



Town of Dracut

DRACUT, MASSACHUSETTS 01826

PLANNING BOARD

March 26, 1998

Richard P. Howe, Register of Deeds
360 Gorham Street
Lowell, MA 01852

Re: Dracut Revised Subdivision Rules and Regs

Dear Mr. Howe;

Enclosed please find for recording "A True Copy Attest", of the Dracut Planning Board revised Rules and Regulations adopted by the Board on March 11, 1998.

As always, if you have any questions with regard to this matter, kindly contact this office.

Very truly yours,

THE DRACUT PLANNING BOARD,

Maurice P. Mason, Jr., Chairman

Kevin McCarthy, Vice-Chairman

Robert Donnelly, Clerk

Thomas O'Connor

Rosemarie Buckley

/jt

cc: file

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***RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
IN DRACUT, MASSACHUSETTS***

ADOPTED FEBRUARY 6, 1964

AMENDED - FEBRUARY 1988 & NOVEMBER 1993

REVISED - MARCH 1998

THE DRACUT PLANNING BOARD

**MAURICE P. MASON, JR., CHAIRMAN
KEVIN McCARTHY, VICE-CHAIRMAN
ROBERT DONNELLY, CLERK
THOMAS E. O'CONNOR
ROSEMARIE BUCKLEY**



A TRUE COPY ATTEST

***Rosemarie Buckley*
Rosemarie Buckley
Town Clerk
DRACUT, MA**

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SUBDIVISION CONTROL

PURPOSE: (SECTION 81-M OF CHAPTER 41, G.L.)

The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect 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 a Planning Board and of a Board of Appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provisions for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to subdivisions of land; provided, however, that such Board may, when appropriate, waive, as provided for in G.L. c.41, §81R, such portions of the rules and regulations as is deemed advisable.

SECTION I AUTHORITY

Under the authority vested in the Planning Board of the Town of Dracut, Massachusetts, by G.L. c. 41, §81Q, the Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Dracut, including the Town of Dracut Engineering Department 'Construction Standards,' July, 1988, which are incorporated by reference and made part of this Regulations.

SECTION II GENERAL**A. DEFINITIONS:**

In constructing these Regulations, the definitions in G.L. c.41, §81L, shall apply (unless a contrary intention clearly appears in either the Dracut zoning bylaws or these Regulations). In addition, the following words shall have the following meanings:

1. **Board**
The Town of Dracut Planning Board. A quorum for a meeting of the Board is three members.
2. **Approval or acceptance**
Action of the Board requires a simple majority vote of those present at a meeting unless specified otherwise in the General Laws.
3. **Owner**
The owner of record as shown by the records of the Middlesex County Registry of Deeds or Land Court.
4. **Applicant**
The person or entity who applies for approval of a plan or the endorsement of a plan. The applicant must be the owner of all the land included in the plan for which approval of the Board is requested. An agent, representative or assignee may act for the owner.
5. **Abutter**
All the property owners whose land abuts the proposed subdivision or land described in a plan believed not to require approval. It shall also mean those property owners directly across a street or road from the subject subdivision or land, and all abutters to abutters within 300 feet of the parcel of land before the Board.
6. **Principal street**
A Street or portion thereof, which, in the opinion of the Board, is likely to carry a substantial volume of through vehicular traffic.
7. **Secondary street**
A Street or portion thereof other than a principal street which, in the opinion of the Board, is likely to carry traffic other than just to or from lots on that street.
8. **Minor street**
A street or portion thereof which is likely to be used by vehicles traveling to or from lots on that street.
9. **Cul-de-sacs**
A street or portion thereof which joins another street at only one end.
10. **Dracut Construction Standards**
The Town of Dracut Engineering Department "Construction Standards," July, 1988, amended October, 1996, is by reference specifically included in these Regulations and made a part hereof (hereinafter referred to as "Construction Standards."

B. VIOLATION

No person shall divide or subdivide any land or lot or proceed with the improvement of or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services, or prepare any part of a site for construction, contrary to, in conflict with, or in violation, of any provision of these Regulations, or of any provisions of a certification issued or a plan approved under these Regulations.

C. ONE DWELLING PER LOT

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

SECTION III**PROCEDURE FOR THE SUBMISSION
AND APPROVAL OF PLANS****A. PLAN FORMAT AND CONTENTS****1. Format for all Plans**

Unless otherwise specified, all originals shall be on Mylar or linen of size 24" x 36" and clear and legible throughout. The scale shall be at a rate of one inch to every forty feet or such other scale as the Board may approve. Plans that do not meet these standards will not be recognized as a proper filing.

Where a plan is drawn on multiple sheets, it must be accompanied by an index sheets showing the entire property and in such instance, for ease of reading, matching lines and consecutive numbering shall be provided.

2. Content Requirements for all Subdivision Plans

- a. Subdivision name, boundaries, locus plan, north point, date, scale, legend, and title of the plan, i.e., Preliminary or Definitive Plan.
- b. The names and address of the record owner and the applicant and the name of the engineer or surveyor with date of acquisition of land and book and page of recording of deed or land court certificate number, and seal and signature of the registered engineer or registered land surveyor as appropriate to the data. If the applicant is not the owner of the property written consent of the owner shall be provided.
- c. The names and location of all abutters, as determined from the most recent local assessor's list, unless the applicant shall have more recent knowledge of such abutters.

- d. The existing and proposed streets, ways, lots, easements, and public or common areas within and adjacent the subdivision, the proposed names of proposed streets shall be shown in pencil until they have been approved by the Board. Also, zoning and zone lines within and abutting subdivision.
- e. The location of all permanent existing or proposed monuments, including natural objects and surfaces such as, but not limited to, waterways, natural drainage courses, large boulders, or ledge outcroppings, stone walls, large trees (larger than 15" in diameter), fences, ponds, swamps, and buildings.
- f. The location, names and widths of streets bounding, approaching or within 500 feet of the subdivision.
- g. The location, areas and dimensions of all proposed lots, and recreation areas, if any. On the preliminary plan these may be approximate.
- h. Site features such as, but not limited to, existing stone walls, fences, buildings, historic sites, rock ridges and outcroppings.
- i. The location and delineation of all wetlands and wetland resources areas as determined by the Conservation Commission.
- j. Existing and proposed facilities for municipal services, including sewer and water.
- k. The volume of "earth" to be removed if applicable or a statement indicating that no "earth" is to be removed. Any removal of "earth" will be in conformance with Zoning Bylaws.
- l. The existing and proposed topography shall be shown in a general manner on the preliminary plan. On the definitive plan existing and proposed topography shall be shown with two (2) foot contour intervals, or as required by the Planning Board.
- m. Suitable space to record the action of the Board and the signatures of the members of the Planning Board.

3. Contents - Preliminary Plans

In addition to the requirements set out at III.A.2, preliminary subdivision plans shall also include the following:

- a. Existing and proposed drainage systems, including existing waterways or bodies of water both within the subdivision and adjacent to the subdivision in a general manner.

- b. Where the owner or subdivider also owns or controls unsubdivided land adjacent to that shown on the Preliminary Plan, the applicant shall submit a sketch plan showing a possible or prospective street layout for such adjacent land. This sketch plan may be submitted on a separate sheet from the Preliminary Plan, but the Preliminary Plan will not be deemed to be before the Board until both are submitted.
- c. All deed lines within the subdivision, if subdivision includes more than one deed, in which case, deed references shall be given.

4. Contents - Definitive Plans

In addition to the requirements set out at III.A.2 and A.3, definitive subdivision plans shall also include the following:

- a. Sufficient data to readily determine the location, direction and length of every street and way line, lot line and boundary and to reproduce the same on the ground. All bearings shall be true, magnetic, or grid, and the needle as shown on the plan shall indicate this clearly.
- b. The plan shall indicate all easements, covenants, or restrictions applying to the land including zoning setbacks, sideyard and rearyards. In addition, the plan shall show proposed location of all buildings, wells, if applicable, and septic systems within the subdivision, including any decision, appeals, variances, or exceptions by the Board of Appeals applicable to the subdivision land or any buildings thereon.
- c. Show profiles on easements and on the exterior lines of ways at a horizontal scale of 1" equals 40' and vertical scale of 1" equals 4', or such other scale as is acceptable by the Board. All elevations shall refer to the U.S. Coast and Geodetic Survey datum. All subdivision profiles and road grade levels will be established using certified bench marks within the Town of Dracut.
- d. The size and location of existing and proposed water mains, sewer lines, dry lines, storm drains, and their appurtenances within and adjacent to the subdivision. Drainage calculations, prepared by the applicant's engineer shall be provided, which shall include design criteria, drainage area and other information sufficient for the Board to verify the size of any proposed drain, drain field, culvert, catch basin, or bridge. All such information to be stamped and signed by a Registered Professional Engineer.
- e. Easements shown must indicate the purpose thereof.
- f. Typical sections of roadways showing widths and grades of street lines, sidewalks, depth of gravel, crown of road, thickness of surface and materials, location and size of water, sewer, drain, and gas lines, and all underground utilities. Slope of the side of the roadway to the property line shall also be shown.

- g. House numbers to be assigned.
- h. All water gate boxes, main and service, shall be shown with the tie-ins so they may be located by measurement.
- i. Sewer service laterals shall be shown and have tie-ins at the street lines. Plan shall also show elevation of sewer laterals for each house at the property line.
- j. If surface water drains onto adjacent streets, or onto adjacent property not owned by the applicant, in such a manner to create drainage problems, the provisions for handling this drainage shall be submitted to the Board for review and approval.
- k. Plans shall provide for the Town Clerk's certification that the notice of approval of the plan by the Dracut Planning Board has been received and recorded in the Town Clerk's office and no appeal was received during the twenty (20) days following receipt of said notice.

