6.2.2	Width	6-2
6.2.3	Grade	6-3
6.2.4	Dead-end Streets	6-3
6.3	Easements	6-4
6.3.1	Utilities	6-4
6.3.2	Water	6-4
6.3.3	Written Proof	6-4
6.4	Compliance With Zoning Ordinance	6-5
6.5	Lots of Abnormal Shape	6-5
6.6	Lots of Abnormal Size	6-5
6.7	Open Space and Natural Features	6-5
6.8	Open Space Requirements in a Development	6-6
6.8.1	Types of Areas	6-6
6.8.2	Minimum Requirements	6-7
6.9	Proposed Development of Applicant's Other Contiguous Land	6-8

SECTION 7- REQUIRED IMPROVEMENTS FOR AN ACCEPTABLE SUBDIVISION OR DEVELOPMENT

7.1	Streets and Ways	7-1
7.1.1	Street Construction	7-1
7.1.2	Surfacing	7-1
7.1.3	Grade Surface	7-1
7.1.4	Grading at Intersections	7-1
7.2	Underground Utilities	7-2
7.2.1	General Requirements	7-2
7.2.2	Sanitary Sewer Lines and Surface Water Drains	7-2
7.2.3	Water Lines	7-2
7.2.4	Connection From The Main Structures	7-2
7.2.5	Wires- Electrical, Telephone and Others	7-3
7.2.6	Methods and Materials	7-3
7.2.7	Public Taking- Utilities As Betterments	7-3
7.3	Sidewalks	7-3
7.4	Curbing	7-4
7.5	Monuments	7-4
7.6	Fire Alarm Boxes	7-4
7.7	Wall Supports Or Slopes	7-4
7.8	Street Signs and Names	7-4
7.9	Inspections	7-5

Appendix A- Definitions

Appendix B-1 Application For Approval Of Preliminary Plan
(Conventional or "Cluster")

Appendix B-2 Application For Approval Of Definitive Plan
(Conventional or "Cluster")

Appendix B-3 Application For Approval Of Definitive Plan
(Planned Unit Development)

TABLE OF CONTENTS (Continued)

- Appendix B-4- Application For Endorsement Of Plan Believed Not
To Require Approval
- Appendix B-5- Application For Approval Of More Than One Building
For Dwelling Purposes Per Lot
- Appendix C- Designer's Certificate
- Appendix D- Street Classification and Dimensions
- Appendix E- Dedication Of Public Areas

SECTION 1

GENERAL

1.1 PURPOSE

The following rules and regulations have been adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the City of Holyoke 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 insuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and the Board of Appeals under the Subdivision Control Law shall be exercised with due regard for:

- (1) the provision of adequate access to all of the lots in a subdivision and all buildings for dwelling purposes on a lot by ways that will be safe and convenient for travel;
- (2) lessening congestion in such ways and in the adjacent public ways;
- (3) reducing danger to life and limb in the operation of motor vehicles;
- (4) securing safety in the case of fire, flood, panic and other emergencies;
- (5) insuring compliance with the applicable zoning ordinances or by-laws;
- (6) 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;
- (7) co-ordinating the ways with each other and with the public ways in the City of Holyoke and with the ways in neighboring subdivisions and areas.

1.2 AUTHORITY

By authority vested in the Planning Board, Chapter 211 of the Acts of 1936, accepted by the City on June 6, 1940, (Chapter 2, Revised Ordinances of the City of Holyoke, Massachusetts 1960) and pursuant to the provisions of Sections 81A to 81GG, inclusive, Chapter 41, Massachusetts General Laws as amended and all subsequent amendments thereto, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of Holyoke.

1.3 WAIVER OF COMPLIANCE

The Planning Board may in any particular case, where such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law, waive strict compliance with these rules and regulations.

1.4 EFFECTIVE DATE

These rules and regulations shall become effective after certified copies have been transmitted to the Hampden County of Registry of Deeds and Recorder of Land Court.

April 1, 1972

(effective date)

SECTION 2

TYPES OF PLANS AND APPROVALS

2.1 BASIC REQUIREMENTS

No person shall make a subdivision of any land, within the meaning of the Subdivision Control Law, or proceed with the platting, improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until the subdivider's or developer's definitive plan has been submitted, approved and endorsed by the Planning Board as hereinafter provided. Subdivision Control shall mean the power of regulating the subdivision of land granted by the Subdivision Control Law. Within the meaning of the Subdivision Control Law, there are three types of plans involving the division or use of land. All require formal submittance to the Planning Board to be approved or to have a determination made that approval is not required. The procedural requirements for gaining the necessary endorsement of these plans are described by State statute and are outlined in Sections 3, 4 and 5 of these Rules and Regulations.

2.2 SUBDIVISION

Subdivision shall mean the division of a tract of land into two or more lots and shall include resubdivision, and when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided. All plans showing the division of land, except as described below in 2.3 shall constitute subdivisions under the Subdivision Control Law.

2.3 NONSUBDIVISION (" PLANS BELIEVED NOT TO REQUIRE SUBDIVISION APPROVAL ")

The Planning Board may determine that the division of a tract of land

into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law under any of the following conditions:

- (1) At the time when the subdivision is made, every lot within the tract so divided has frontage on;
 - (a) a public way or a way which the Clerk of the City of Holyoke certifies is maintained and used as a public way or;
 - (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or;
 - (c) a way in existence when the Subdivision Control Law became effective in the City of Holyoke having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Such frontage shall be of at least such distance as is then required by the zoning ordinance of the City of Holyoke for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty (20) feet.

- (2) Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth.

- (3) The division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the City of Holyoke into separate lots on each of which one of such buildings remains standing.

.4 MORE THAN ONE BUILDING FOR DWELLING PURPOSES PER LOT

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the City, without the consent of the Planning Board. Such consent will be conditional upon the provision of adequate ways furnishing access to each site, in the same manner as otherwise required for lots within a subdivision.

.5 OTHERS (No approval or endorsement by the Planning Board required)

Notwithstanding the foregoing provisions of Sections 2.2, 2.3 and 2.4 of these Rules and Regulations, any plan on which the property lines shown are the lines dividing existing ownerships, and the lines of streets and ways shown are those of public and private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown, shall not require approval and endorsement by the Planning Board. Such plan shall be recorded in the manner prescribed in Section 81X, Chapter 41, Massachusetts General Laws.

SECTION 3
PROCEDURES FOR THE SUBMISSION AND APPROVAL
OF SUBDIVISION PLANS

3.1 PREAPPLICATION CONFERENCE

Prior to incurring the expense involved in preparing a Subdivision Plan ("Preliminary or Definitive"), the applicant and his engineer or surveyor are encouraged to meet with the Planning Board staff. This provides an opportunity to discuss basic proposals, subdivision requirements and any special circumstances or problems.

3.2 PRELIMINARY PLAN

3.2.1 GENERAL

A Preliminary Plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for approval. The submittal of such a plan will enable the subdivider, the Planning Board and other appropriate municipal agencies to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. It is strongly recommended that a Preliminary Plan be filed in every case. Except as is otherwise expressly provided, the provisions of the Subdivision Control Law relating to a Definitive Plan shall not be applicable to a Preliminary Plan and the Hampden County Registry of Deeds shall not record a Preliminary Plan.

3.2.2 SUBMISSION

If the applicant decides to submit a Preliminary Plan, he shall deliver four (4) prints to the Planning Board, accompanied

by all information and documentation required in these Rules and Regulations. If the plan satisfies all requirements, the Planning Board's staff shall date it and accept a properly executed application form (see Appendix B-1) accompanied by a fee of ~~\$15~~⁵⁰ for handling. If the plan does not contain required data, the Planning Board's staff may require such additions and corrections as are necessary. Thereafter, the applicant shall give written notice to the City Clerk by delivery or by registered mail, postage prepaid, that he has submitted such a plan. Receipt by the Planning Board of such notice, along with all necessary information and documentation, shall constitute the effective date of submission. Concurrently with such submission, the applicant shall file with the Board of Health a plan and all other information and documentation as they may require.

