

REGULATIONS GOVERNING THE SUBDIVISION OF LAND

HUDSON PLANNING BOARD

DRAFT FOR INFORMATIONAL PURPOSES ONLY



Adopted by the Hudson Planning Board
Under the Subdivision Control Law,
Sections 81-K to 81GG inclusive,
Chapter 41 of the General Laws of Massachusetts
April 1986

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NOTE: Forms A–E are part of these Rules and Regulations. All other forms are for ease of administration and may be changed from time to time by the Planning Board or its agent.

1.0 PURPOSE, AUTHORITY AND EFFECT.

1.1 Purpose

1.1.1. These subdivision regulations are adopted under the provisions of Chapter 41 of the General Law for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the Town of Hudson by "... regulating the laying out and construction of ways in subdivisions, providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and, in proper cases, parks and open areas. The powers of the Planning Board and of the Board of Appeals 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 of life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the Zoning By-Laws; for securing adequate provision 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 Town and with the ways in neighboring subdivisions.

1.2. Authority

1.2.1. Under the authority vested in the Planning Board of the Town of Hudson by Section 81-Q of Chapter 41 of the General Laws of Massachusetts, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Hudson. These regulations shall be effective after approval by the Board and certified by the Register of Deeds and the Recorder of the Land Court.

1.3. Effect

1.3.1. The following rules and regulations shall from and after the effective date thereof govern the subdivision of land within the Town of Hudson and no person shall subdivide land in the Town of Hudson after such effective date without complying with these regulations and first obtaining from the Planning Board either approval of the Definitive Plan for the proposed subdivision or the endorsement "Approval Under the Subdivision Control Law Not Required" upon such plan.

2.0 GENERAL.

2.1. Definitions

2.1.1. Where the terms below are defined also in Chapter 41, Section 81-L, the definition in said chapter shall govern.

2.1.2. As used in the regulations, the following words or terms shall have the following meanings:

ALLEY. (Service Road). A narrow strip of land between buildings, especially through the middle of a block, giving access to the rear of buildings and/or lots and which is not owned, constructed, reconstructed or maintained by the Town and which does not qualify for frontage.

APPLICANT. A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a person who applied under Section 3.0. "Applicant" shall include an owner, or his agent or representative, or his assigns. (See Chapter 41, Section 81-L, GL.)

BENCH MARK. A mark made in a durable object of known position and elevation as a reference point.

BIKEWAY. A way designed for travel on a bicycle or similar unpowered vehicle.

BOARD. The Planning Board of the Town of Hudson.

CERTIFIED BY. Certified by or endorsed by the Planning Board, as applied to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded, shall mean bearing the certification or endorsement signed by a majority of the members of the Planning Board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the Register of Deeds and Recorder in the Land Court, signed by a majority of the Board. (Section 81-L of Chapter 41. GL.)

COMMON DRIVEWAY. Any drive, right-of-way, or private way which provides access to two lots but which does not qualify as a street for determining frontage under Chapters 40A and 41 of the General Laws of Massachusetts.

DESIGNER. Professional civil engineer or land surveyor registered to practice in Massachusetts. All work defined as professional engineering or

surveying shall be done by or under the direct supervision of a registered professional engineer or surveyor.

DEVELOP. To construct a street, install utilities, erect a house or other structure, or in any way to improve a lot substantially.

DEVELOPER. A person (as hereinafter defined) who develops under a plan of a subdivision approved under Section 3.0 of these rules and regulations.

EASEMENT. A right acquired by public authority or other person to use or control property for a utility or other designated public purpose.

FRONTAGE. The linear extent of a lot measured along the street right-of-way from the intersection of said right-of-way with one side lot line to the intersection with the other side lot line of the same lot, but not including any portion thereof devoted to a right-of-way or a driveway serving more than one lot or dwelling unit. Frontage must provide vehicular access to the lot from the right-of-way counted for frontage unless otherwise approved by the Planning Board on a Definitive Plan submitted in accord with Chapter 41, General Laws or approved by the Planning Board in the same manner as a Definitive Plan.