B. SUBDIVISION APPROVAL NOT REQUIRED ('ANR')

1. Application

Any person who wishes to cause to be recorded a plan of land and who believes that the plan does not require approval under the Subdivision Control law shall:

- a. File with the Board, at a regular meeting, an application in duplicate in the form appended hereto marked Form "A" accompanied by the necessary evidence to show that the plan does not require approval.
- b. Submit an original drawing of the plan, in the form herein set forth, and six (6) contract prints thereof;
- c. Submit a filing fee (see Section VIII, Fee Schedule);
- d. Give written notice to the Town Clerk, by delivery in hand or certified mail, the day after the plan has been submitted to the Board that the plan has been submitted.

2. Contents of the Plan

The plan shall contain the following information:

- a. Identification of the plan by name of the owner of record and location of the land in question. Local map of plan.
- b. The zoning classifications of the land that contains the property, and the location of any zoning boundary lines that lie within the area.
- c. The location of all structures, streets, ways, and easements.

- d. Abutters from the latest available Assessors' records, unless the applicant has knowledge of any changes subsequent to the latest Assessors' records.
- e. Notice of any decisions by the Zoning Board of Appeals, including, but not limited to, variances and exceptions regarding the land or any buildings thereon.
- f. The entirety of any lot having its boundaries changed must be shown.
- g. Stone bounds, on the recommendation of the Town Engineer, shall be required.
- h. A separate copy of the Assessors' maps showing any changes in red pencil drawn to scale shall be submitted.
- i. The words "Planning Board Approval under Subdivision Control Law Not Required", shall appear above the space for the signatures and the date; a line for the date of the Board's action and the words "The endorsement above is not a determination by the Planning Board as to compliance with the Zoning Bylaw" shall appear below the space for signatures.

3. Determination that Approval Not Required

If the Board determines that the plan does not require approval, it shall, without a public hearing and within twenty-one days of submission, approve the plan. Approval and endorsement does not imply that the plan which has been submitted complies with the Zoning Bylaws of the Town of Dracut. The Board shall notify the Town Clerk, in writing, of its action within twenty-one days after submission of the plan.

The original of said plan shall be kept by the Engineering Department until all stipulations have been met and fees paid, including the cost of recording. The Board shall endorse and record the plan once the stipulations are met and fees have been paid.

4. Determination that Approval Is Required

If the Board determines that the plan does require approval under the Subdivision Control Laws or that it will not endorse the plan because it does not meet the criteria for approval, it shall, within twenty-one days of submission of said plan, so inform the applicant and the Town Clerk, in writing, of its determination and shall return the plan to the applicant.

C. PRELIMINARY SUBDIVISION PLAN**1. Purpose**

A Preliminary Plan of a subdivision may be submitted by an applicant to the Board and to the Board of Health for discussion and approval, modification, or disapproval by the Board. The submission of such a Preliminary Plan will enable the applicant, the Board, other municipal agencies and owners of property abutting the subdivision to discuss and clarify any problems of the proposed subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case.

2. Application

Any person who desires approval of a Preliminary Plan for the subdivision of land shall:

- a. File with the Board, at its regularly scheduled meeting a copy of a properly executed Form B and a Form K (see forms). Four copies of the plan shall be simultaneously filed with the Board of Health. The applicant shall give written notice to the Town Clerk, by hand delivery or registered mail, that the plan has been so submitted. The date of submission is the date the plan is filed with the Board. An application is incomplete if the requirements set out at III.A.2-3 are not shown on the plan and Form B and Form K are not submitted and the application will be returned to the applicant.
- b. Submit an original Preliminary Plan, in the form hereinafter set forth, with eight (8) contact prints thereof to the Board and four (4) contact prints thereof to the Board of Health.
- c. File by hand delivery or by certified mail, postage prepaid, a written notice with the Town Clerk accompanied by a copy of the completed application. The written notice shall specify:
 - i. the date on which preliminary plan was submitted to the Planning Board;
 - ii. the description of the land to which the plan is related sufficient for identification; and
 - iii. the name and address of the owner of such land.
- d. If a waiver is requested from the requirement of a traffic study (III.D.4), the waiver request shall be submitted at the time of the preliminary filing.

- e. No preliminary plan shall be submitted to the Planning Board for approval unless it is accompanied by one of the following:
 - i. A determination from the Conservation Commission that the provisions of G.L.c.131, §40, as amended, and the provisions of the Dracut Wetland by-law, are not applicable to the land in question; or
 - ii. written evidence that a Notice of Intent as provided in G.L.c.131, §40, as amended, has been filed with the Conservation Commission.

3. **Preliminary Plan Approval**

As soon as practicable after submission, the Board will study the Preliminary Plan and discuss it with the applicant. Within forty-five (45) days of submission, the Board shall approve the Preliminary Plan with or without modifications, or shall disapprove the Preliminary Plan stating in detail the reasons for such disapproval. The time during which the Planning Board must act on a Preliminary Plan may be extended by the Board upon written request of the applicant or his agent. The Board shall send notice of its action to the Town Clerk and the applicant. Approval of the Plan does not constitute approval of the subdivision. If the Preliminary Plan is not disapproved, the Rules and Regulations of the Planning Board in effect at the time of its submission shall govern the definitive subdivision plan evolved from such preliminary plan, provided such definitive plan is submitted within seven (7) months of the submission of the Preliminary Plan.

D. DEFINITIVE SUBDIVISION PLAN

1. **Application**

Any person who desires approval of a Definitive Plan for a subdivision of land shall:

- a. File with the Board, at a regularly scheduled meeting a properly executed Form C (see Forms). Four copies of the plan shall be simultaneously filed with the Board of Health. The applicant shall give written notice to the Town Clerk, by hand delivery or certified mail, that the plan has been so submitted. The date of submission is the date the plan is filed with the Board. An application is incomplete if the requirements set out at III.2 and 4 are not shown on the plan and the Forms required by this section are not submitted. Failure to comply with this provision will result in an incomplete submission and the application will be returned to the applicant.
- b. Submit an original Definitive Plan, in the form hereinafter set forth, with eight (8) contact prints thereof to the Board and four (4) contact prints thereof to the Board of Health.
- c. Submit a designer's certificate marked Form D (see Forms).

- d. An abutter's list, marked Form J, showing the names and addresses of all owners of property abutters upon the land included in such plan as appearing on the most recent local assessor's list and signed by the Board of Assessors or its authorized representative.
- e. Submit a filing fee (see Section VIII, Fee Schedule).
- f. No definitive plan shall be submitted to the Planning Board for approval unless it is accompanied by one of the following:
 - i. a Determination from the Conservation Commission that the provisions of G.L.c.131, §40, as amended, and the provisions of the Dracut Wetland by-law, are not applicable to the land in question; or
 - ii. written evidence that a Notice of Intent as provided in G.L.c.131, §40, as amended, has been filed with the Conservation Commission.

2. Report of Board of Health

The Board of Health shall report to the Planning Board, in writing, within forty-five (45) days after the plan is filed, its approval or disapproval of said plan, and in the event of disapproval, shall make specific findings thereof in the report, and where possible, shall make recommendations for the adjustment thereof. If the proposed subdivision is to be serviced by the Dracut Sewer System, failure to so report within forty-five (45) days after filing shall be deemed approval by the Board of Health. A permit to construct an individual subsurface disposal system shall be obtained from the Board of Health for each individual lot not served by the Dracut Sewer System, and a condition shall be inscribed on the plan as follows: "No building or structure shall be placed or built on any lot without a permit from the Board of Health."

3. Report of Other Boards and Officials

a. Report of Water Department or Water District

The applicant shall submit to the Board a signed copy of Form M. Before plan may be approved, the Planning Board must have a Form M from Water Commissioners stating the availability of an adequate water supply to supply subdivision. Form M should also state approximate cost of performing the required work of applicant relative to water mains. (This is for consideration in determining the amount of the performance bond or cash security as required.)

b. Report from Sewer Department (or its successor)

The applicant shall submit to the Board a signed Form M. Before the plan may be approved, the Planning Board must have a Form M from the Sewer Commissioners stating the availability of sewage disposal or if the applicant should install dry sewers, Form M should also state approximate cost of performing the required work of applicant relative to sewer system. (This is for consideration in determining the amount of the performance bond or cash security required.)

c. Report from the Department of Public Works

The applicant shall submit to the Board a signed Form M. Before the plan may be approved, the Planning Board must have a Form M from the Director of Public Works stating any concerns he may have on the plan.

d. Report from Fire Chief

The applicant shall submit to the Board a signed Form M. Before the plan may be approved by the Planning Board, the Fire Chief will state approval or disapproval of proposed street names, hydrant locations, special water supply facilities, approval of water flow test and any other matter pertaining to the safety and welfare of the residents. The applicant shall submit documentation, for review and written approval by the Fire Chief, which outlines:

- i. The quantity of water presently available at the site for fire suppression purposes.
- ii. The water supply is capable of satisfying requirements stipulated in the latest edition of:
 1. NFPA 13-D when a residential sprinkler system is permitted and installed, or
 2. NFPA 13 when a conventional sprinkler system is installed, or
 3. NFPA 1231 when the building is not equipped with a sprinkler system.
- iii. If the requirements of item b. are not met, a compliance alternative prepared by a qualified fire protection engineer shall be submitted for evaluation.
- iv. The site fire protection features comply with provisions contained in the latest edition of NFPA 1141.
- v. The proposed roadways are adequate to insure access for emergency vehicles and fire fighting vehicles.