3.2.3

COMPENTS

The Preliminary Plan may be drawn in pencil on tracing paper at a scale not smaller than one (1) inch equals one hundred (100) feet and shall show at least the following information:

- (1) All of the land to be subdivided and whether the application is to cover all or only a portion of such land.
- (2) The proposed development of the applicant's other contiguous land shown in a general manner.
- (3) The subdivision name, boundaries, zoning district(s), north arrow, date, scale, legend, and title, "Preliminary Plan".
- (4) The names and addresses of the owners of record, the

applicant, and the Civil Engineer and/or Land Surveyor registered in Massachusetts, and seal (§).

- (5) The names of all abutters, as determined by the most recent tax list.
- (6) The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision.
- (7) The proposed system of drainage, including the location, size and direction of flow of existing and proposed sewers, culverts, and storm drains and adjacent existing natural waterways, in a general manner.
- (8) The boundary lines of proposed lots with approximate areas and dimensions.
- (9) The names, location and widths of adjacent streets.
- (10) Profiles of proposed streets, on a horizontal scale of one (1) inch equals fifty (50) feet and a vertical scale of one (1) inch equals five (5) feet, showing existing and proposed grades along the center lines and extending at least one hundred fifty (150) feet into adjacent streets.
- (11) The topography of the land with two (2) foot contour intervals.

3.2.4

APPROVAL OF PRELIMINARY PLAN

- (1) The Preliminary Plan if submitted, will be studied by the Planning Board, the Board of Health and other municipal agencies to determine whether it is in compliance with all municipal requirements. Within sixty (60) days after submission the Planning Board and the Board of Health each will approve, disapprove, or approve with

with modifications the Preliminary Plan, noting thereon its action and any changes which should be made. Within ⁴⁵~~sixty~~ days after submission of a preliminary plan the Planning Board shall notify by certified mail the applicant and the City Clerk either that the plan has been approved, or that the plan has been approved with modifications suggested by the Planning Board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval, the Planning Board shall state in detail its reasons therefore. One (1) copy will be returned to the subdivider with the date of said approval or disapproval noted thereon. Failure of the Planning Board to act upon a Preliminary Plan within sixty (⁴⁵~~60~~) days after the submission thereof shall be deemed to constitute approval of such Plan.

- (2) This preliminary consideration by the Board does not, in any way, constitute such approval as to authorize the owner to proceed with grading of streets or other work in the subdivision.

3.3 DEFINITIVE PLAN

3.3.1 GENERAL

A Definitive Plan of a subdivision must be submitted by the subdivider to the Planning Board and to the Board of Health for approval.

3.3.2 SUBMISSION

The applicant shall deliver five (5) prints of the

Definitive Plan to the Planning Board, along with a Designer's Certificate (see Appendix C). If the plan is complete and satisfies all requirements herein outlined, the Planning Board's staff shall date them and accept a properly executed application form (see Appendix B-2) accompanied by a fee of \$25 for handling. If the plan does not contain required data, the Board's staff may require such additions and corrections as are necessary. Thereafter, the applicant shall give written notice to the City Clerk by delivery or by registered mail, postage prepaid, that he has submitted such a plan. Receipt by the Board of such notice, along with all other information and documentation as may be required in these Rules and Regulations, shall constitute the effective date of submission.

3.3.3 CONTENTS

The Definitive Plan shall be prepared by a Civil Engineer and/or Land Surveyor registered in Massachusetts, and shall be clearly and legibly drawn with waterproof ink upon tracing cloth at a scale of one (1) inch equals forty (40) feet, on a sheet size of 36" x 24", outside dimensions with a margin of 1-1/2" on the left side for binding. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision.

The Definitive Plan shall contain the following information:

- (1) Subdivision name, boundaries, true or magnetic north arrow, date, scale, legend and title, "Definitive Plan".
- (2) The names and addresses of the record owner, applicant,

professional designer, Civil Engineer and/or Land Surveyor registered in Massachusetts and seal (s).

- (3) The names of all abutters, as determined from the most recent tax list.
- (4) Existing and proposed lines and widths of all public and private streets and ways; any public areas within the subdivision; and the location, dimension and status of all easements, existing and proposed, within, abutting, and adjacent to the subdivision.
- (5) Sufficient data to determine readily, the location, direction and length of every public and private street and way line, lot line, easement line, and boundary line, and to establish these lines on the ground.
- (6) Location of all permanent monuments, properly identified as to whether existing or proposed.
- (7) The lines, boundaries, areas and dimensions of all proposed lots, sites, or divisions, designated numerically and in sequence, into which the land is to be divided.
- (8) Existing topography of the entire subdivision (2 foot contour interval) and proposed spot elevations at the intersection of all proposed lot lines and at such other points as to accurately convey the proposed finished grading of the subdivision.
- (9) Existing and proposed (if changed) locations, cross sections and profiles of all brooks, streams, drainage, and the method of stabilization.

- (10) Proposed system of storm drainage, water supply and sewer lines including all appurtenances, giving sizes and types of all lines and inverts.
- (11) Width and location of existing and proposed roadways and sidewalks within and adjacent to the subdivision.
- (12) Location and species of proposed street trees and/or individual trees or wooded areas to be retained within forty (40) feet of the sidelines of each street.
- (13) Location of the property with respect to surrounding property and streets. This shall include an area map at scale of one (1) inch equals six hundred (600) feet, showing all accepted city streets and streets approved by the Planning Board within 500' of the boundaries of the subdivision.
- (14) A street layout plan on a separate sheet 36" x 24" showing sidelines, centerline, points of tangency, length of tangents, length of curves, intersection angles, and radii of curves, for each street in the subdivision, together with all buildings, walks, drives and other existing fixtures with forty (40) feet of the sidelines of such street. Centerlines, points of tangency and figures shall be in red; other data shall be in black. The street layout plan shall also show size, location, and elevation of all storm drains, sewers, watermains, and their appurtenances, existing in or proposed for each street within the proposed subdivision.

Directly above or below the layout plan of each street, a profile showing existing and proposed grades along the centerline and sidelines of that street, together with figures of elevation at the top and bottom of all even grades and at twenty-five (25) foot intervals along all vertical curves. Intersecting roads shall be clearly indicated on the profile. The horizontal scale of the profiles shall be one (1) inch equals fifty (50) feet, the vertical scale shall be one (1) inch equals five (5) feet. Lines and figures indicating proposed grades shall be in red.

Proposed storm drainage system shall be in green, proposed water distribution system and appurtenances shall be in blue, and proposed sanitary sewer lines shall be in orange. If the way is not to be constructed in accordance with Specifications as outlined in Section 7, a typical cross section must also be shown on the plan in addition to a standard section. All elevations shall refer to the United States Coast and Geodetic Survey bench marks. Only one street plan and profile shall be drawn on a sheet except by permission of the Board.

- (15) All plans, together with the layout plan shall be deemed to constitute the Definitive Plan of the subdivision.
- (16) A relative error of closure not in excess of Land Court Specifications.
- (17) In the case of a plan covering less than all of the land owned by the subdivider in the area of the subdivision, the Definitive Plan shall be accompanied by a plan showing in a general manner the over-all proposed

development of all the land owned by the subdivider in the immediate area and indicating the section for which approval is being sought.

- (18) If the subdivision is within the flood plain area as delineated in Appendix A, Zoning, Revised Ordinances of the City of Holyoke and if the subdivision is greater than five (5) acres or fifty (50) lots, then the subdivider shall include base flood elevation data with the plan. For the purpose of these Rules and Regulations, base flood elevation data shall include the projected heights in relation to mean sea level to which a base flood can be expected to reach.