GENERAL LAWS. (Abbreviated G.L.) The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.

HIGH DENSITY AREA. An area of single-family dwellings with a net density of less than thirty-thousand (30,000) square feet each, or an area adjacent to such uses and approached only by streets serving such adjacent uses, and all two-family or multi-family residence use.

LOT. An area of land in one (1) ownership with definite boundaries used, or available for use, as the site of one (1) or more buildings. (Section 81-L of Chapter 41 G.L.)

LOW DENSITY AREA. An area where the lots are used for single-family dwellings and where each lot is at least thirty-thousand (30,000) square feet.

MONUMENT. A permanent marker to indicate a boundary.

MUNICIPAL SERVICE. Sewers, water drains, water pipes, gas pipes, electrical lines, telephone lines, fire alarm system, similar systems and their respective appurtenances. (Section 81-L of Chapter 41 G.L.)

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

PERSON. An individual, or two or more individuals, or a group or association of individuals, a partnership, or a corporation having common or undivided interests in a tract of land.

PLANNING BOARD AGENT. Town employee or consultant authorized by the Planning Board to review subdivisions and administer the regulations.

PLAN: APPROVAL NOT REQUIRED. A plan of a proposed subdivision or re-subdivision of land prepared and submitted in accordance with Section 3.0 with the appropriate application to the Planning Board and meeting all of the requirements from Approval Not Required.

PLAN: DEFINITIVE. The plan of a proposed subdivision of land prepared and submitted in accordance with Section 3.0 to the Board of approval (with appropriate application) to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board, and such plan when approved and recorded; all as distinguished from a Preliminary Plan.

PLAN: PRELIMINARY. A plan of a proposed subdivision or re-subdivision of plan prepared and submitted together with the appropriate application in accordance with Section 3.0 to facilitate the proper preparation of a Definitive Plan.

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

REGISTRY OF DEEDS. Registry of Deeds shall mean the Registry of Deeds of Middlesex County South District and, when appropriate, shall include the Land Court. (Section 81-L of Chapter 41 G.L.)

ROADWAY. That portion of a way which is designed and constructed for vehicular travel.

SIDEWALK. A way within the street right-of-way, generally parallel to the street, designed for use by pedestrians.

STANDARD SPECIFICATIONS. “The Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges”, 1973 edition, as amended.

STREET. A way either shown on a Definitive Plan submitted, approved, and recorded in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.

STREET, COLLECTOR. A street intercepting one (1) or more minor streets and which, in the opinion of the Board, will be used to carry only a moderate volume of traffic (generally less than four-hundred (400) vehicles per day) from such minor streets to either a major or secondary street.

STREET, MAJOR. A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the Town of Hudson or which will otherwise carry a heavy volume of traffic (generally, over fifteen-hundred (1,500) vehicles per day).

STREET, MINOR. A street which, in the opinion of the Board, is being used or will be used primarily, to provide access to no more than ten (10) abutting lots and which is not designed to be used for through traffic.

STREET, SECONDARY. A street intercepting one (1) or more minor streets and/or collector streets and which, in the opinion of the Board, is used or will be used to carry a substantial volume of traffic (generally, over four-hundred (400) vehicles per day) from such minor street(s) and/or collector street(s) to a major street or community facility, and normally including a principal entrance street to a shopping center, industrial park, planned unit development, or a large subdivision, or group of subdivisions, and any principal circulation street within such subdivision.

SUBDIVISION. “The division of a tract of land into two (2) or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if at the time when it is made, every lot within the tract so divided has a frontage on (a) a public way, or a way which the Town Clerk of the Town of Hudson certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective the Town, having in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular

traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning By-Laws. Conveyances and other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two (2) or more buildings were standing when the Subdivision Control Law went into effect in the Town into separate lots on each of which one (1) of such buildings remains standing, shall not constitute a subdivision.” (Section 81-L of Chapter 41 G.L.)