In addition, applicable requirements of current edition of the State Building Code and General Laws of the Commonwealth of Massachusetts affecting fire safety must be complied with when and if Planning Board approval is granted.

e. Report from Conservation Commission

The applicant shall submit to the Board a signed Form M from the Conservation Commission. Before the plan may be approved, the Planning Board must have a Form M from the Conservation Commission indicating the location and extent of wetland resource areas on the plan. This documentation is necessary for the determination of lot lines and the location of streets and municipal services.

f. Report from the Police Chief

The applicant shall submit to the Board a signed Form M from the Police Chief. Before the plan may be approved, the Board must have a Form M from the Police Chief stating any public safety concerns that he may have on the plan.

g. Report from the Town Manager

The applicant shall submit to the Board a signed Form M from the Town Manager. Before the plan may be approved, the Board must have the Form M from the Town Manager stating any concerns that he or the various Departments may have on the plan.

4. **Traffic Study**

A traffic study shall be required. The study shall be submitted to the Board at least 15 days prior to the scheduled hearing. Copies of the study shall be sent to the Department of Public Works, the Fire Chief, and the Police Chief for review and comment. Comments shall be incorporated into Form M. Any request for a waiver from this provision shall be submitted at the time of preliminary filing.

5. **Public Hearing**

Upon determination by the Board that the application for approval of the Definitive Plan is complete, the Board shall set a date for the public hearing and so notify the applicant. Notice of the hearing shall be arranged by the Board, at the applicant's expense, by advertisement in a newspaper of general circulation in Dracut in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of the hearing, and by mailing, return receipt requested, not less than ten (10) days before the date of hearing, a copy of the advertisement to all owners of land abutting upon the land included in the plan as appearing on the most recent Assessors list.

6. Performance Guarantee

Before endorsing an approved definitive subdivision plan, the Planning Board shall require that the applicant file with the Board a performance guarantee to secure the construction of streets and the installation of municipal services by one of the two methods of performance guarantees permitted under G.L.c.41, §81U and further described as a covenant or security. See Section IV. The subdivider may select, and change, the method of providing the performance guarantee from time to time, with the approval of the Board. Such performance guarantee shall be contingent on the completion of such improvements within two years from the date of endorsement. Failure to so complete shall constitute a reason for rescission of approval by the Board.

7. Definitive Plan Approval

- a. The Board shall approve the Definitive Plan with or without modifications, or shall disapprove the Definitive Plan giving the reason or reasons for such disapproval.
- b. The time during which the Planning Board must act on the Definitive Plan may be extended by the Board upon written request of the applicant or his agent . Such written extension shall be filed with the Town Clerk.
- c. The Board's decision shall be filed with the Town Clerk within ninety (90) days of the filing for a definitive plan for which a preliminary subdivision plan has been filed, and within one hundred and thirty-five (135) days for a definitive plan for which no preliminary subdivision plan has been filed, unless such other time as has been requested in writing by the applicant and agreed to by the Planning Board.
- d. Notice of the decision shall be sent to the applicant.

8. Certificate of Approval

The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by first class mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for such action. Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of the majority of the Board, but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed.

Immediately after the twenty (20) day appeal period the Board, at the applicant's expense, shall have printed three prints of all endorsed plans and drawings submitted to the Board in conjunction with the submission of the definitive, as approved, plus three extra key sheets, which plans and drawings shall be plainly marked "records plans."

9. Record Plan

The record plan is the approved endorsed definitive plan and it is intended to be used as a contract document on file for the construction and inspection of the ways and utilities within the record plan shall contain the following information:

- a. The profile plans and utilities layouts of each and all streets within the subdivision, as submitted for approval of the definitive plan, showing street profiles at 50 foot stations (25 foot grade changes) with center line, right and left side line grades tied to a baseline; the utility lines with locations above and below grades, slopes, grades, pipe size, and other dimensions, type of pipes and materials to be used, and other information which would more clearly explain the applicant's intentions.
- b. Construction details of appurtenances, structures, and/or utilities and other pertinent information, as approved in conjunction with the approval of the definitive plan.
- c. The record plan shall show or indicate clearly by proper symbols, markings, dates or other notes, after a thorough search has been made, points or boundary markers as were found in the traverses and/or perimeter surveys.
- d. The name for all ways or streets of the subdivision shall be shown in ink after they have been approved by the Board.
- e. Reference to any required documents such as the vote, covenant, easements deeded to the Town, etc. shall be inscribed on the plan. Deed restrictions on specific lots shall be noted on the plan.

10. Custody and Recording of Plans

- a. Once submitted, the original copy of the plan shall be retained by the Planning Board/Engineering Department and will not be released to the applicant until:
 - i. the applicant submits a written request for an extension of time and the return of the original copy of the plans;
 - ii. the applicant submits a written request and the Planning Board approves a withdrawal of the application;
 - iii. the application is disapproved. If the plan is disapproved a copy of the plan shall be provided to the Board.
- b. The original of the approved definitive plan shall be delivered to the Town Clerk's Office for the appeal period. The original shall remain in the Town Clerk's office during the appeal period or until litigation is concluded. After certification by the Town Clerk, the original plan shall be returned to the Planning Board's office for endorsement.

- c. The original plan shall be kept by the Engineering Department until the performance guarantee and all required documents such as easements, deeds, or covenant and municipal lien certificate have been provided, and fees paid, including the cost of recording. At that time the Board shall endorse the plan and cause it to be recorded at the Registry of Deeds.

SECTION IV. PERFORMANCE GUARANTEE

A. GENERAL

Before endorsement of the approved definitive subdivision the applicant shall provide a guarantee that the work shown on the plan will be performed in the manner required by these Regulations. Performance will be guaranteed by the provision of security as set forth in Section IV.B. or Section IV.C.

B. COVENANT

1. Provisions of Covenant

A Covenant shall provide that the street(s) shall be constructed and the municipal services shall be installed as shown on the approved definitive subdivision plan and in accordance with the decision of the Board, these Subdivision Regulations, the Engineering Construction Standards, and any approved change orders; and that no lot may be built upon or conveyed, other than by mortgage deed, until:

- a. satisfactory completion of the street(s) and the installation of municipal services; or
- b. sufficient security has been furnished and approved by the Planning Board to guarantee the satisfactory completion of the street and the installation of municipal services.

2. Covenant Binding on Successors

The covenant shall run with the land and shall be binding upon the developer and any successors in title to the land, or any portions thereof, to which the covenant refers. If title to any land subject to the covenant is transferred to another:

- a. The Planning Board shall be provided with the names, address, telephone number of the new owners and of the representative, if other than the owner, responsible for the project;
- b. a new covenant shall be executed by the Planning Board and the new owner and shall be recorded; and
- c. the terms of the original covenant shall be binding on all successors, including the date for completion.

3. Covenant Form

The preferred form of the Covenant is set out in Section IX as Form G-1.

4. Note Required on Plan

If the applicant provides the required performance guarantee by a covenant, the following note shall be inscribed on the plan:

In accordance with a covenant dated _____ (giving the date the covenant was executed by the Board) and recorded herewith.

5. Security

In addition to the covenant, the developer will submit with the covenant an amount of security equal to ten per cent (10%) of the total cost of completion of the roads and installation of municipal services. This security will be held pursuant to Part VIII.G.2.

6. Lot Releases

When the applicant has completed the required improvements for any lots in the subdivision, he may request in writing, a release of conditions to said lots. If the improvements have been completed to the satisfaction of the Board, it will then execute and deliver to the subdivider such release, Form I, which shall be recorded in the Registry of Deeds. Thereafter, the conditions relating to such lots as released shall terminate.

C. SECURITY**1. Performance Guarantee by Security**

The developer may furnish a performance guarantee by providing security that the Board determines is sufficient to secure the construction of a street(s) and the installation of municipal services for lots in the subdivision in accordance with the approved definitive plan, the decision of the Board, these Regulations, the Engineering Construction Standards, and any approved change orders.

2. Types of Security

The security may be provided by a deposit of money or negotiable securities in the form of a bank passbook, certified checks, bank treasurer checks, or money orders payable to the Town of Dracut, or by bond, in an amount determined by the Planning Board to be sufficient to cover the cost, plus a minimum of ten percent, of all or any part of the improvements. Letters of credit are unacceptable. Passbooks should be accompanied by a signed Form G or Form H assigning the security to the Town of Dracut.

3. Forms of Security Acceptable to Dracut Planning Board

The security provided as a performance guarantee may be any of the types listed in IV.B.2, but only those types.

4. **Treasurer's Review of Financial Instruments and Institutions**
Prior to submittal to the Planning Board, all proposed financial instruments to be used as a performance guarantee shall be reviewed by the Town Treasurer to determine if they are financially sound. The Planning Board reserves the right to limit its approval of security to types of financial instruments and financial institutions that the Town Treasurer believes are financially sound.

D. ESTABLISHING AMOUNT OF SECURITY

1. **Recommendations of Town Engineer, Administrative Costs**
When the Board sets the amount of security initially, or at any subsequent time, it shall consider the recommendation of the Town Engineer as to the amount of money necessary to complete the required improvements. The amount of security set by the Board may include allowances for contingencies, escalation of construction costs due to inflation, and the administrative costs to the Town of managing the completion of the streets and municipal services in the event of the developer's nonperformance as set forth in Part III.D.6 of these Regulations.
2. **Amount of Security Set for Two Year Period**
The Planning Board may set the amount of security to be held by the Town, whether initially or at any subsequent time, for a period of not more than two years, excluding the provisions of VIII.G.2. If the development is not completed by the end of the two-year period, the Planning Board may reevaluate the amount of security held in relation to the amount of work remaining to be completed and the then estimated construction costs. If necessary to cover the costs of completing the outstanding work, the Planning Board may set a higher amount than that previously established and may require that additional security be provided.
3. **Security in Extending Time Period for Completion**
As a condition of permitting the extension of the time for completion of the work, as provided in Part VII.B.2, the Planning Board may revise the amount of security.

E. REDUCTION OF SECURITY

1. **Required Improvements Defined**
As used in Section IV, the term "improvements" shall mean the construction of the street(s) and the installation of municipal services in accordance with the approved definitive subdivision plan, the Board's decision, these Regulations, the Engineering Department Construction Standards, and any approved change orders.