3.3.4 APPROVAL OF DEFINITIVE PLAN(1) Review by Board of Health as to Suitability of the Land

At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health one (1) print of the Definitive Plan. The Board of Health shall, within forty-five (45) days after receiving the Plan, report to the Planning Board in writing, as to its approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustment thereof. Every lot so located that it cannot be served by a connection to the City sewer system shall be provided with an approved means of disposal of sanitary sewage congruent with Article XI of the Sanitary Code (and any amendments thereto) and satisfactory to the Board of Health. Every lot so located that it cannot be served by a connection to the public water supply shall be provided with evidence of a copious supply of potable water. A biologic and chemical test of the water supply, performed by an approved laboratory, must be submitted to the Board of Health.

(2) Public Hearing

Before approval, modification and approval, or disapproval of the Definitive Plan is given a public hearing shall be held, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board, at the expense of the applicant, by advertisement in a newspaper of general circulation in the City, once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing or if there is not such newspaper in such City then by posting such notice in conspicuous place in the City Hall for a period of not less than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all the owners of land abutting upon the land included in such plans as appearing on the most recent tax list. The applicant or his representative should be present at the hearing.

90 days
IF Preliminary
135 if none

(3) Approval

Within sixty (60) days after submission, the Planning Board will approve, disapprove or approve with modifications the Definitive Plan. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered or certified mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its actions. Final approval, if granted, shall be

90/135

endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board, but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the City Clerk and provided the City Clerk has not received notice of appeal to the Superior Court.

Approval shall not be deemed the laying out or acceptance by the City of any way or other public improvement shown on such Definitive Plan.

(4) Endorsement of Approval

An approved plan shall not be endorsed prior to the expiration of the mandatory twenty (20) day appeal period. To expedite the endorsement of the plan, the applicant should use this time to deliver two (2) originals and seven (7) prints of the Definitive Plan to the Planning Board, post the performance guarantee, provide all other documentation as may be required, and to transmit, or correct, to the satisfaction of the Planning Board, any items conditional to the approval.

a. Performance Guarantee Before endorsement of approval of a Definitive Plan of a subdivision by the Planning Board, the applicant shall agree to the method for completion of the required improvements as specified in Section 6 and 7 of these Rules and Regulations, such construction and installation to be secured by one of the methods outlined in 1 or 2 below:

1. Final Approval with Bonds or Surety After approval of a Definitive Plan of a subdivision,

2-12

the subdivider shall either file a performance bond with surety or file a bond without surety, but with other negotiable security approved by the City Solicitor, or deposit money in a amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the required improvements. Such bond shall be approved as to form and manner of execution as shown on the bond agreement, and such money if deposited shall be deposited in a local bank, and the deposit book shall be deposited with the City Clerk.

2. Final approval by a Covenant Instead of filing a bond or depositing surety or money, the subdivider may fulfill the performance guarantee requirement by filing a covenant, executed and duly recorded by the owner of record, running with the land, that no lot in the subdivision shall be sold and no building shall be erected thereon until the required improvements are constructed and installed so as to serve the lots adequately. Such conditions shall be endorsed upon the plan or contained in a separate vote or agreement which shall be referred to on the plan and recorded in the Hampden County Registry of Deeds. If the improvements have been completed to the satisfaction of the Planning Board, the Board will then authorize in writing such Release by the City Clerk for recording in the Registry of Deeds.

Thereafter, the conditions relating to such lots shall terminate.

3. Completion Date Such bond, money, or covenant as outlined above shall be contingent upon the completion of such improvements within two (?) years of the date of bond, deposit of money or covenant.
 4. Increased Cost of Improvements If said improvements are not completed within two (2) years of the date of bond, deposit of money or covenant, the Planning Board may require an estimate of the cost of the remaining work, increase the amount of the performance guarantee proportionately, and establish a new date for the completion of said required improvements. Failure of the developer to complete the improvements within said two (2) year period, or any extension thereof, shall not relieve the developer from his obligation to pay for increased costs for completing the improvements in excess of his performance guarantee.
- b. Submission of Documents Before endorsement of approval of a Definitive Plan of a subdivision, all required easements and other documentation, shall be submitted to the Planning Board. Easements shall be approved as to content by the City's Board of Public Works. Failure by the applicant to submit such required easements and other documentation shall be full and sufficient reason to withhold endorsement.

- c. Failure to Comply If by failure to submit such required performance guarantees, easements and other required documentation, the endorsement of a plan by the Planning Board is delayed more than six (6) months, the Planning Board, on its own motion shall exercise its 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 said plan retaining the status of an approved plan.
- (5) Filing of Plans in Registry of Deeds or Land Court
Approval of all subdivision plans is subject to the condition that, unless an appeal has been taken from such approval as provided by Statute, the subdivider will record the plan in the Hampden County Registry of Deeds, or the Land Court, within six (6) months from the date of its endorsement. If the applicant delays recording of such plan beyond the six (6) month period, such plan shall not be accepted for recording by the Registry of Deeds or Land Court unless and until it has endorsed thereon, or recorded therewith and referred to thereon, a certificate of the Planning Board, or the City Clerk, dated within thirty (30) days of such recording, that the approval has not been modified, amended, or rescinded, nor the plan changed. Such certificate shall, upon application, be made by the Planning Board, or the City Clerk unless the records of the Planning Board or City Clerk receiving

the application show that there has been such modification, amendment, rescission, or change.

3.3.5 PERFORMANCE GUARANTEE RELEASE

(1) Partial Release

- a. Bond Surety The penal sum of any such bond, or the amount of any deposit held, may from time to time be reduced upon formal application, to the Planning Board, and the obligation of the parties thereto released by said Board in whole or in part.
- b. Covenant When the required improvements have been completed to; one-half of the total number of lots within the subdivision, or; a minimum of ten (10) lots, or one quarter of the total number of lots within the subdivision, whichever is larger; the subdivider may request a Release of Conditions for said lots.
A new plan of the portion to be subject to the covenant may be required.

- (2) Application for partial/full Release Upon the completion of all required improvements, security for the performance of which was given by bond, deposit of money, or covenant, the subdivider may request and agree on terms of release with the Planning Board. He 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 of money, or covenant was given, has been completed in accordance with the requirements of Section 6 and 7 of these Rules and Regulations.

Such application shall contain a Certificate of Performance prepared by a Registered Massachusetts Civil Engineer and/or Land Surveyor, indicating that street, storm drains, sewers, watermains, and their appurtenances and all other requirements outlined in these Rules and Regulations have been constructed in accordance with, and are accurately located, as shown on plans approved by the Planning Board. Failure by the Planning Board to act on such an application within forty-five days after receipt by said clerk of said statement all obligation under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void.

- (3) Approval of Release After inspection, if the Planning Board determines that said construction or installation has been completed satisfactorily, it shall release the interest of the City in such performance guarantee and authorize the return of the bond or deposit of money to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded. No bond, deposit of money or covenant shall be recommended for release, nor shall the City Clerk release such during any period of time which requires that inspection of the work performed be conducted under weather conditions not amenable to the proper inspection of work by the City Engineer and Planning Board.

(4) Disapproval of Release After inspection, if the Planning Board determines that said construction or installation has not been completed and/or wherein said construction or installation fails to comply with the requirements contained in Section 7, it shall specify in a notice sent by registered mail to the applicant and to the City Clerk the details wherein said construction or installation fails to comply with its rules.

SECTION 4

PROCEDURES FOR THE SUBMISSION AND ENDORSEMENT OF NON-SUBDIVISION PLANS

(Plans believed not to require subdivision approval)

4.1 GENERAL

Any person who wishes to cause to be recorded in the Hampden County Registry of Deeds or to be filed with the Land Court, a plan of land situated in the City and who believes that his plan requires a determination that approval under the Subdivision Control Law is not required (as defined in Section 2.3 of these Rules and Regulation), may submit his plan to the Planning Board for such a determination.