SUBDIVISION CONTROL. The power of regulating the subdivision of land granted by the Subdivision Control Law, Chapter 41, Sections 81-A through GG inclusive, as hereinafter amended.

SUPER ELEVATION. Super elevation is the decimal fraction of a foot of rise per foot of horizontal cross-section.

THOROUGHFARE (MAJOR). A street so indicated on the Master Plan Map.

THOROUGHFARE (MINOR). A street so indicated on the Master Plan Map.

TOWN. Town of Hudson, unless otherwise specified.

TRAILS. A path or track made by or reserved for the passage of persons and/or animals, usually through undeveloped land.

TREES, LARGE. Trees ten (10) inches or more in caliper four (4) feet above the ground.

WALKWAY. A way designed for pedestrian use, not necessarily parallel to a traveled way, as contrasted to a sidewalk.

WAY. A way is synonymous with the terms: road, street, highway and avenue, and shall denote any such line or route for passage, whether public or private.

WAY, ACCEPTED. An accepted way is a way which has been accepted as a public way by vote of the Town.

WIDTH. The width of a way shall be the width of the strip of land laid out, designated, acquired and/or dedicated for the use of such way. Such width

includes the spaces for vehicular travel, sidewalks, edgestone and planting spaces where required.

2.2. Approved Plan Required.

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

2.3. Source of Information Provided.

2.3.1. In those cases in which the land shown on the plan is abutted by land of an owner not the owner of the land as shown, the Board may require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. A separate form for such statement will be furnished by the Board. Form D: Designer's Certificate (see Appendix).

2.4. More Than One Building for Dwelling Purposes on a Lot.

2.4.1. 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 providing of adequate ways furnishing access to each such building and adequate improvements in the same manner as otherwise required for lots within a subdivision.

2.5. Fee and Costs.

2.5.1. There shall be a minimum filing fee for each plan application submitted to the Board for consideration, which fee shall be paid upon submission of the plan.

2.5.1.1. The fee for a plan submitted under Section 3.1. shall be ten dollars (\$10.00).

2.5.1.2. The minimum fee for filing a Preliminary Plan or a Definitive Plan, if a Preliminary Plan has been filed and approved, shall be one dollar (\$1.00) per linear foot of street shown within the subdivision on the Preliminary or Definitive Plan, as the case may be, or five hundred dollars (\$500.00), whichever is greater. If a Preliminary Plan has not been filed, the minimum fee for filing a Definitive Plan shall be two dollars (\$2.00) per linear foot of

street shown within the subdivision or one thousand dollars (\$1,000.00), whichever is greater.

- 2.5.1.3. All expenses for advertising, mailing, notices, engineering, and professional planning review as deemed necessary by the Planning Board, plans, construction, inspection, recording, and filing of documents and all other expenses in connection with a subdivision shall be borne by the Applicant and shall be in addition to the filing fee.
- 2.5.1.4. The Applicant shall place a sum in escrow with the Town of Hudson to be used for the payment of these costs. The amount will be determined by the Planning Board based on estimates made from similar subdivisions and shall be added to as needed, within thirty (30) days of a request by a Planning Board.
- 2.5.2. Failure of the Applicant to comply with the requirements of this section shall be deemed adequate cause for disapproval of the plan.
- 2.5.3. Upon the endorsement of a Definitive Plan, the developer shall place a sum in escrow with the Town of Hudson in an inspection account to be used for the payment of inspection costs. The amount will be determined by the Planning Board based on estimates made from similar subdivisions, and shall be added to as needed, within thirty (30) days of a request by the Planning Board. Any sum remaining in escrow at the time of approval of the Definitive Plan shall be credited to this account.
- 2.6. Compliance With These Rules and Regulations and Waivers.
- 2.6.1. All plans and all procedures relating to subdivisions and to plans not requiring approval shall conform in all respects to the provisions of these rules and regulations unless otherwise authorized by the Planning Board in writing when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.
- 2.6.1.1 Any such requests for waivers from these Rules and Regulations must be submitted by the Applicant to the Planning Board in writing. Approval by the Board must be by vote and confirmed to the Applicant in writing and shall become a part of the application.
- 2.6.2. All requirements of these regulations for a Definitive Plan shall be met except as may otherwise be provided for cluster development in the Zoning By-Laws.
- 2.7. Compliance With Zoning By-Laws.