2. **Planning Board May Reduce Amount of Security**
When some of the improvements for which security has been provided have been satisfactorily completed, the Board may reduce the amount of the security to an amount not less than the estimated costs to complete the remainder of the required improvements, including the allowances described in subparagraph D.1. The Board may reduce the amount of security upon receipt of a written request by the developer, or upon its own initiative.
3. **Engineering Department Recommendation**
Prior to a vote to reduce the amount of the security, the Engineering Department shall provide a statement as to which of the required improvements have been satisfactorily completed and a recommendation as to the amount of money necessary to complete the remaining required improvements.
4. **Authority to Reduce Security**
The Planning Board shall transmit copies of any vote authorizing a reduction in the amount of security to the developer, the Town Treasurer, and to the financial institution holding the security, authorizing them to reduce the amount being held.
5. **Reduction May Not Be Below 10 percent of Original Amount**
The amount of the security held by the Town shall not be less than 10% of the original Estimated Cost of construction until all action required by the definitive subdivision plan have been satisfactorily completed and the completed street(s) have been accepted as public roads by a vote of town meeting.

F. **CONVERSION FROM SECURITY TO COVENANT**

1. **Procedure to Convert**
The developer may change the type of performance guarantee from security to a covenant for one or more parts of a subdivision in which no lots have been sold and for which no building permits have been issued by submitting to the Board:
 - a. a plan on Mylar and three copies of the definitive subdivision plan, clearly identifying the part(s) of the plan that are to be subject to the covenant;
 - b. a written request for the Board to release the security previously furnished to secure the required improvements as described in paragraph C.1, in that part of the subdivision for which the conversion to covenant is requested, and to rescind the release of all lots, not already deeded to others, that are protected by that security; and

- c. if part of the subdivision will still be subject to security previously furnished and part will be subject to a covenant, a graphic delineation clearly identifying the parts of the subdivision for which security will remain as the performance guarantee and the amount of the security that is necessary to insure the completion of the work to serve the lots in those parts of the subdivisions. The Planning Board may vote to reduce the amount of security accordingly following the procedures outlined in subsection E for reduction of security.
2. **Approval of Conversion, Endorsement of Plan**
If the Board approves the conversion from security to covenant and accepts the revised covenant, a reference shall be inscribed on the plans and the Board shall endorse the plan .
3. **Plan and Revised Covenant to Be Recorded**
The plan, with the signatures of the Board, and the covenant shall be recorded at the Registry of Deeds, with a certified copy of all recorded documents sent to the developer.

G. LABOR AND MATERIALMAN'S BOND

1. Irrespective of which procedure the subdivider follows herein, subparagraph B or C, a labor and materialman's bond shall be filed in an amount of at least fifty percent (50%) of the improvements provided for in Section V. Said bond shall be in one of the acceptable form specified in paragraph C. Simultaneous with the filing of said bond, the subdivider shall submit to the Planning Board for approval a list of any contractor(s) or subcontractor(s) to carry out any of the construction/installation work specified in Section V.

Prior to approving said contractor(s)/subcontractor(s), the Planning Board shall obtain the recommendations of the Town Engineer and Highway Surveyor. Any amendments, additions, deletions, or substitutions to the approved list shall likewise be submitted to the Planning Board for approval.

In developing their recommendation, the Town Engineer and Highway Surveyor, and in granting or withholding approval, the Planning Board shall rely solely on the ability, experience, and prior performance of the contractor/subcontractor in carrying out the type of work to be performed.

2. Irrespective of the provisions set forth in this section, no bonds shall be released until the provisions of Section VIII.G., Acceptance of Roads/Release of Bonds, have been complied with.

SECTION V. DESIGN STANDARDS**A. BASIC REQUIREMENTS**

1. The applicant shall observe all design standards as hereafter provided. These standards shall be considered minimum standards and shall be varied from or waived only as provided in Section VI. The Town of Dracut's Design Standards and Construction Specifications must be followed.

B. STREETS**1. Location and Alignment**

- a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- b. Street right-of-way widths shall be as follows: Local street - 50 feet; Minor Collector - 60 feet; Major Collector - 70 feet.
- c. Provisions satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- e. Street jogs at intersections shall have centerline offsets of no less than 125 feet.
- f. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees.
- g. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than 30 feet. Greater radii shall be required by the Board where deemed necessary.
- h. The proposed streets shall compose of a convenient system to ensure free circulation of traffic with a minimum number of intersections with major collector streets.
- i. The minimum centerline radius of any street shall be 125 feet. Reverse curves shall be connected with a 100-foot minimum tangent. The minimum centerline radii of curved street shall be 200 feet. Greater radii may be required for major streets.

- j. As nearly as practicable, subdivision streets should be contiguous and in alignment with existing streets or proposed streets on abutting lots.
- k. Grades of all streets shall be at a reasonable minimum, but shall not be less than 1.5% or more than 8%, except at intersecting streets. The minimum gradient at street intersections shall not be less than 1.0%. All changes in grade exceeding 1.0% shall be connected by vertical curves of sufficient length to provide three hundred feet (300') of clear sight distance to the driver. Where the grade of any street at the approach to an intersection exceeds 6.0%, a leveling area shall be provided having not greater than 4.0% grades for a distance of fifty feet (50') measured from the nearest right-of-way line of the intersecting street.
- l. Cuts or fills in excess of either (8) feet or roadway locations resulting in lots being more than eight (8) feet above or below the grade of the roadway shall be substantiated by the submission of cross sections showing the proposed grading within 200 feet of the roadway on both sides at intervals to be determined by the Board.
- m. Driveway openings shall not be placed closer than 10 feet from the P.C. of the radius curve or closer than 10 feet from the end of the paved right of way.
- n. Corner lot driveways shall enter onto the minor roadway.
- o. Cul-de-sac streets, whether temporary or permanent, shall not be longer than 500 feet, unless otherwise approved by the Board, and shall be paved as described in Design Standards, having a turnaround with an outside roadway diameter of at least 150 feet, and a sideline diameter of at least 130 feet.
- p. Consideration may be given to other forms of turnaround.

C. EASEMENTS

1. Easements for utilities across lots or along 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 shall require the subdivider to provide a stormwater 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. In the absence of engineering evidence to the extent of the drainage way, an easement shall be required consisting of thirty feet from either side of the center line of any major stream and 15 feet from either side of the center line or a minor stream.

3. In order to secure adequate provision for water, sewerage, drainage, and other requirements where necessary in the subdivision, all water courses, drainage ways, channels, and streams shall be unobstructed and free from debris.
4. Easements for drainage across lots, usually along rear or side lot lines, shall be provided where necessary, and shall be at least 20 feet wide. Such easements shall be of adequate width to provide for the construction of such drainage and for the proper maintenance thereof.
5. All lines of all easements will be calculated and described on the subdivision plan with a bearing and a distance. All easements shall be totally monumented with Town Standard granite bounds.
6. Easements as referred to above (1 through 5) shall be designated utility easements.
7. If on the subdivision plan an area is left for the future possible construction of a road to back or adjacent land, a 10 foot wide slope easement shall be shown on all lots abutting such road area to enable proper slope construction if and when the road is built. The slope easements shall go with the easement for future roadway and utility construction of the road area.

D. OPEN SPACES

Before approval of a plan, the Board shall, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the area of land being subdivided and to the prospective uses of such land.

Such parks shall be provided with appropriate frontage on a street and pedestrian ways will normally be required from each of the surrounding streets. The Board may, by appropriate endorsement on the plan, require that no building may be erected on such park or parks without its approval for 3 years.

E. PROTECTION OF NATURAL FEATURES

1. Due regard shall be shown for all natural features, such as large trees, water courses, historic sites, scenic points, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.
2. The proposed subdivision shall comply with the Wetlands Protection Act, Chapter 131, Section 40, and any local wetland bylaw. If design changes are required as the result of an Order of Conditions, it is responsibility of the developer to promptly notify the Board. The Board may condition its approval of the plan upon the issuance of an Order of Conditions by the Conservation Commission.

F. DRAINAGE AND SEWAGE**1. Drainage**

- a. Adequate drainage shall be designed to take care of the surface and subsurface water of roadway and adjoining land. Street drainage designs shall be of the type known as a "manhole system." The "manhole system" is one on which the water collected in the center basins empties into an intermediate manhole in a main drain laid in the street as shown on the "Typical Street Cross Sections as required by the Regulations of the Planning Board; Town of Dracut, Massachusetts."
- b. The main drain shall also have additional manholes installed at points where changes in direction and/or grade make such manholes necessary to ensure an uninterrupted flow of water to its final outlet.
- c. If it is felt that a variation or modification of the required drainage system is advisable, then the subdivider shall present such varied or modified design to the Board for their adjudication. The design shall include the size, quality, and type of pipe; design and size of structures such as catch basins, leaching basins, drop inlets, manholes, detention areas, etc., the percent of grade and depth at which the pipe is to be laid and the depth of any such structure aforementioned. Minimum cover over pipe shall be three and one-half feet (3.5'). Town of Dracut Construction Standards shall guide the design.
- d. All necessary drains or roadway surface water to be carried across private lands shall be within easements obtained by the subdivider and approved by the Board.
- e. At the request of the Board, a drainage design to eliminate or remove any other water or waters within the subdivision limits and not designated as roadway or subsurface water, and which is otherwise not taken care of, shall be drawn in a manner approved by the Board. Design criteria shall be 0% increase in runoff.
- f. Storm drainage shall be designed on the basis of a 25 year storm intensity except that where excessive storm water might be pocketed and cause severe drainage, said location shall be served by drainage facilities designed to accommodate a 100 year storm intensity. Drainage design data shall be tabulated and provided to the Town Engineer for review. When alternate methods of drainage are considered by the Town of Dracut, the Board's policy shall be to allow subsurface drain systems, such as leaching fields, pits, extensions, etc., only when off-site sewer systems are provided. Overflow outlets to be provided to accommodate adverse conditions but shall be designed to provide a controlled outflow to an existing drain system.