4.2 SUBMISSION

The applicant shall deliver one (1) original of his plan and eight (8) prints to the Planning Board along with a Designer's Certificate (see Appendix C). The applicant shall state in his application, the particular provisions of the Subdivision Control Law under which he believes that his plan qualifies as a non-subdivision and shall submit evidence of such immunity satisfactory to the Planning Board. If the plan is complete and satisfies all requirements herein outlined, the Planning Board's staff shall date it and accept a properly executed application form (see Appendix B-3) accompanied by a fee of \$20 for handling. If the plan does not contain required data, the staff may require such additions and corrections as are necessary. Thereafter, the applicant shall give written notice to the City Clerk by delivery or by registered mail, postage prepaid, that he has submitted such a plan. Receipt by the Planning Board of such notice along with all other information

and documentation as may be required in these Rules and Regulations shall constitute the effective date of submission.

4.3 CONTENTS

The plan shall be prepared by a Civil Engineer and/or Land Surveyor registered in Massachusetts and shall be clearly and legibly drawn with waterproof ink upon tracing cloth at a scale of not smaller than one (1) inch equals one hundred (100) feet. The plan shall contain the following information:

- (1) True or magnetic north point, date, scale, legend and title "Subdivision Approval Not Required".
- (2) The names and addresses of record owner, professional designer, Civil Engineer and/or Land Surveyor registered in Massachusetts and seal(s).
- (3) Existing lines and widths of all public and private streets and ways, and any public areas; location, dimensions and status of all easements, existing and proposed, within, abutting and adjacent to the land in question.
- (4) Location of all monuments, properly identified as to whether existing or proposed.
- (5) The plan shall clearly show the original boundaries of the entire tract as well as the new lines, boundaries, areas, and dimensions of all proposed lots, sites or divisions, designated numerically and in sequence, into which the land is to be divided.
- (6) In the case of a plan covering less than all of the land owned by the applicant, in order to preclude any unnecessary difficulties in later subdivision plans, the plan shall be accompanied by another plan, showing in a general manner, the overall proposed development of all the applicant's contiguous land, and indicating

the portion for which approval as a non-subdivision plan is desired.

4.4 ENDORSEMENT

If the Planning Board determines that the plan does not require subdivision approval, it shall forthwith, without a public hearing and within fourteen (~~14~~²) days of submission, endorse on the plan the words "Approval under the Subdivision Control Law not Required" or words of similar import with the appropriate name(s) of Planning Board member(s) signed thereto. If the Planning Board determines, that in its opinion, the plan requires subdivision approval, it shall, within fourteen (~~14~~²) days of submission of said plan, give written notice of its determination to the City Clerk and the applicant.

SECTION 5

PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS FOR MORE THAN ONE BUILDING FOR DWELLING PURPOSES PER LOT

5.1 PREAPPLICATION CONFERENCE

Prior to preparing a final plan with more than one building for dwelling purposes per lot, the applicant and his engineer or surveyor are encouraged to meet with the Planning Board staff. This provides an opportunity to discuss basic proposals, general requirements and any special circumstances or problems.

5.2 GENERAL

A plan with more than one building for dwelling purposes per lot must be submitted by the developer to the Planning Board for consent.

5.3 SUBMISSION

The applicant shall deliver five (5) prints to the Planning Board along with a Designer's Certificate (See Appendix C). If the plans are complete and satisfy all requirements herein, the Planning Board's staff shall date them and accept a properly executed application form (See Appendix B-5) accompanied by a fee of \$15. If the plans do not contain required data, the Planning Board's staff may require such additions and corrections as are necessary. Thereafter, the applicant shall give written notice to the City Clerk by delivery or by registered mail, postage prepaid, that he has submitted such a plan. Receipt by the Planning Board of such notice, along with all other information and documentation as may be required in these Rules and Regulations, shall constitute the effective date of submission.

5.4 CONTENTS

The final plan shall be prepared by a Civil Engineer and/or Land Surveyor registered in Massachusetts and shall be clearly and legibly drawn with waterproof ink upon tracing cloth at a scale of one (1) inch equals forty (40) feet, on a sheet size of 36" x 24", outside dimensions, with a margin of 1½" on the left side for binding. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire tract of land under consideration. The plan shall contain the following information:

- (1) The development's name, boundaries, true or magnetic north point, date, scale, legend and title, "More Than One Building For Dwelling Purposes Per Lot".
- (2) The names and addresses of the record owner, applicant, Civil Engineer and/or Land Surveyor registered in Massachusetts and seal(s).
- (3) Existing and proposed lines and widths of all public and private streets, ways and any public area within the tract of land and status of all easements, existing and proposed, within, abutting and adjacent to the said tract.
- (4) Sufficient data to determine readily, the location, direction, and length of every public and private street and way line, lot line, easement line, boundary line, and to establish these lines on the ground.
- (5) Location of all permanent monuments, properly identified as to whether existing or proposed.
- (6) Existing and proposed topography of the entire tract of land (2 foot contour interval) and proposed spot and building elevations sufficient to accurately convey the proposed

finished grading of the development.

- (7) Existing and proposed (if changed) locations, cross sections and profiles of all brooks, streams, drainage, and the method of stabilization.
- (8) Proposed system of storm drainage, water supply and sewer lines including all appurtenances, giving sizes and type of all lines and inverts.
- (9) Width and location of existing and proposed ways, parking areas and sidewalks within the development.
- (10) Location and species of proposed trees and/or individual trees or wooded areas to be retained as well as proposed open space and landscaping shall be shown on a separate 36" x 24" sheet.
- (11) Location of the property with respect to surrounding property and streets showing all city streets within 500' of the boundaries of the development.
- (12) A layout plan of all ways within the development on a separate sheet 36" x 24" showing sidelines, centerline, points of tangency, length of tangents, length of curves, intersection angles, and radii of curves, for each street, together with all buildings, walks, drives, parking areas and other existing fixtures within forty (40) feet of the sidelines of each such

way. This layout plan shall also show size, location, and elevation of all storm drains, sewers, watermains, and their appurtenances, within the development. Directly above or below the layout plan of each way, a profile showing existing and proposed grades along the centerline and sidelines of that way, together with figures of elevation at the top and bottom of all even grades and at twenty-five (25) foot intervals along all vertical curves. Intersecting ways shall be clearly indicated on the profile.

- (13) The front, side, and rear building elevations of a typical building and architectural renderings of said typical building.
- (14) All plans, together with the site plan shall be deemed to constitute the final plan of the development.
- (15) A relative error of closure may not exceed the Land Court Specifications.
- (16) In the case of a plan covering less than all of the land owned by the applicant, the final plan shall be accompanied by a plan showing in a general manner the overall proposed development of all the land owned by the applicant in the immediate area and indicating the section for which approval is being sought.

5.5 CONSENT TO PLAN BY PLANNING BOARD

(1) Review by Board of Health as to Suitability of the Land.

At the time of filing of the Plan, the developer shall also file with the Board of Health one (1) print of the Plan. The Board of Health shall, within forty-five (45) days after receiving the Plan, report to the Planning Board in writing, as to its 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 buildings shown on such plan cannot be constructed without injury to the public health, and include such specific findings and the reasons therefore, in such report; and where possible, shall make recommendations for the adjustment thereof. Every building so located that it cannot be served by a connection to the City sewer system shall be provided with an approved means of disposal of sanitary sewage congruent with Article XI of the Sanitary Code (and any amendments thereto) and satisfactory to the Board of Health. Every building so located that it cannot be served by a connection to the public water supply shall be provided with evidence of a copious supply of potable water. A biologic and chemical test of the water supply, performed by an approved laboratory, must be submitted to the Board of Health.