2.7.1. The Planning Board shall not approve or modify and approve any plan of a subdivision of land unless all buildings, structures, and lots shown on said plan comply with the Zoning By-Laws of the Town of Hudson, or unless a variance from the terms has been granted by the Board of Appeals.

2.8. Criteria for Board Action.

2.8.1. The Board, in considering any proposed subdivision plan, will be concerned with the requirements of the community and the best use of the land being subdivided.

2.8.1.1. Particular attention will be given to width, arrangement, and location of streets, sanitation, drainage, size, and arrangement of lots, open areas, parks, retention of major site features, and land uses which preserve the character of the Town.

3.0 PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS.

3.1. Plan Believed Not to Require Approval.

3.1.1. Submission of Plan.

3.1.1.1. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land, and who believes that his plan does not require approval under the Subdivision Control Law shall submit his plan and four (4) contact prints and a properly executed **Form A** (see Appendix) to the Planning Board at a regularly-scheduled meeting, accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination, accompanied by a copy of said application, and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery the Town Clerk shall, if requested, give a written receipt therefore. See **Form M – Control Form** for the distribution of plans.

3.1.2. Form and Contents of Plan.

3.1.2.1. Said plan shall be of the dimensions eight and one-half by eleven (8½ X 11) inches, or seventeen by twenty-two (17 X 22) inches, shall be prepared in such a manner as to meet the Registry of Deeds and/or Land Court requirements for recording, and shall contain the following information:

- a) Identification of the plan by name of owner of record and location of the land in question.

- b) The statement “Approval Under Subdivision Control Law Not Required”, and sufficient space for the date and the signatures of all members of the Board.
- c) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.
- d) In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the Applicant shall be shown.
- 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) A list of abutters from the latest available Assessor’s records unless the Applicant has knowledge of any change subsequent to the latest available Assessor’s records. See **Form E – Certified List of Abutters**.
- g) Names and status of public and private streets and ways shown on the plan.
- h) Bearings and distances of all lines of the lot or lots shown on the plan and the distance to the nearest permanent monument.
- i) The location of all existing buildings on the land shown on the plan or within fifty (50) feet of its boundaries, including setback and side- and rear-yard designations.
- j) The location of any topographic features which interfere with the use of the frontage for access.
- k) Location of all bounds, brooks, fences, walls and bodies of water including, but not limited to, streams, brooks, water courses, ponds, lakes and other standing bodies of water. Said plan shall reflect the average annual high water level with respect to any such bodies of water.
- l) A locus map at a scale of one thousand (1,000) feet to the inch.

3.1.3. Endorsement of Plan Not Requiring Approval.

- 3.1.3.1. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and within twenty-one (21) days of submission, endorse on the plan the words “Approval Under the Subdivision Control Law Not Required”. Such endorsement shall not be deemed to

constitute any determination of compliance with requirements of the Zoning By-Laws.

3.1.3.2. The Planning Board may add to such endorsement a statement of the reason or reasons approval is not required. The original copy of the plan shall be returned to the Applicant, who shall file it with the Registry of Deeds within ten (10) days, and return a receipt of filing to the Planning Board within fourteen (14) days. The Planning Board shall also notify the Town Clerk in writing of its action with twenty-one (21) days of the endorsement.

3.1.4. Determination That Plan Requires Approval.

3.1.4.1. If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of the submission of the plan, so inform the Applicant in writing and return the plan. The Planning Board shall also notify the Town Clerk in writing of its action.