Storm drainage systems shall be designed on the basis of a 25 year storm, and the resulting runoff shall be calculated by the Rational Formula (Q+Ac_i) or SCS Method. Values of "c" less than 0.30 are not to be used in the computation. Detention areas both above and below ground are allowed as per Engineering Department review.

All existing waterways, whether they are permanent or intermittent, shall be accommodated using appropriately sized culverts. Culverts conducting waterways underneath roadways shall be extended beyond the right-of-way line to a point of at least twenty (20) feet beyond the rear range line of the proposed dwellings and shall terminate with concrete headwalls of an approved design to provide a maximum ground slope of 1 on 3. All open waterways shall have side slopes not exceeding 1 on 3.

2. Sewers

Sewers, if and when required, shall be designed in accordance with the master sewer plan, or, in the absence of such a plan, in accordance with good engineering standards as approved by the Town Engineer and the Board of Health and/or the Sewer Department.

G. GENERAL

Roads or ways in a subdivision shall not provide access to land in an adjoining town unless there is also adequate access ways in the adjoining town.

SECTION VI. IMPROVEMENTS

A. STREET AND ROADWAY

1. All street construction shall comply with the applicable standard cross section for the Town of Dracut which is available at the Town Engineer's Office.
2. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation. Stumps shall be removed from site or chipped, with the chips used as mulch. Stumps and chips may not be buried within the Right of Way. Stump burial shall be indicated on the site and will be one foot above seasonal high water table. Mounding shall be considered. A grading plan will be required.
3. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
4. All roadways shall be brought to finish grades as shown on the profiles of the definitive plan in accordance with the Town of Dracut construction standards.

5. The complete gravel surface shall be treated for the full width of the roadway with four inches (4") of bituminous concrete pavement, Class I, Type I, consisting of two lifts, a binder course of 2.5" and a finish course of 1.5". Roadway shall not be paved until all utility services to all lots served by such streets have been installed.
6. Street width, as designated on the definitive plan shall conform to the "Street Cross Sections" and all streets shall be constructed in conformity to the "Design and Construction Standards, Town of Dracut," latest edition.
7. Certifications as to conformance with the specified materials shall be furnished to the Town Engineer prior to placement of any pavement and upon completion of the work as to the quantity placed. Unless otherwise specified, all materials and workmanship shall conform to the requirements of the Standard Specifications for Highways, Bridges and Waterways by the Department of Public Works of the Commonwealth of Massachusetts.
8. The workmanship of all street and municipal service installations shall be tested by exposure, after installation, during the following December 1 through April 30. The Town Engineer shall inspect the installation after said exposure to determine if the installation is adequate and completed.
9. Any person intending to commence construction in any subdivision or in any way shall give ten days advance written notice to the Town Engineer before commencing construction.
10. The Board may, at its discretion, during various stages of the construction of the subdivision, require the applicant to obtain, at his own expense, additional professional engineering certification as to the satisfactory completion of the construction of each way in the subdivision, storm drains, water mains, and their appurtenances, and installation of all other services required according to the Definitive Plan.
11. Before final release of bond or covenant security, the applicant shall furnish, at his expense, an "as built" plan certified by a registered professional engineer, upon which plan the said engineer certifies that the construction of ways and services, as shown on the approved subdivision plan, and the Board's Rules and Regulations have been complied with.

B. UTILITIES

1. Drains, sewer pipes (if and when required), and related equipment, such as manholes and catch basins, shall be constructed in conformity with either the specifications of Dracut Design and Construction Standards or the "Standards Specifications for Highways, Bridges, and Waterways," Department of Public Works, Commonwealth of Massachusetts, 1967, as amended. Any interpretation of these documents shall be made by the Dracut Engineering Department and that determination shall be final.

2. Adequate disposal of surface water shall be provided. Catch basins and drain manholes shall be built in conformity with specifications of the "Standard Specifications for Highways, Bridges, and Waterways," Department of Public Works, Commonwealth of Massachusetts, 1967, as amended, on both sides of the roadway on continuous grades at intervals of not more than 300 feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets as necessary.

Sub-drains, constructed as shown in the Massachusetts Department of Public Works Construction Standards, shall be installed at the edge of the area to be paved when deemed necessary by the Town Engineer.

3. Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve all lots on each street in the subdivision in conformity with specifications of the Dracut Water District (or its successor), Kenwood Water District (or its successor), and shall be left uncovered until inspected. Hydrants shall be provided and placed at intervals of not more than 500 feet along each street. All locations must be shown on definitive plan and approved by the Fire Chief.
4. Sanitary sewers and related equipment if and when required, shall be constructed to serve all lots on each street in the subdivision in accordance with the Master Sewer Plan and lot specifications of the Town of Dracut, the Board of Health, and the Dracut Sewer Department.
5. Fire boxes, as well as required connecting lines, shall be constructed to serve the subdivision in conformity with the specifications of the Fire Department of the Town of Dracut. All box locations must be shown on the definitive plan and must be as approved by the Fire Chief.
6. Any and all utility services, including telephone services, shall be provided by an approved underground distribution system. Any associated above ground structures shall be in conformity with Town standards.

C. SIDEWALKS

1. Sidewalks of not less than 5 feet in width shall be constructed on both sides of ways in conformity with specification of the "Design and Construction Standards, Town of Dracut," latest edition. Placement of mail boxes shall not hinder vehicular or pedestrian traffic.
2. All sidewalks shall comply with the requirements of the Americans with Disabilities Act.

D. CURBS

Granite curbing shall be installed on both sides of all roads in conformity with the "Typical Cross Section" of the Design and Construction Standards, Town of Dracut, latest edition.

E. STREET SIGNS

1. Street signs shall be erected at all intersections. These signs shall be of the same type now existing in the Town and shall meet the specifications of the Highway Department. They shall be erected prior to the construction of the first home on the street.
2. From the time of rough grading until such time as each street is accepted by the Town as a public way, the sign posts at the intersection of such street with any other street shall have affixed thereto a sign designating such street as a private way.
3. Street sign posts shall be seated in concrete.

F. TREES

1. The subdivider shall provide and plant at approximately seventy-five (75) foot intervals on each side of the way at least one suitable shade tree, having a minimum height of twelve feet. These trees may be of varied species, as approved by the Board, and shall be planted with approval of the Dracut Tree Warden. All trees shall be subject to a one (1) year guarantee. Trees shall be selected from a list on file in the Planning Board office.
2. Existing trees of at least equal size which have been preserved within the right-of-way may be substituted to fulfill this requirement. Existing trees that are going to be preserved within the right of way should be identified on the plan, flagged in the field and protected during construction with fencing or a suitable substitute.
3. When the street is brought in for consideration of acceptance a determination will be made whether the trees are healthy or need to be replaced by the subdivider.

G. MONUMENTS

Granite monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets, and at other points where, in the opinion of the Board, permanent monuments are necessary. No permanent monument shall be installed until all construction which would destroy or disturb the monuments is completed. The bounds shall be set at the depth and position as directed, and they shall not project above the ground more than two (2) inches. Bounds to be located in lawns, sidewalks, or drives may be set with the top of bound flush with the finished surface. Material for backfilling shall consist of suitable excavated material or borrow carefully placed about the bound and thoroughly tamped.

Granite monuments shall be four (4) feet long with the top surface and top twelve (12) inches on the four sides pointed. Top twelve (12) inches shall be six (6) inches square with a one-half (1/2) inch diameter hole one (1) inch deep in the center of the top surface. The Town Engineer shall approve setting procedures before any bounds are set, and all excavations shall be made using hand tools, or approved auger-type excavators. When the bound points fall on ledge, the use of a wrought iron rod may be directed by the Town Engineer, in which case a one and one-half (1-1/2) inch hole shall be drilled to a depth of eight (8) inches and a one (1) inch wrought iron rod shall be driven and wedged in the hole and then securely grouted.

Granite bounds shall be installed at angle points on all easements.

2. The Board shall require a certificate by a registered land surveyor to be obtained at the subdivider's expense, indicating that these monuments are in place and accurately located. The certificate is to be presented to the Town Engineer prior to acceptance of the road by the Town.

H. DRIVEWAYS

1. Driveways shall be installed in conformity with the Town of Dracut Design and Construction Standards and shall not be placed at stone bound locations.

SECTION VII. CONSTRUCTION PROCEDURES FOR APPROVED SUBDIVISIONS

A. LINE AND GRADE CONTROL

1. All survey work shall be done under the direction of a registered professional engineer or land surveyor.
2. Before any roadway excavations are started, the roadway right-of-way shall be witnessed at fifty (50) foot intervals on both sides, and the proposed finished grades shall be marked thereon. Before any lots are built upon, the corners of the lots shall be witness staked. The witnessed stakes shall be preserved throughout all the construction procedure.
3. All proposed underground utility work shall be controlled with respect to line and grade by offset stakes, batter boards, laser instruments, etc., as approved by the Town Engineer.
4. All easements shall be witnessed before any lot on which they are located is built upon.
5. Monument locations shall be staked and witnessed by at least four (4) reference points.

B. MAXIMUM TIME PERIOD FOR COMPLETION OF CONSTRUCTION**1. Completion Within Two Years**

The construction of all streets and the installation of all municipal services shall be completed, in accordance with the approved plans, these Regulations and the Construction Standards, and any approved change orders, within two years from the date of endorsement or from the date of the recording of the covenant, if so stated in the covenant. Failure to complete construction within that time is grounds for the Planning Board to rescind approval of the subdivision and to take the security or to amend the approved plan.