(2) Consent

Within sixty (60) days after submission, the Planning Board will give final consent or final consent with modifications to the Plan. The action of the Planning Board in respect to such plan shall be by vote; copies of which shall be certified and filed with the City Clerk and sent by delivery or registered or cer-

Final Consent, if granted, shall be endorsed on the original drawing of the Plan by the signatures of a majority of the Planning Board, but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the City Clerk and provided the City Clerk has not received notice of appeal to the Superior Court. Approval shall not be deemed the laying out or acceptance by the City of any way or other improvement shown on such Plan.

(3) Endorsement of Consent

The plan shall not be endorsed prior to the expiration of the mandatory twenty (20) day appeal period. To expedite the endorsement of the plan, the applicant should use this time to deliver two (2) originals and seven (7) prints of the Definitive Plan to the Planning Board; post the performance guarantee, provide all other documentation as may be required, and to transmit, or correct, to the satisfaction of the Planning Board, any items conditional to the Consent.

- a. Performance Guarantee - Before endorsement of consent of a Plan for more than one building for dwelling purposes per lot by the Planning Board, the applicant shall agree to the method for completion of the required improvements as specified in Section 6 and 7 of these Rules and Regulations. To secure this construction and installation, the developer shall either file a performance bond with surety or file a bond without surety, but with other negotiable security approved by the City Solicitor, or a deposit money in an amount determined by

the Planning Board to be sufficient to cover the cost of all or any part of the required improvements. Such bond shall be approved as to form and manner of execution as shown on the bond agreement, and such money if deposited shall be deposited in a local bank, and the deposit book shall be deposited with the City Clerk.

1. Completion Date - Such bond or deposit of money as outlined above shall be contingent upon the completion of such improvements within two (2) years of the date of bond or deposit of money.
 2. Increased Cost of Improvements - If said improvements are not completed within two (2) years of the date of bond or deposit of money, the Planning Board may require an estimate of the cost of the remaining work; increase the amount of the performance guarantee proportionately; and establish a new date for the completion of said required improvements. Failure of the developer to complete the improvements within said two (2) year period, or any extension thereof, shall not relieve the developer from his obligation to pay for increased costs for completing the improvements in excess of his performance guarantee.
- b. Submission of Documents - Before endorsement of consent of a Plan for more than one building for dwelling purposes per lot, easements and other documentation, shall be submitted to the Planning Board. Easements shall be approved as to content by the City's Board of Public Works. Failure by the applicant to submit such required easements and other documentation shall be full and sufficient reason to withhold

- c. Failure to Comply - If by failure to submit such required performance guarantees, easements and other required documentation, the endorsement of a plan by the Planning Board is delayed more than six (6) months, the Planning Board, on its own motion shall exercise its power to modify, amend, or rescind its approval of a plan of a development, or to require a change in a plan as a condition of said plan retaining the status of an approved plan.

5.6 PERFORMANCE GUARANTEE RELEASE

- (1) Partial Release of Bond or Deposit of Money.

The penal sum of any such bond, or the amount of any deposit held, may from time to time be reduced upon formal application, to the Planning Board, and the obligation of the parties thereto released by said Board in whole or in part.

- (2) Application for partial/full Release.

Upon the completion of all required improvements, security for the performance of which was given by bond or deposit of money, the developer may request and agree on terms of release with the Planning Board. He 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 or deposit of money, has been completed in accordance with the requirements of Section 6 and 7 of these Rules and Regulations. Such application shall contain a Certificate of Performance prepared by a Registered Massachusetts Civil Engineer and/or Land Surveyor, indicating that ways, storm drains, sewers, water mains, and their appurtenances and all other requirements outlined in

these Rules and Regulations have been constructed in accordance with, and are accurately located, as shown on plans approved by the Planning Board. Failure by the Planning Board to act on such an application within forty-five (45) days after receipt by said Clerk of said statement, all obligations under the bond shall cease and terminate by operation of law, any deposit of money shall be returned.

(3) Approval of Release.

After inspection, if the Planning Board determines that said construction or installation has been completed satisfactorily, it shall release the interest of the City in such performance guarantee and authorize the return of the bond or deposit of money to the person who furnished the same. No bond or deposit of money shall be recommended for release, nor shall the City Clerk release such during any period of time which requires that inspection of the work performed be conducted under weather conditions not amenable to the proper inspection of work by the City Engineer and Planning Board.

(4) Disapproval of Release.

After inspection, if the Planning Board determines that said construction or installation has not been completed and/or wherein said construction or installation fails to comply with the requirements contained in Section 7, it shall specify in a notice sent by registered mail to the applicant and to the City Clerk the details wherein said construction or installation fails to comply with its rules.

SECTION 6

DESIGN STANDARDS FOR AN APPROVED PLAN

6.1 SUITABILITY OF THE LAND

No subdivision plan or plan for more than one building for dwelling purposes per lot located in any zoning district shall be approved, unless after adequate investigation, the Planning Board determines that the land is suitable for the proposed use without danger to health and that the plan will not detract from the value and attractiveness of abutting property.

6.2 SUITABILITY OF STREETS AND WAYS

No subdivision plan or plan for more than one building for dwelling purposes per lot shall be approved unless the streets and ways shown on the plan comply with the following requirements.

6.2.1 LOCATION AND ALIGNMENT

- (1) All streets and ways shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider or developer to the attractiveness of the street layout in order to obtain the maximum livability and amenity.
- (2) The arrangement, character, extent and location of all streets and ways shall conform to the adopted Master Plan.
- (3) Provision, satisfactory to the Planning Board, shall be made for the proper projection of streets and ways, or for access to adjoining property which is not yet subdivided or developed.

- (4) Jogs in streets and ways with centerline off-sets of less than one hundred and twenty-five (125) feet should be avoided. Streets and ways should be continuous and in alignment with existing streets as far as practicable.
- (5) The minimum centerline radii of curved streets and ways shall be one hundred (100) feet. Greater radii may be required for principal streets (arterials and collectors), to provide safe vehicular travel, unless otherwise approved by the Planning Board.
- (6) Streets and ways shall be laid out so as to intersect as nearly as possible at right angles. No street or way shall intersect any other street or way at less than sixty (60) degrees. All curb lines shall be rounded by curves having a radius of not less than twenty-seven (27) feet, unless otherwise approved by the Planning Board.
- (7) Intersections of streets and ways shall have centerline offsets of not less than two hundred (200) feet.

6.2.2 WIDTH

In a subdivision, the minimum width of a street right-of-way shall be fifty (50) feet. Greater width may be required by the Planning Board where the proposed street is classified as an arterial or collector, in order that the proposed street or streets comply with the Master Plan, as adopted; or when otherwise deemed necessary for present and future vehicular travel. (See Appendix D)

In a development, the width of the ways shall be twenty-two (22) feet (two travel lanes) or thirty-two (32) feet (two travel lanes and one parking lane). Widths may be varied with

prior approval of the Planning Board or the Planning Board may require greater width in order that the proposed way or ways comply with the Master Plan.

6.2.3 GRADE

Grades of all streets and ways shall be the reasonable minimum; but not less than 0.5%. Grades shall not be more than 6.0% for arterial and collector streets nor more than 12.0% for local streets. Subject to Planning Board approval, grades may exceed the above stated minimums, where topographic conditions justify such variation. Vertical curves of approved length shall be required between all changes in grade.

6.2.4 DEAD END STREETS

- (1) Dead-end streets and ways shall not be longer than five hundred (500) feet, unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.
- (2) Permanently dead-ended streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least ninety (90) feet, and a property line diameter of at least one hundred feet (100).
- (3) Temporary dead-end streets shall be allowed only when a future extension into adjacent land is anticipated or when the dead-end street is part of a street or way required by the Planning Board. A temporary turn-around of a design satisfactory to the Planning Board shall be required in either case. The layout of the turn-around beyond the normal street width shall be in the nature of an easement over the premises included in said turn-around,

but beyond the boundaries of the street proper. Such easements shall be automatically vacated, when said dead-end street is extended into adjacent land. If such dead-end streets extend only one lot-depth past a street intersection, no turn-around will be required.