3.1.5. Failure of Board To Act.

3.1.5.1. If the Planning Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the person submitting the plan of its action within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

3.2. Preliminary Plan.

3.2.1. General

3.2.1.1. Any person who wishes to create a residential subdivision may submit a Preliminary Plan, and any person who wishes to submit a non-residential subdivision must submit a Preliminary Plan which, to be accepted as duly submitted, shall be submitted at a regularly-scheduled meeting of the Board. The Applicant shall include the following with the submission:

- a. The Preliminary Plan on reproducible material and eight (8) prints thereof, together with five (5) half-scale reductions thereof and one (1) set of transparencies of the reductions. See **Form M – Control Form** for the distribution of plans.
- b. A properly-executed Application **Form B**.
- c. The minimum filing fee (see Section 2.5.).

- d. The Applicant shall also file by delivery or registered, or certified mail, a notice with the Town Clerk stating the date of submission to the Board for such approval of a Preliminary Plan, accompanied by a copy of the properly-executed Application **Form B**.
- e. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Department of Public Works, the Department of Licenses, Permits & Inspections, the Fire and Police Departments, the Light and Power Department, and other Town agencies and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared.

3.2.2. Plan Preparation and Contents

3.2.2.1. The Preliminary Plan shall be drawn on tracing paper, mylar or similar substance at a suitable scale, preferably forty (40) feet to the inch. The plan shall be designated as a "Preliminary Plan" and to form a clear basis for discussion of the details of the subdivision and for preparation of the Definitive Plan. The plan shall contain the following:

- a) The subdivision name, if any, boundaries, north point, date, scale, legend, and title "Preliminary Plan".
- b) The names and addresses of the record owner of the land and the subdivider, and the name and address of the designer, engineer or surveyor who made the plan, which shall appear in the lower right-hand corner.
- c) The names of all abutters, as determined from the last assessment and, if the Applicant has knowledge of changes in the list, to new abutters. **Form E – Certified List of Abutters.**
- d) The locus of the land, drawn at a scale of one thousand (1,000) feet to the inch, shown on the plan with sufficient information to accurately locate the plan.
- e) Easements, rights-of-ways, covenants, or restrictions applicable to the area shown on the plan.
- f) The existing and proposed lines of streets, ways, easements and any public or common areas within the subdivision, in a general manner.
- g) Major features of the land such as existing walls, fences, monuments, buildings, wooded areas, trees twenty-four (24) inches or more in caliper, measured four (4) feet above the ground, outcroppings, ditches,

swamps, water bodies and natural waterways. Where available, aerial photographs may be required.

- h) The proposed system of sewage disposal, water installation and of drainage in a general manner, including adjacent existing natural waterways.
- i) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
- j) The names, approximate location and widths of adjacent streets, or streets approaching or within reasonable proximity of the subdivision.
- k) The topography of the land with a two (2) foot contour interval based on the U.S. Coast and Geodetic Datum. Water bodies and other elevations shall be shown.
- l) The proposed names of the proposed streets and a number on each lot on each proposed street.
- m) The profiles of existing grades and approximate proposed finished grades of the roadway, and drain and sewer utilities.
- n) Area of adjoining land and water of the Applicant not presently being subdivided, with a sketch plan showing a feasible future street layout for such contiguous land.
- o) The existing roadway contours and all utilities within one hundred (100) feet of the proposed street intersections, with existing streets.
- p) The zoning classification of land shown on the plan, together with any zoning boundary lines within or near the subdivision, if any.
- q) 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.
- r) If the Preliminary Plan application contains more than one (1) sheet or drawing, each sheet or drawing must be titled and numbered, and an index showing the contents of each sheet or drawing inserted on the upper left-hand corner of the "Preliminary Plan" layout, or as a separate sheet.
- s) A written document indicating waivers to these regulations which may be requested or desired.

t) A complete **Project Information Summary** (see **Schedule D**).

3.2.3. Approval of a Preliminary Plan.

3.2.3.1. The Planning Board may give such Preliminary Plan approval, with or without modification or suggestion, after the Board's review with the Board of Health, the Department of Public Works, the Department of Licenses, Permits & Inspections, the Light and Power Department, the Fire and Police Departments, and other Town agencies and owners of abutting property. Such approval does not constitute approval of the subdivision but facilitates the preparation of the Definitive Plan and the securing of final approval thereof.