2. Extension of Time for Completion

A developer may request an extension of the two year period in which the required improvements must be constructed. The developer shall submit a written request to the Planning Board, at least 45 days prior to the expiration of the time period, stating in detail the reasons why an extension is requested and what further time period is required for completion. The Planning Board may grant an extension of not more than one year for good cause. More than one extension may be granted.

3. Conditions of Approving Extension

As a condition of permitting the extension, the Planning Board may:

- a. require that the amount of any security be revised, and the amount may be greater than previously established, to ensure that sufficient funds are available to insure the completion of the required improvements;
- b. require that the covenant be revised to reflect the increased construction period; and
- c. impose any additional conditions, as may be needed, to insure satisfactory completion of the improvements.

C. CONSTRUCTION**1. Construction Supervisor's License**

All developers shall provide the Board with a copy of a current Massachusetts Construction Supervisor's License. Wherever necessary a developer should be in possession of a current Town of Dracut Drain Installers license.

2. Commencement of Construction

No construction work on the construction of a street or the installation of municipal services may be started until:

- a. the following documents have been recorded in the Registry of Deeds:

- i. the definitive subdivision plan and the decision of the Planning Board;
 - ii. the covenant or other form of performance guarantee, and any required easements or deeds;
- b. the street opening permit and temporary easements have been obtained;
 - c. all fees paid.

3. Construction Work Defined

For the purposes of this section, construction work includes:

- a. excavation and removal of earth materials, or the clearing of trees or brush, preparatory to the construction of a street or the installation of municipal service;
- b. excavation of trenches for installation of utility lines or other municipal services;
- c. installation of earth materials that would comprise the base for a roadway;
- d. installation of pipes or other structures; or
- e. any other activity which would alter the existing physical condition of the site.

The following are not considered to constitute construction:

- i. surveying, the location of grade stakes or the limit of work lien, and similar work preparatory to construction; or
- ii. clearing of brush or trees or the removal of earth materials from the site within the limit of work line, but only to the same degree that a private property owner, who is not constructing a subdivision, is permitted to do so in accordance with requirements of the Town of Dracut.

4. Fee for Inspection of Construction

There shall be a fee to cover the costs to the Town for inspection of construction, review of estimated costs to establish the amount of security required and review of plan, and plans for Town acceptance of street and municipal services. The fee for inspection of construction and related reviews is set forth in Section IX of these Regulations. The fee is payable prior to the start of construction.

5. **Hours of Construction**

No construction activity on the property, which causes noise, vibrations, glare, dust, debris or other detrimental impact, and is perceptible on, or affects any adjacent lots, shall take place prior to 7:00 a.m. or after 7:30 p.m., or on Sundays and legal holidays.

D. INSPECTION, FIELD CHANGES

1. **Inspections**

The Board will inspect of all construction phases in an approved subdivision to ensure full compliance with the requirements of these Regulations. The Engineering Department will inspect the work in progress during reasonable hours, as he will see fit; but in any case, it will be the subdivider's responsibility to request inspection at the following progress steps:

- a. After excavation and/or filling has been completed, but before the gravel placement operation is started.
- b. After drainage system (pipe, manholes, catch basins and other drainage structures) is installed, but before it is covered. The inspector shall enter each catch basin to sight drainage pipe runs to adjacent basins. Any defective runs shall be corrected before approval is given.
- c. After surface gravel is in and compacted, but before bitumen for surface treatment is applied. Inspector shall also inspect pipe runs from catch basins, as above.
- d. After curbing is installed.
- e. Before acceptance by the Town of Dracut at an Annual or Special Town Meeting.
- f. At other specific times deemed necessary by the Board.
- g. Inspections of the water system, including the placement of hydrants, valves, etc. is normally carried out by the Dracut Water District (or its successor) or the Kenwood Water District (or its successor). Duplicate inspections by an inspector designated by the Planning Board will not normally be required.
- h. Inspections of the sanitary sewer installations is normally carried out by the Dracut Sewer Department.
- i. The subdivider should give 48 hours advance notice, excluding Saturdays, Sundays, and legal holidays, to the Town Engineer whenever an inspection is indicated or required.

2. Field Changes

The Engineering Department shall not authorize changes from these regulations or from the approved record plan for the subdivision without specific approval of the Planning Board except as follows:

- a. The Town Engineer may authorize field changes subject to review by the Planning Board at their next regular meeting. The Board shall respond by approving or disapproving the change within 15 days of the meeting at which it is submitted. If the Board does not approve, the original plan will remain in effect and the subdivider will be required to reconstruct in accordance with the original plan.
- b. At the time the change is requested, a "red-lined" plan (2 copies) will be submitted to the Town Engineer who will review the plan, stamp "subject to approval of the Planning Board" and sign it if he approves the plan (or return it if he disapproves), submit it to the Planning Board for review and signature at their next scheduled meeting if they approve, and file it.
- c. When it is deemed necessary by the Board, a properly revised plan showing the change may be required in addition to the "red-lined" plan.
- d. At the time the change is reviewed by the Planning Board, it shall be accompanied by an explanation of the reason for the requested change. The subdivider must furnish all data relative to baselines and grade stakes on the ground, stake sheets, ties and any other information which is needed in the opinion of the Board or those designated by the Board to accomplish such checking as is required for the requested approval and certification.

SECTION VIII**ADMINISTRATION****A. AUTHORITY**

1. The Board shall be the Agency responsible for administration of these regulations and shall have all the powers assigned to it by G.L. c.41, §81A-§81GG.
2. The Board may assign as its Agents appropriate Town Agencies or officials and may from time to time hire professional assistance to review plans and inspect improvements at the cost of the applicant.

3. The Board on its own motion or on the petition of any interested person 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 after due notice and opportunity to the applicant to be heard in accordance with G.L. Chapter 41, Section 81W.

B. WAIVER OF COMPLIANCE

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the intent of the Subdivision Control Law.

C. SEPARABILITY

If any section, paragraph, sentence, clause or provision of these Rules and Regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these regulations shall be deemed to remain valid and effective.

D. INVALIDATION BY STATE LAW

Any part of these Regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately without recourse to a public hearing and the customary procedures for amendment or repeal of such regulations.

E. EARTH REMOVAL

Where earth removal is associated with the construction of subdivision streets and drainage, the developer shall provide the following information:

1. Permit from the Public Works Director (Article 96)
2. Amount of earth to be removed
3. Proposed disposition of such earth

The Board may prescribe conditions of operation. Such conditions will become part of the subdivision approval.

F. LEGAL COSTS

Legal costs incurred by the Planning Board during the consideration of the Preliminary Plan, the Definitive Plan and/or the record plan and during the preparation and recording of the approved record plan will be billed to the subdivider, at cost, by the Town of Dracut.

G. ACCEPTANCE OF ROADS/RELEASE OF BONDS

1. When a road or way in a subdivision has been completed in a manner fulfilling the requirements of the Planning Board, the developer may request the Planning Board to inspect the road or way in order to give a recommendation to Town Meeting, pursuant to Chapter 8 of the Dracut By-laws on whether the road or way should be accepted.

Any and all road or way acceptances shall be considered at the November Town Meeting only, and it shall be incumbent upon the developer to file in a timely manner all article(s) for inclusion on the warrant of said Town Meeting as specified in 1.b, below.

2. The Board shall require the following information before making a recommendation to the Town Meeting.
 - a. Two copies of a plan of the road or way "as built," at a scale of 40 feet to the inch at size 24" x 36". Said plan to show a center line profile (4 feet per inch on the vertical scale and 40 feet per inch on a horizontal scale) taken at 50 foot intervals along the road or way as it has been completed. All utilities, public and private, above and below grade shall be shown on the plan as they exist.
 - b. Two typewritten copies of the proposed article for the Town Meeting generally describing the locations and length of the road or way to be considered for acceptance by the Town.
 - c. Two typewritten copies of the description by metes and bounds of each road and easement considered for acceptance by the Town. After acceptance by the Town Meeting of a road or way in an approved subdivision, the "as built" plan referred to above, the vote of the Town Meeting, and the description of the road or way shall be recorded with the Middlesex North District Registry of Deeds, (see Section III.B.1.f) by the Town Clerk.
 - d. A release of liens under oath from all contractors/subcontractors approved for work on the road or way, attesting to the fact that all payments due them for labor and materials have been received, and that payments for all materials have been rendered.
3. No bonds for road or way work shall be released until the Town has accepted the road or way as evidenced by an affirmative vote of Town Meeting.

Upon acceptance of a road by the Town, the following procedures shall govern:

- a. Following an affirmative Town Meeting vote to accept a road or way, and an adjournment of said Town Meeting, the Town Clerk shall then notify the Town Treasurer and Highway Surveyor in writing of such action.
- b. Within ten (10) working days of receipt of such notification, the Treasurer shall release to the subdivider the labor and materialman's bond and all but ten percent (10%) of the performance bond provided for in Section IV.6. In lieu of retaining the said ten percent (10%), the Treasurer may and is authorized to release the entire bond and accept in its place thereof, a bond or amount equivalent to ten percent (10%) of the original performance bond amount so long as such substitute amount is in acceptable form as specified in Section IV.6.
- c. The intent of the ten percent (10%) retainage specified in 2.b. above is to serve as security for a one-year warranty on defects in materials and/or workmanship in any and all of the improvements provided for in Section V. For purposes of this provision, the one-year warranty period shall begin the date Town Meeting actually votes on the article accepting the roadway.
- d. No sooner than thirty (30) days before the end of the one-year warranty period, the subdivider may petition the Planning Board for release of the ten percent (10%) retainage. Upon certification of the Town Engineer and Highway Surveyor there are no defects or repairs to be made, the Planning Board may notify the Town Treasurer that the remaining bond sum may be released either immediately (within ten (10) working days of receipt of the notification) or at the conclusion of the one-year period, whichever is later.