6.3 EASEMENTS

6.3.1 UTILITIES

Easements for utilities across lots or centered on the rear or side lot lines shall be provided, where necessary, and shall be at least twenty (20) feet wide. Greater width may be required by the Planning Board, in some cases, in order to properly accommodate installation and maintenance of pipe and equipment.

6.3.2 WATER

Where a subdivision or development is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

6.3.3. WRITTEN PROOF

Written proof for an easement (in addition to the indicated location on the plan) to lay and maintain drainage (as required by the Planning Board, or requested by the Engineering Department or the Board of Public Works) shall be required after approval but before endorsement of the plan. Such proof shall be by appropriate instrument, duly acknowledged and be duly recorded at the Hampden County Registry of Deeds at no expense to the City.

6.4 COMPLIANCE WITH ZONING ORDINANCE

In a subdivision or development, no plan shall be approved unless all the lots shown on the plan comply with the Zoning Ordinance.

6.5 LOTS OF ABNORMAL SHAPE

Lots which are so distorted in configuration as to be detrimental to public health, safety, welfare or convenience even though complying with the dimensional requirements of the Zoning Ordinance, shall not be allowed. The mean direction of side lot lines shall be as close as possible to perpendicular to the street line or to its tangent at the point of intersection of the side lot line. In no case shall the mean direction of the side lot line form an angle of less than seventy-five (75) degrees with the street line or the aforesaid tangent.

6.6 LOTS OF ABNORMAL SIZE

In a subdivision, in case a tract is subdivided into parcels larger than normal building lots, the Planning Board may decline to approve the plan unless such parcels are arranged so as to allow the opening of proper future streets and ways, and logical and proper subdivisions or developments.

6.7 OPEN SPACE AND NATURAL FEATURES

Before approval of a plan if the Planning Board shall find it appropriate, it may require the plan to show a park or parks, suitably located for playground or recreation purposes, for providing light and air and not unreasonable in area in relation to the area of land being subdivided or developed and the prospective uses of such land. If so determined the Planning Board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks for a period of not more than three years without its approval. It is also recommended that due regard be shown for all natural features, such as large trees, water courses, scenic points, historic spots and similar community

assets, which if preserved, will add attractiveness and value to the property. (see Appendix E).

6.8 OPEN SPACE REQUIREMENTS IN A DEVELOPMENT

In RM-20, RM-40 and RM-60 zoning districts, at least half of the lot area not covered by buildings shall be devoted to recreational facilities and landscaped areas for the enjoyment of the residents. Such facilities and recreation areas shall be thoroughly integrated with the overall site design and exhibit practical usefulness and aesthetic considerations. The design shall clearly show the incorporation of at least the specific minimum areas described herein as part of this open space requirement. In order to allow for the flexibility necessary to insure desirable residential development, the Planning Board may waive strict compliance and permit adjustments between or among the three categories of open space areas, when the amenities of a site would best be recognized, and where the intent of the open space development requirement would better be served.

6.8.1 Types of Areas

(1) Playlot:

This type area is intended to essentially substitute for backyards. It should be well defined, contained, centrally located, and accessible from residential buildings without crossing vehicular ways or parking areas. Where the total playlot area requirements for the entire site would exceed the indicated maximum size, multiple areas shall be developed.

(2) Active Area:

This type area is intended to afford an opportunity for a variety of active outdoor sports. Such an area shall be located with regard to residential buildings, vehicular

level, slightly pitched, (maximum 3%), grassed, paved, or a combination thereof, and rectangularly shaped (the shorter side of which shall be not less than 50% of the longer side), so as to provide an area usable for most common outdoor games. Where the magnitude of development requires, several such areas shall be developed at different locations throughout the site.

(3) Passive Area:

This type area shall be blended generally into the overall site design, and massed at appropriate locations to provide for quiet, passive recreation. Such areas shall contain, and be defined by, landforms and vegetation, and be located with regard to other activities, buildings, vehicular ways, and parking areas.

6.8.2 Minimum Requirements

	<u>Zoning District</u>		
	<u>RM-20</u>	<u>RM-40</u>	<u>RM-60</u>
<u>Playlot</u>			
Min. Area			
Formula - sq. ft./1 Bdrm. D.U.	50	50	25
- sq. ft./2 Bdrm. D.U.	100	75	50
- add. sq. ft./ea. Bdrm. Over 2/D.U.	50	25	25
Minimum Size Each Area	1,500	1,500	750
Maximum Size Each Area	15,000	15,000	15,000
<u>Active Area</u>			
Min. Area			
Formula - sq. ft./1 Bdrm. D.U.	100	75	-
- sq. ft./2 Bdrm. D.U.	200	100	-
- add. sq. ft./ea. Bdrm. Over 2/D.U.	100	50	-
Minimum Size Each Area	2,400	2,400	-
Maximum Size Each Area	-	-	-
<u>Passive Area</u>			
Min. Area			
Formula - sq. ft./D.U.	100	75	50
Minimum Size Each Area	1,500	1,500	750

For developments, or portions thereof, intended for the elderly, the Playlot requirement may be waived; the Active Play Area reduced by 50%; and the Passive Area increased by 50%. For developments containing all efficiency

units, the Playlot requirement may be waived; and the Active Play Area or the Passive Area increased by 50%.

The balance of the required open space shall be landscaped and used to link the above areas and other site features into unified development.

6.9 PROPOSED DEVELOPMENT OF APPLICANT'S OTHER CONTIGUOUS

The Planning Board may decline to approve a plan if the applicant owns land contiguous to that shown on the plan and fails to furnish sufficient data to enable the Board to relate the proposed subdivision or development to the applicant's remaining land. Such data shall include the lines of proposed streets and ways and lots and approximate grades and such other details as the Planning Board may reasonably require.

SECTION 7
REQUIRED IMPROVEMENTS FOR AN
ACCEPTABLE SUBDIVISION OR DEVELOPMENT

7.1 STREETS AND WAYS

7.1.1 STREET CONSTRUCTION

All streets and ways shall be constructed in accordance with the Specifications of the City Engineer.

7.1.2 SURFACING

The type of surfacing, including subsurfacing, of every street and way shall be such that in the opinion of the Planning Board and City Engineer, it will carry the expected traffic for a period of at least ten (10) years, with minimal maintenance costs.

7.1.3 GRADE SURFACE

The grade surface and engineering aspects shall be approved in writing by the Planning Board, after consultation with City Engineer.

7.1.4 GRADING AT INTERSECTIONS

The grading at the intersection of streets and ways shall be so designed as to be safe and convenient for travel and to direct the flow of surface water in a suitable manner, to the satisfaction of the City Engineer; who shall so far as practicable, require such grading to conform to the standard practice of his Department in the case of the intersection of public ways.

7.2 UNDERGROUND UTILITIES

7.2.1 GENERAL REQUIREMENT

All sewers, surface water drains, water and gas pipes, electrical and telephone wires, together with their appurtenances, within the limits of a street or way, shall be placed underground and shall be installed after the street or way has been excavated to subgrade. In every instance, all utilities (public and private) shall be placed in the ground before the street surfaces are laid, unless other arrangements are made and approved in writing by the Planning Board.

7.2.2 SANITARY SEWER LINES AND SURFACE WATER DRAINS

All sanitary sewer lines and surface water drains shall be installed in accordance with the Specifications of the City Engineer.

7.2.3 WATER LINES

All water lines, gate valves and boxes, fittings and hydrants shall be installed in accordance with the Specifications of the Water Department.