3.2.3.2. Approval shall be effective for seven (7) months or until a Definitive Plan evolving from the Preliminary Plan is filed, whichever comes first. Within forty-five (45) days after the submission of the Preliminary Plan, the Board shall notify the Applicant, by certified mail, that the plan has been approved or that the plan has been approved with modifications suggested by the Board or agreed upon by the Applicant, or that the plan has been disapproved. In the event of disapproval, the Planning Board shall state the reason(s) for its disapproval, in accord with Section 81-U of Chapter 41. The Planning Board shall notify the Town Clerk of its approval or disapproval, as the case may be. After endorsement, the original of the Preliminary Plan will be returned to the Applicant.

3.2.4. Disapproval of a Preliminary Plan.

3.2.4.1. In the event of disapproval of a Preliminary Plan, the Planning Board shall state the reason(s) for its disapproval, in accord with Section 81-U of Chapter 41, G.L. and the original of the plan shall be returned to the Applicant.

3.2.5. Failure of the Board to Act.

3.2.5.1. If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the persons submitting the plan of its action within forty-five (45) days after its submission, it shall be deemed to have approval under the Subdivision Control Law and the Planning Board shall forthwith make such endorsement on said plan, and, on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

3.3. Definitive Plan.

3.3.1. General.

- 3.3.1.1. For a Definitive Plan to be accepted as duly submitted in accord with these rules and regulations and the General Laws of Massachusetts, any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Planning Board all items required in subsections 3.3.1.1. a), 3.3.1.1. b), and in 3.3.3. of this section and, unless previously filed with a Preliminary Plan, the minimum filing fee (see Section 2.5.). Such submission shall be made at a regularly-scheduled meeting of the Planning Board. Such submission shall include, as a minimum, the following:
- a) An original drawing of the Definitive Plan on mylar or similar substance and twelve (12) contact prints thereof, dark line on white background, together with five (5) half-scale reductions thereof, and one (1) set of transparencies of the reductions.
 - b) A properly executed application **Form C – Application for Approval of a Definitive Plan** (see Appendix), including the time within which the Applicant agrees to complete the ways and install the public utilities in the subdivision; **Form D – Designer’s Certificate** (see Appendix); and a **Form E – Certified List of Abutters** (see Appendix). Approval of the plans shall be upon the conditions that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified.
 - c) The Board may decline to approve any plans unless the Applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two (2) years of the date of his application or such other time as the Applicant shall specify in writing. If the ways in any subdivision are not completed, and the utilities aforesaid are not installed within the time so agreed to by the Applicant, no such way shall thereafter be laid out, constructed, completed, or opened for public use unless and until a new application is filed with and approved by the Board. Ways or portions thereof not completed within the agreed upon time shall thereafter be completed in accordance with the then-in-force requirements and construction standards of the Planning Board, and with applicable General Laws.
- 3.3.1.2. The Applicant shall file by delivery or registered or certified mail a notice with the Town Clerk, stating the date of submission for such approval, accompanied by a copy of the completed **Form C - Application for Approval of a Definitive Plan**.
- 3.3.2. Plan Preparation.

3.3.2.1. The Definitive Plan shall be prepared by a professional engineer and a land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black India ink upon tracing cloth, mylar or similar substance to the following standards:

- a) The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instructions for the Commonwealth of Massachusetts. It is required that all other survey and Definitive Plan preparation, where not herein specified, be guided by the said Manual of Instructions.
- b) The plan shall be at a scale of one (1) inch equals forty (40) feet, or such other scale as the Planning Board may accept to show details clearly and adequately.
- c) Plans and profiles of each individual street shall be at a scale of one (1) inch equals forty (40) feet horizontal and one (1) inch equals four (4) feet vertical.
- d) All elevations shall refer to the U.S. Coast and Geodetic Datum and shall be referenced to the Town Vertical Control System. Sheet sizes shall be twenty-four (24) by thirty-six (36) inches, including a three-quarter (3/4) inch border.
- e) All plans shall be accompanied by an index sheet at a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals two hundred (200) feet, depending on which plat of the Hudson Assessors' Atlas the proposed subdivision is located, showing the entire subdivision and adjacent streets and the dimensions of the lots and street and lot numbers.