In the event the Town Engineer and Highway Surveyor certifies defects or repairs are needed, the Planning Board shall adopt a repair schedule. Should such schedule not be adhered to and completed, the Planning Board shall notify the Treasurer to capture said retainage for purposes of completing the work by the Town. Should such schedule be adhered to and all work thereon satisfactorily completed, the Planning Board shall, upon certification by the Town Engineer and Highway Surveyor, notify the Town Treasurer to return the ten percent (10%) retainage, which shall be done by the Treasurer within ten (10) working days of the receipt of said notification.

SECTION IX FEE SCHEDULE

Form A Plan	\$75.00
Plus \$50.00 for each new lot or parcel created	
Preliminary Plan	\$500.00
Plus \$50.00 per lot	
Definitive Plan	\$1,000.00
Plus \$100.00 per lot	
Definitive Plan (if no Preliminary Plan filed)	\$2,000.00
Plus \$100.00 per lot	
Modification of Plan	\$750.00
Request for Release of Security	
<p>The first two requests for release of security on an approved subdivision will be without charge. Thereafter any request for release of security involving Engineering Department review will require payment of a \$100.00 fee at the time of the request.</p>	
Street Bounds	\$1,000.00 per bound (w/survey fee)
(to be installed prior to lot release)	
Street Signs	\$75.00 per sign
As-Built Plans	\$750.00 per sheet
Per Foot Cost Of Inspection	\$1.00 per foot
Inspection Cost	\$1.00 per linear foot of roadway and/or \$1.00 per 50 sq. foot of paved area

SECTION X FORMS INDEX

(attached separately)

INDEX TO FORMS

Form A	Application
Form A-1	Determination That Subdivision Approval Is Required
Form B	Preliminary Application
Form C	Definitive Application
Form D	Certification By Professional
Form F	Approval of Definitive
Form G	Security (Deposit of Money)
Form G-1	Form of Covenant
Form H	Bank Passbook
Form I	Release of Lots
Form J	Abutters List
Form K	Proposed Street Names
Form M	Plan Review Report
Form M-1	Referral Form

DRACUT FORM A

**APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE SUBDIVISION APPROVAL
("ANR" PLAN)**

File one completed form with the Planning Board and one with the Town Clerk in accordance with the requirements of Section III.B.1.

Dracut, Mass., Date: _____

To the Planning Board:

The undersigned, believing that the accompanying plan of property in the Town of Dracut 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 _____
 Telephone Number: _____
2. Name of Engineer or Surveyor _____
 Address _____
 Telephone Number _____
3. Deed of Property recorded in _____ Registry at
 Book _____ Page _____
4. Location and Description of Property:

Signature of Owner _____
 Address _____
 Telephone Number: _____

DRACUT FORM A-1 (denied)

**DETERMINATION THAT SUBDIVISION
APPROVAL IS REQUIRED**

Dracut, Mass., Date: _____

Town Clerk
Town of Dracut
Dracut, Massachusetts

Re: Application for endorsement of plan believed not to require subdivision approval.

Applicant _____

Address _____

You are hereby notified that the Dracut Planning Board has determined that the plan entitled _____, dated _____, submitted by the above applicant to the Planning Board on _____, accompanied by a Form A application for a determination by the Planning Board requires approval under the Subdivision Control Law for the following reasons:

DRACUT PLANNING BOARD

Duplicate copy sent to applicant

DRACUT FORM B

**APPLICATION FOR APPROVAL OF A
PRELIMINARY PLAN**

File one completed form with the Planning Board and one with the Town Clerk in accordance with the requirements of Section III.C.2.

Dracut, Mass., Date: _____

To the Planning Board:

The undersigned, herewith submits the accompanying Preliminary Plan of the property located in the Town of Dracut for approval as a subdivision under the requirements of the Subdivision Control Law and the Planning Board's Rules and Regulations governing the subdivision of land in the town of Dracut.

1. Name of Applicant _____
 Address _____
 Telephone Number _____
2. Name of Engineer or Surveyor _____
 Address _____
 Telephone Number _____
3. Deed of Property recorded in _____ Registry at
 Book _____ Page _____
4. Location and Description of Property:

Signature of Owner _____
 Address _____

 Telephone Number: _____

A list of names and addresses of the abutters of this subdivision is attached (See Form J). These names are as they appear on the most recent assessor's list. Also attached is Form K.

DRACUT FORM C

APPLICATION FOR DEFINITIVE SUBDIVISION PLAN APPROVAL

File two completed forms with the Planning Board
and one with the Town Clerk in accordance with
the requirements of Section III.D.1.a.

Dracut, Mass., Date: _____

To the Planning Board:

The undersigned, herewith submits the accompanying Definitive Plan of the property located in the Town of Dracut for approval as a subdivision under the requirements of the Subdivision Control Law and the Planning Board's Rules and Regulations governing the subdivision of land in the Town of Dracut. The Plan and 8 contract prints are enclosed herewith.

1. Name of Applicant _____
 Address _____
 Telephone Number _____
2. Name of Engineer or Surveyor _____
 Address _____
 Telephone Number _____
3. Deed of Property recorded in _____ Registry at
 Book _____ Page _____
4. Location and Description of Property:

Signature of Owner _____
 Address _____

 Telephone Number: _____

A list of names and addresses of the abutters of this subdivision is attached. These names are as they appear on the most recent assessor's list.

DRACUT FORM D

CERTIFICATION BY PROFESSIONAL

One copy of this form, filled out and signed, should be submitted with Form C.

Dracut, Mass., Date: _____

To the Planning Board:

In preparing the plan entitled _____, and dated _____
I hereby certify that the above named plan and accompanying data is true and correct,
and the source of information about the location of boundaries shown on said plan are:

1. Deed from _____ to _____,
dated _____ and recorded in the Middlesex Registry of Deed at
Book _____ Page _____

2. Other Deeds and Plans and/or sources as follows: _____

3. Actual measurements on the ground from a starting point established by:

Seal of Engineer or
Land Surveyor

Signed: _____
(Registered Professional Engineer or
Registered Land Surveyor)

Address _____

Telephone Number: _____

DRACUT FORM F

CERTIFICATE OF APPROVAL OF DEFINITIVE PLAN

Dracut, Mass., Date: _____

To Dracut Town Clerk:

This is to certify that the Planning Board of the Town of Dracut, Massachusetts voted on _____ to approve a definitive subdivision plan entitled _____, submitted by _____, and which is the property described in the Deed from _____ to _____, and recorded in the _____ Registry of Deeds at Book _____, Page _____, originally filed with the Planning Board on _____, concerning property located at _____, and showing _____ proposed lots.

This approval is further subject to the following terms and conditions:

1. Endorsement of the approval is conditional upon the receipt of an executed and approved covenant or other proper security, and any easements or deeds;
- 2.
- 3.

DRACUT PLANNING BOARD

DRACUT FORM G

**PERFORMANCE SECURED BY
DEPOSIT OF MONEY**

AGREEMENT made this date between the Town of Dracut and _____,
hereinafter referred to as "the Applicant," address _____, to secure
construction of ways and installation of municipal services in the subdivision of land shown on a plan
entitled: _____, by:
_____, dated: _____, owned by: _____,
address: _____ land located: _____
and showing _____ proposed lots.

The applicant hereby binds and obligates himself, his, or its executors, administrators, devisees,
heirs, successors and assigns to the Town of Dracut, a Massachusetts municipal corporation, acting
through its Planning Board, in the sum of _____ dollars, and has secured this obligation by
depositing with the Treasurer of said Town of Dracut, a deposit of money in the above sum to be placed in
a subdivision escrow account in the name of the Town of Dracut. The deposit of money is to be used to
insure the performance by the applicant of all covenants, conditions, agreements, terms, and provisions
contained in the following:

1. Application for Approval of Definitive Plan dated: _____;
2. The subdivision control law and the Planning Board's Rules and Regulations governing this
subdivision;
3. Conditions included in the Certificate of Approval issued by the Planning Board and
dated: _____;
4. Engineering Department Recommendations dated: _____;
5. The definitive plan as qualified by the Certificate of Approval; and
6. Other document(s) specifying construction or installation to be completed, namely: (specify other
documents, if any, and list lots secured if only a part of the subdivision is secured by a deposit of
money)

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed
all obligations.

Upon completion by the applicant of all obligations as specified herein, on or before _____, or
such later date as may be specified by vote of the Planning Board with the written concurrence of the
applicant, the deposit of money, including all interest accrued thereon, shall be returned to the applicant
by the Town of Dracut and this agreement shall become void.

In the event the applicant should fail to satisfactorily complete the construction of ways and installation of
municipal services as specified in this agreement and within the time herein specified, the deposit of
money shall be applied in whole, or in part, by the Planning Board for the benefit of the Town of Dracut to
the extent of the reasonable cost to the Town of Dracut of completing such construction or installation as
specified in this agreement. Any unused money and the interest accrued on the deposit of money will be
returned to the applicant upon completion of the work by the Town of Dracut.

The Town of Dracut, acting by and through its Planning Board, hereby agrees to accept the aforesaid deposit of money in the amount specified in this agreement as security for the performance of the project as aforesaid. The approved definitive plan shall not be endorsed until this Agreement is signed by all parties and the security has been deposited with the Town.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ of _____, 19 _____.