7.2.4 CONNECTIONS FROM THE MAIN STRUCTURES

Connections for sewer, drain, water and gas from the main structures in the streets and ways to the exterior line shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole or in part, in the case of a lot to be used for a park, playground or for any other purpose for which, in the opinion of the Planning Board, such connections shall not be required.

7.2.5 WIRES - ELECTRICAL, TELEPHONE AND OTHERS

All electrical, telephone, cable television and other utility wires shall be placed below ground in all residential subdivisions and developments where the (Preliminary) plan is submitted on or after April 1, 1972, unless the Planning Board determines that such placement is not feasible or is not in the best interest of the City.

7.2.6 METHODS AND MATERIALS

The excavation of trenches, the character of the pipes, fittings and appurtenances, including hydrants, the methods and material of back-filling and all other matters shall conform to the Specifications of the City Engineer.

7.2.7 PUBLIC TAKING - UTILITIES AS BETTERMENTS

The subdivider or developer shall file with the Planning Board an agreement that, in case any of the public utilities within the ways in the subdivision or development are taken over by the City either through the laying out of the streets and ways in which they are located or otherwise, and whether such taking over is by purchase or eminent domain, he will consider all such utilities as betterments to the property, the cost of which will have been or will be recovered in the sale price of the property, and he will receive no compensation for same.

7.3 SIDEWALKS

Sidewalks of not less than four (4) feet in width shall be constructed on one side of the street, starting at the property line, in conformity with Specifications of the City Engineer when, in the opinion of the Board, such sidewalks are necessary. In some cases, the Planning Board may find that sidewalks shall be constructed on both sides of the street.

7.4 CURBING

All streets and ways shall have curbs, satisfactory in the opinion of the Planning Board, with respect to material and design. All intersections shall have granite curbs between points of curvature.

7.5 MONUMENTS

In a subdivision only, monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Planning Board, permanent monuments are necessary and shall be shown on the Definitive Plan. Such monuments shall conform to the Standard Specifications of the Land Court and shall be set according to such Specifications. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

7.6 FIRE ALARM BOXES

Fire Alarm Boxes shall be installed as required by the City Fire Department, in accordance with the specifications of that Department and the National Fire Protection Association.

7.7 WALL SUPPORTS OR SLOPES

Where the grade of a street or way is above or below the grade of the adjacent land, wall supports or slopes, reinforced as required by the Planning Board, shall be constructed in conformance with the requirements of the City Engineer and in any event, sufficient in the opinion of the Planning Board to support the street or way or the adjacent land, as the case may be.

7.8 STREET SIGNS AND NAMES

In subdivision only, street signs shall be secured from the Department of Public Works and erected as specified by that Department. New streets which are extensions of, or in alignment with existing streets, shall

be approved by the Board of Aldermen.

7.9 INSPECTIONS

Inspection of street or way and utility construction at various stages of completion will be required and will be made by the City Engineer. The subdivider or developer shall notify the City Engineer before commencing any street, underground utility, sidewalk and curbing operation. In the event of an interruption in the installation of any of the above services after notification to the City Engineer has been given, the subdivider or developer shall be required to inform the City Engineer, with an indication of when he intends to recommence installation. Any subdivision or development which progresses beyond an inspection stage without the approval of the City Engineer will be required to return the construction to the status necessary to perform the inspection. Provisions for clearing operations and removal of all surplus material shall be included as a requirement for final acceptance.

DEFINITIONS

In construing the Subdivision Control Law, the following words shall have the following meanings, unless a contrary intention clearly appears.

1. Applicant A person who applies for the approval of a plan under the Subdivision Control Law including one or more persons, a group or association of persons, a partnership or a corporation, and shall include an owner, or his agent or representative, or his assigns.
2. Arterial Street A street, which in the opinion of the Planning Board is being or will be used primarily as a thoroughfare between the City and adjacent municipalities or is carrying or will carry a great amount of traffic inter-city.
3. Base Flood The flood having a one percent chance of being equalled or exceeded in any given year (one hundred year flood).
4. City City of Holyoke
5. Collector Street A street, which in the opinion of the Planning Board, is being or will be used primarily as a thoroughfare from one part of the City to another, or to connect two arterial streets or local streets with arterial streets, or will carry a substantial amount of traffic inter-city.
6. Developer One who undertakes the planning and construction of a development involving more than one building for dwelling purposes per lot.
7. Development Development shall mean the assemblage of more than one building for dwelling purposes per lot.
8. Local Street A street, which in the opinion of the Planning Board, is being or will be used primarily to provide access to the lots abutting upon such street and which will not be used to any great extent as a thoroughfare.
9. Lot Lot shall mean an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.
10. Master Plan The comprehensive plan prepared by the Planning Board pursuant to Chapter 41, Section 81-D, of the General Law, as amended, to indicate the general location recommended for the various functional classes of public works, places and structures, and for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment of such plan or parts thereof.

11. Owner As applies to real estate, the person having the ultimate fee simple title as shown by the record in the Registry of Deeds and the Registry of Probate.
12. Plan, Definitive The proposed plan of a subdivision submitted by the subdivider, to be recorded in the Registry of Deeds, when approved by the Planning Board.
13. Plan, Final The proposed plan for more than one building for dwelling purposes per lot, to be approved by the Planning Board as a prerequisite to obtaining building permits.
14. Plan, Preliminary A plan of a subdivision submitted by the subdivider showing sufficient information to form a clear basis for discussion and clarification of its contents by all parties concerned and for the preparation of a Definitive Plan.
15. Street A paved roadway with a Right-Of-Way layout, intended for or being in, public ownership, primarily reserved for use by vehicles.
16. Subdivider A person undertaking the subdivision of a tract of land.
17. Subdivision Subdivision shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided.
18. "Subdivision Control" Shall mean the power of regulating the subdivision of land granted by the Subdivision Control Law.
19. Utilities This term shall denote sewers, surface water drains, water pipes, gas pipes, electric lines, telephone lines and cable television lines and their appurtenances.
20. Way A paved roadway with no Right-Of-Way layout, intended for or being in private ownership, primarily for use by vehicles.

APPLICATION FOR APPROVAL OF
PRELIMINARY PLAN
(CONVENTIONAL OR "CLUSTER")

Deliver one completed form and one copy to the Planning Board along with the plan and the necessary documentation. If the submission is acceptable, The Board's staff will date the application form and the copy. Thereafter, the copy shall be filed with the City Clerk. All submissions must be made in accordance with the requirements of Section 3.2.2 of the Rules and Regulations Governing the Subdivision of Land in the City of Holyoke, Mass.

_____19_____

City Clerk:

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

The undersigned further declare their intentions to submit under, and request to have said plan approved on the basis of, the provisions of Section 5.1.g of Chapter 24 of the Revised Ordinances of the City of Holyoke, (Cluster Development provisions). If applicable please check:

1. Name of Subdivider _____
Address _____
2. Name of Owner (If Other Than Subdivider) _____
Address _____
3. Name of Subdivision _____
4. Name of Engineer or Surveyor _____
Address _____
5. Deed of property recorded in Hampden County Registry of Deeds
Book _____ Page _____
6. Location and Description of Property:

Signature of Subdivider

Signature of Owner
(If Other Than Subdivider)

(A list of the names and addresses of the abutters of this subdivision is attached.)

APPLICATION FOR APPROVAL OF
DEFINITIVE PLAN
(CONVENTIONAL OR "CLUSTER")

Deliver one completed form and one copy to the Planning Board along with the plan and the necessary documentation. If the submission is acceptable, the Board's staff will date the application form and the copy. Thereafter, the copy shall be filed with the City Clerk. All submissions must be made in accordance with the requirements of Section 3.3.2 of the Rules and Regulations Governing the Subdivision of Land in the City of Holyoke, Mass.