3.3.3. Contents.

3.3.3.1. The Definitive Plan shall contain, as a minimum, the following information:

- a) A title, appearing in the lower right-hand corner of the plan, showing the name of the subdivision, if any; the date; scale; the names and addresses of the Applicant, and the names and seals of the designer, engineer and surveyor who made the plan.
- b) North point, whether true, magnetic or grid benchmark and so indicated, and the boundaries of the subdivision.
- c) The locus of the land drawn at one thousand (1,000) feet to the inch, shown on the plan with sufficient information to accurately locate the plan.

- d) Location and ownership of abutting property, as it appears on **Form E – Certified List of Abutters** (see Appendix), and if the Applicant has knowledge of changes in the list, to the new abutters, including all abutting land owned by the Applicant not presently being subdivided.
- e) Major features of the land, such as existing waterways, swamps and water bodies, natural drainage courses, walls, fences, buildings, large trees, trails, wooded areas, outcroppings and ditches which exit on or near the site at the time of survey.
- f) Lines of existing and proposed streets, ways lots, lot numbers or other designation of each lot, easements, trails and public or common areas within the subdivision. (The proposed names and numbers of proposed streets and lots shall be in pencil until they have been approved by the Planning Board.)
- g) Base flood elevation data, as shown on the Hudson Flood Insurance Rate Map (FIRM), and the Flood Boundary and Floodways Maps, dated June 15, 1982, on file with the Town Clerk, Planning Board and the Inspector of Buildings.
- h) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines including lot frontage on the streets, of the boundary lines of all street and easements, and the length, radii, tangents and central angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street lines shall be shown. Areas of lots with lot numbers and the area and frontage on public ways as set forth in Section 81-L of Chapter 41 G.L. of adjoining lands of the Applicant not included in the subdivision will be shown.
- i) Location of all permanent monuments, properly identified as to whether existing or proposed.
- j) The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the plan and the applicable minimum front-, side-, and rear-yard depths for each lot, as required by the Zoning By-Laws.
- k) Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both roadway widths and rights-of-ways widths.

- l) Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision, including any decision on appeal or any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.
- m) If the property that comprises the subdivision or any part or boundary thereof has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted on the plat with case numbers and other pertinent references to Land Court procedure, then the same requirement shall apply to any adjoining parcels of land of the Applicant.
- n) The location of all common drives, accompanied by the proposed declaration of covenants, easements and restrictions.
- o) The existing roadway contours and all utilities within one hundred (100) feet of the proposed street intersections with existing streets.
- p) Sheet number(s) from the Assessors' Maps.
- q) Suitable space to record the action of the Planning Board and the signatures of all members of the Planning Board (and all members of the Board of Health) including, where appropriate, the words "Deeds of easements to be recorded herewith" or the words "Approved subject to covenant conditions set forth in a covenant executed by _____, dated _____, and to be recorded herewith".

3.3.3.2. Profiles shall be shown on a separate sheet, as follows:

- a) Existing profiles on the exterior lines drawn in fine black line, dotted for left- and dashed for right-side, and proposed profile on the finished center-line drawn in fine black solid line, of proposed streets at a horizontal scale of one (1) inch equals forty (40) feet and vertical scale of one (1) inch equals four (4) feet, or such other scales acceptable to the Planning Board. At least two (2) benchmarks are to be shown on plans and profiles and grade elevations at every fifty (50) foot station, except in vertical curves, which shall be at every twenty-five (25) foot station.
- b) All existing and proposed intersections and sidewalks, bikeways and walkways and utilities (storm drains, water mains and sewer mains, if any) shall be shown with all proposed grade elevations calculated. Elevations are to be referred to the Town Datum (U.S. Coast and

Geodetic Survey). Gradients shall be shown by figures expressed in percent.