Signatures of a Majority of the Members of the Dracut Planning Board:

Signature of Applicant

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

date

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

, Notary Public

My Commission expires: _____

Duplicate copy to:

- Applicant
- Planning Board
- Town Clerk
- Town Treasurer

DRACUT FORM G-1**COVENANT**

_____ COVENANT

The undersigned, _____, of _____, Massachusetts, hereinafter called "Covenantor," the owner of certain property shown on a definitive plan of a subdivision in Dracut, Massachusetts, entitled _____, dated _____, revised _____, prepared by _____ and recorded with the Middlesex North District Registry of Deeds in Plan Book _____, Plan _____, hereinafter called the "Subdivisions", does hereby covenant and agree with the Dracut Planning Board that:

1. Construction of the _____ (roadways) and installation of municipal services shall be secured by a deposit of \$ _____, which sum represents ten (10) percent of the total costs of the construction of the subdivision improvements.
2. The Covenantor shall not sell or convey any lot in the Subdivision or apply for a building or foundation permit, or erect or place any building or foundation on any lot in the Subdivision until the construction of ways and the installation of municipal services has been completed in accordance with the Dracut Subdivision Regulations, the decision of the Planning Board dated _____, and this Covenant.
3. The Covenantor shall complete all of the required improvements within the Subdivision, with the sole exception of the work listed on the Bond figures as item numbers _____, a copy of which Bond is attached hereto. At that time the Covenantor shall provide cash security in the amount of \$ _____, a sum equivalent to the costs of those item numbers.
4. Such condition and Covenant shall be referred to on the plan and recorded at the Middlesex North District Registry of Deeds.
5. All work shall be completed within two (2) years from the execution and recording of this Covenant.
6. After the Covenantor has completed with the provisions of paragraph number 3 of the Covenant, the Covenantor may request in writing, lot releases for all lots within the subdivision. If the improvements have been completed to the satisfaction of the Board, pursuant to the provisions of the Board's decision, this Covenant, and the Dracut Subdivision Regulations, the Board will then execute and deliver to the Covenantor such releases which shall be recorded in the Middlesex North Registry of Deeds.

7. If the Planning Board determines that the construction of ways and the installation of municipal services has not been completed to its' satisfaction, it shall specify to the Covenantor, in writing, the details wherein said construction or installation fails to comply with the decision of the Planning board, the Regulations, and this Covenant.

8. Nothing herein will be deemed to prohibit a conveyance by a single deed subject to this Covenant of the entire parcel of land shown on the subdivision plan.

9. There has been previously deposited with the Town of Dracut the cash amount of \$_____, representing bonding for stone bounds (\$_____), "as-built" plan (\$_____), and street signs (\$_____), as well as a non-refundable inspection fee in the amount of \$_____, the receipt of which sum the Town of Dracut hereby acknowledges.

10. No lots pursuant to G.L.c.41, §81P shall be applied for or permitted until this Covenant is released.

11. This Covenant shall be binding upon the Covenantor, its successors and assigns and shall be deemed to be a covenant running with the land.

12. Covenantor represents and covenants that the undersigned is the owner in fee simple of all the land included in this Subdivision and that there are no mortgages of record or otherwise on any of said land, other than as set forth below.

13.

In Witness Whereof, the undersigned, _____, does set his hand and seal this _____ day of _____.

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

_____ date

Then personally appeared the above-named Covenantor, _____, and acknowledged the foregoing instrument to his free act and deed before me.

_____, Notary Public
My Commission expires: _____

MORTGAGE to _____, dated _____, and recorded with the Middlesex North District Registry of Deeds in Book _____, Page _____.

Consented to by: _____

DRACUT PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____ date

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

_____, Notary Public
My Commission expires: _____

DRACUT FORM H

**PERFORMANCE SECURED BY
BANK PASSBOOK**

AGREEMENT made this date between the Town of Dracut and _____,
hereinafter referred to as "the applicant," address _____, to secure
construction of ways and installation of municipal services in the subdivision of land shown on a plan
entitled: _____,
by: _____, dated: _____, owned by: _____,
address: _____ land located: _____ and
showing _____ proposed lots.

The applicant hereby binds and obligates himself, his or its executors, administrators, devisees,
heirs, successors and assigns to the Town of Dracut, a Massachusetts municipal corporation, acting
through its Planning Board, in the sum of _____ dollars, and has secured this obligation by
deposit with the Treasurer of said Town of Dracut, a deposit of money for the above sum represented by
Bank Passbook No. _____ with an order drawn on the _____ Bank of
_____, payable to the order of the Town of Dracut, said sum to be used to
insure the performance by the applicant of all covenants, conditions, agreements, terms, and provision
contained in the following:

1. Application for Approval of Definitive Plan dated: _____;
2. The subdivision control law and the Dracut Planning Board's Rules and Regulations governing this
subdivision and dated: _____;
3. Conditions included in the Certificate of Approval issued by the Planning Board and dated:
_____;
4. Engineering Department Recommendations, dated: _____.
5. The definitive plan as qualified by the Certificate of Approval; and
6. Other document(s) specifying construction or installation to be completed, namely: (specify other
documents, if any, and list lots secured if only a part of the subdivision is secured by a bank passbook)

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily
performed all obligations. The approved definitive plan shall not be endorsed until Form H is signed by all
parties.

Upon completion by the applicant of all obligations as specified herein, or before _____,
or such later date as may be specified by vote of the Planning Board with the written concurrence of the
applicant and the bank, the bank passbook shall be returned to the applicant by the Town of Dracut and
this agreement shall become void.

In the event the applicant should fail to properly complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the funds on deposit in the account represented by the aforesaid bank passbook and order drawn thereon shall be applied in whole, or in part, by the Planning Board for the benefit of the Town of Dracut to the extent of the reasonable cost to the Town of Dracut of completing such construction or installation as specified in this agreement. Any unused funds and the bank passbook will be returned to the applicant upon completion of the work by said Town of Dracut.

The Town of Dracut, acting by and through its Planning Board, hereby agrees to accept the aforesaid bank passbook and order drawn thereon as security for the performance of this project; and

The _____ Bank of _____ hereby acknowledges that it has received notice of the applicant's obligation, and, in the event the applicant fails to perform said obligation, agrees to release the funds from the account to the Planning Board and further agrees not to release any funds from the account represented by the aforesaid bank passbook or otherwise amend or make a change to the aforesaid bank passbook or to the order drawn thereon without written agreement by the Planning Board. The approved definitive plan shall not be endorsed until this Agreement is signed by all parties and the security has been deposited with the Town.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____.

Signatures of a Majority of the Members of the Dracut Planning Board:

Signature of Applicant

Signature of Authorized Representative of the _____ Bank

To be executed in 4 copies, all of which are to be considered originals. Two (2) copies are to be forwarded to the above Bank and one (1) signed copy returned to the Planning Board. In addition to the bank book, the Town should also receive a written assignment of the account and a withdrawal slip signed in blank.

DRACUT FORM I
RELEASE OF LOTS

Dracut, Mass., Date: _____

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

Lots designed on said Plan as follows:

Signatures of a Majority of the Members of the Dracut Planning Board:

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

_____ date

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

_____, Notary Public

My Commission expires: _____

Name of Abutter

Mailing Address of Abutter

DRACUT FORM K
PROPOSED STREET NAME(S)

One copy of this form, filled out and signed, should be submitted with Form B.

Dracut, Mass., Date: _____

To the Planning Board:

The undersigned Applicant requests the Planning Board's approval of the following proposed names of streets within the proposed subdivision shown on a plan entitled _____

Proposed Street Name(s): _____

Reason for the Proposed Name(s): _____

Applicant's Signature _____

Address _____

The Planning Board requests your comments on this application for approval of street name(s).

Signed _____
Dracut Planning Board

Date _____

Fire Chief _____

Date: _____

Comments: _____

DRACUT FORM M

PLAN REVIEW REPORT FORM

TO: The Dracut Planning Board
 FROM: _____
 DATE: _____,
 SUBJECT: Comments and recommendations regarding the definitive subdivision
 plan entitled _____, and
 dated _____

The undersigned recommends: _____ approval; _____ approval with
 modifications; or
 _____disapproval of the above-named subdivision plan insofar as its area of
 jurisdiction is concerned.

The reason for this recommendation are as follows:

 Name of officer, agency, or board

NOTE: The Planning Board will take into consideration any recommendations made
 hereon before taking final action on the definitive subdivision plan. Lack of a timely
 report by any officer, agency, or board will be so recorded in the minutes of the
 Planning Board.

**DRACUT FORM M-1
REFERRAL FORM**

Dracut Planning Board

Dracut, Mass., Date: _____

TO:

- | | | | |
|-------|-------------------------|-------|-------------------------------------|
| _____ | Water Commission | _____ | Office of Community Development |
| _____ | Sewer Commission | _____ | Superintendent of Streets and Parks |
| _____ | Board of Selectmen | _____ | Parks and Recreation Commission |
| _____ | Conservation Commission | _____ | Local utility companies: |
| _____ | Department Public Works | _____ | gas |
| _____ | Police Department | _____ | electric |
| _____ | Fire Department | _____ | telephone |
| _____ | Town Engineer | _____ | Other _____ |
| _____ | Town Manager | | |

A definitive Suidivision plan entitled " _____ " and dated _____, submitted to the Planning Board on _____, by _____, whose address is _____

In accordance with Section III.D. of the Planning Board's Subdivision Rules and Regulations, this plan has been submitted to your agency for review and recommendations. Please consider the following subject area(s), among others, in your review of this plan:

Note: Planning Board to check off applicable subject area(s) to be reviewed.

- | | | | |
|-------|----------------------------|-------|-----------------|
| _____ | Water system | _____ | Open space |
| _____ | Sewer system | _____ | Street lights |
| _____ | Road design and layout | _____ | Street names |
| _____ | Wetlands, floodplains | _____ | Health |
| _____ | Fire protection | _____ | Utility system: |
| _____ | Police protection | _____ | gas |
| _____ | Engineering specifications | _____ | electric |
| _____ | Drainage | _____ | telephone |
| _____ | Other _____ | | |

Please make any comments and recommendations regarding this plan on the attached Form M, Plan Review Report Form, or in a written report, and submit to the Planning Board no later than _____.

Clerk, Planning Board

For Your Information: A public hearing has been scheduled for _____ p.m. on _____ at _____ to discuss this plan. The Planning Board may disapprove the plan only if it fails to conform to the Rules and Regulations of the Planning Board or the recommendations of the Board of Health.