_____ 19 _____

City Clerk:

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

The undersigned further declare their intentions to submit under, and request to have said plan approved on the basis of, the provisions of Section 5.1.g of Chapter 24 of the Revised Ordinances of the City of Holyoke, (Cluster Development provisions). If applicable please check:

1. Name of Subdivider _____

Address _____

2. Name of Owner (If Other Than Subdivider) _____

Address _____

3. Name of Subdivision _____

4. Name of Engineer or Surveyor _____

Address _____

5. Deed of property recorded in Hampden County Registry of Deeds

Book _____ Page _____

6. Location and Description of Property:

Signature of Subdivider

Signature of Owner
(If Other Than Subdivider)

(A list of the names and addresses of the abutters of this subdivision is attached).

APPLICATION FOR APPROVAL OF
DEFINITIVE PLAN
(PLANNED UNIT DEVELOPMENT)

Deliver one completed form and one copy to the Planning Board along with the plan and the necessary documentation. If the submission is acceptable, the Board's staff will date the application form and the copy. Thereafter, the copy shall be filed with the City Clerk. All submissions must be made in accordance with the requirements of Section 3.3.2 of the Rules and Regulations Governing the Subdivision of Land in the City of Holyoke, Mass.

_____ 19 _____

City Clerk:

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

The undersigned further declare their intentions to submit under, and request to have said plan approved on the basis of, the provisions of Section 4.3.b (6) of Chapter 24 of the Revised Ordinances of the City of Holyoke, (Planned Development provisions). If applicable please check:

1. Name of Subdivider _____

Address _____

2. Name of Owner (If Other Than Subdivider) _____

Address _____

3. Name of Subdivision _____

4. Name of Engineer or Surveyor _____

Address _____

5. Deed of property recorded in Hampden County Registry of Deeds

Book _____ Page _____

6. Location and Description of Property:

Signature of Subdivider

Signature of Owner
(If Other Than Subdivider)

Attached:

- (1) Copy of the Special Permit granted by the Board of Aldermen
- (2) A list of names and addresses of the abutters of this subdivision is attached).

APPLICATION FOR ENDORSEMENT OF
PLAN BELIEVED NOT TO REQUIRE APPROVAL

Deliver one completed form and one copy to the Planning Board along with the plan and the necessary documentation. If the submission is acceptable, the Board's staff will date the application form and the copy. Thereafter, the copy shall be filed with the City Clerk. All submissions must be made in accordance with the requirements of Section 4.2 of the Rules and Regulations Governing the Subdivision of Land in the City of Holyoke, Mass.

City Clerk: _____

_____ 19 _____

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

1. Name of Applicant _____
Address _____
2. Name of Owner (If Other Than Applicant) _____
Address _____
3. Name of Engineer or Surveyor _____
Address _____
4. Deed of property recorded in Hampden County Registry of Deeds
Book _____ Page _____
5. Evidence of Qualification
 - Division of Land
 - a. Number of existing lots _____.
 - b. Number of proposed lots _____.
 - c. Minimum area of proposed lots _____.
 - d. Minimum frontage of proposed lots _____.
 - e. Required frontage located on _____ (name), said way being;
 - (1) an accepted public way
 - (2) a way certified by the City Clerk as used and maintained as a public way
 - (3) a way on an endorsed subdivision plan
 - (4) a way in existence when the Subdivision Control Law became effective, and adequate in the opinion of the Planning Board
 - Conveyance (Redivision of Land)
 - a. Minimum area per proposed lots _____.
 - b. Minimum frontage per proposed lots _____.
6. Location and Description of Property:

Signature of Applicant

Signature of Owner
(If Other Than Applicant)

APPLICATION FOR APPROVAL OF
MORE THAN ONE BUILDING FOR DWELLING PURPOSES PER LOT

Deliver one completed form and one copy to the Planning Board along with the plan and the necessary documentation. If the submission is acceptable, the Board's staff will date the application form and the copy. Thereafter, the copy shall be filed with the City Clerk. All submissions must be made in accordance with the requirements of Section 5.3 of the Rules and Regulations Governing the Subdivision of Land in the City of Holyoke, Mass.

_____ 19 _____

City Clerk:

The undersigned herewith submits the accompanying More Than One Building For Dwelling Purposes Per Lot plan of property located in the City for consent under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the City of Holyoke.

- 1. Name of Developer _____
Address _____
- 2. Name of Owner (If Other Than Developer) _____
Address _____
- 3. Name of Development _____
- 4. Name of Engineer or Surveyor _____
Address _____
- 5. Deed of property recorded in Hampden County Registry of Deeds
Book _____ Page _____
- 6. Location and Description of Property:

Signature of Developer

Signature of Owner
(If Other Than Developer)

DESIGNER'S CERTIFICATE

City of Holyoke, Mass. _____, 19____

I hereby certify that the accompanying Plan entitled _____, dated _____, is correct; that it is a plan of (part of, or all of) the land presently owned by _____; and that it was drawn in accordance with:

a true and accurate transit survey on the ground conducted by me or my agent or agents on or about the date of _____; and/or

a deed dated _____, and recorded in the Hampden County Registry of Deeds, Book _____ Page _____, conveying the land from (insert name of former owner) _____ to (insert name of present owner) _____; and/or from other existing records (identify) _____.

(Check as applicable)

Designer's Signature

Mass. State Registration No.

STAMP

Street Classification and Dimensions

Classification	R.O.W.	Pavement Width*	Planting Strips	Sidewalk**
Arterial	70'	34-48' (2-4T*)	Min. 10' Per Side	Min. 4' One Side
Collector	60'	34' (2T, 1P)	Min. 10' Per Side	Min. 4' One Side
Local	50'	24' (2T)	Min 10' Per Side	Min. 4' One Side

* T(travel lane), minimum of 12'

P(parking lane), Minimum of 10'

** Planning Board reserves the right to require sidewalks on both sides, in some cases.

DEDICATION OF PUBLIC AREAS

The undersigned owner(s) of the land described herein do(es) hereby adopt the Plan attached hereto or referred to herein, and do(es) hereby dedicate the streets, ways, parks and reserved areas as shown thereon to public use.

(insert description sufficient to identify)

And the undersigned do(es) hereby for themselves and their heirs, representatives,

himself his
itself its

successors and assigns, release the City of Holyoke of and from all claims for damages in case said ways or any of them are overtaken as and for public ways by said City of Holyoke or if said reserved areas are ever so taken for any municipal use and agree upon request of said City of Holyoke to execute and deliver any paper necessary or proper to establish such public ways or public lands.

There are no claims against said property upon which any suits have been brought, leases, liens, contract claims, encumbrances or trusts known to the undersigned affecting said property shown in said Plat, (except as follows:)

This instrument is intended to be a sealed instrument. Any persons known to the undersigned as interested in said property, other than the undersigned, have indicated their assent to said Plat of Subdivision and this dedication.

IN WITNESS WHEREOF (if individuals) we (I) have hereto set our (my) hand(s) and seal(s) (or if a corporation) a corporation duly organized under the laws of the Commonwealth of State.

has caused its corporate seal to be hereto affixed to these presents to be signed, acknowledged and delivered in its name and behalf by its hereto duly authorized

this

day of

If individual owners: husband signs _____
(all husbands and wives
must sign)

wife signs _____

If corporate owner:

By _____

(corporate seal)

Title of officer signing

The undersigned assent to the Plat of Subdivision above referred to.

COMMONWEALTH OF MASSACHUSETTS

ss. _____ 19

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

Notary Public
My commission expires

(To be used for individual owners)

COMMONWEALTH OF MASSACHUSETTS

ss. _____ 19

Then personally appeared the above named _____
and acknowledged the foregoing instrument to
be the free act and deed of

before me

Notary Public
My commission expires

(To be used for corporate owner)