3.3.3.3. A Contour Plan shall be shown as follows:

- a) Existing and proposed topography at two (2) feet contour intervals and by symbols indicating the highest-known high water mark of the last five (5) years. There will also be indicated, by differentiating symbols, the contour line four (4) feet above said high water mark.
- b) Grading details shall indicate proposed street grades and elevations, building site grades and elevations and drainage patterns throughout the subdivision, sufficient to determine the approximate balance between cut and fill. There shall be a general note indicating the disposition of topsoil on the site, which note shall include how topsoil will be handled in areas of cut and fill; how soil will be stockpiled, if applicable; the minimum amount of topsoil to be redistributed to the site; and that no topsoil will leave the site, except in accord with the Hudson Earth Removal regulations.

3.3.3.4. A Utility Plan shall be shown as follows:

- a) Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems, storm drains and their appurtenances, and easements pertinent thereto, and the dimensions of gutters, including data on borings and percolation tests made, and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision.
- b) If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the Applicant, he shall clearly indicate what course the discharge will take and shall present to the Board evidence from the Director of Public Works or the owner of adjacent property, whichever applies, that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.
- c) Location of proposed street lights and sidewalks and pedestrian lighting (if required), transformer pads and fire alarm system.

3.3.3.5. Drainage Calculations shall be shown as follows:

Drainage calculations prepared by a Registered Professional Engineer shall be submitted in a suitable form to substantiate proposed drain pipe sizes, along with amplifying plans outlining drainage areas within and affecting the subdivision. Computations shall be based on a one hundred (100) year storm basis. A plan shall also be submitted showing the route followed by all drainage discharging from the subdivision to the primary receiving watercourse or other large body of water. The computations shall conform to the method described in the specifications of the Department of Public Works.

3.3.3.6. A Tree Plan shall be prepared as follows:

Location and species of proposed street trees and locations of trees to be retained with trunks over six (6) inches in diameter, measured four (4) feet above the finished ground level, located outside of the street right-of-way line of existing or proposed streets, not closer than five (5) feet or more than ten (10) feet from said right-of-way line.

3.3.3.7. Cross-sections shall be shown as follows:

On the same sheet as the plan and profile there shall be drawn cross-sections of the proposed street, properly located and identified by station number, at such intervals along the street as will adequately indicate any variations in its section, supplemented where necessary, by lines on the layout plan showing the width and location of proposed roadways, grass plots, gutters, sidewalks, utilities (storm drains, water mains and sewer mains, if any) and similar physical features. Provided, however, that where all cross-sections of the street will coincide with the appropriate cross-section shown on the Board's Standard Cross-section plans (**Schedules A and B**), such agreement may be indicated by proper notation on the layout plan, and the cross-section drawing may be omitted therefrom.

3.3.3.8. A Tabular Summary shall be prepared as follows:

In tabular form for the total area of the subdivision plan as submitted:

- 1) The total area which is being subdivided.
- 2) The total area of lots.
- 3) The total areas dedicated for street purposes, drainage, sewer or utility easements.
- 4) The total of areas reserved for parks, schools and other public use.

- 3.3.3.9. An Environmental Impact Statement shall be submitted in accord with **Schedule E**.
- a) Items to be included shall be determined by the Planning Board based on information contained in the **Schedule D** filed with the Preliminary Plan, if such a plan was filed. If not, all items of **Schedule E** must be filed.
 - b) The environmental statement concerning each character of subdivision shall contain the elements required except as modified by the Planning Board.
- 3.3.3.10. An Erosion/Sedimentation Control Plan shall be prepared, including the following:
- a) A clear outline of the areas and type of control proposed.
 - b) A general note indicating the developer's responsibility to maintain erosion/ sedimentation controls during construction and until sale of the lots involved, including the frequency of maintenance.
 - c) Appropriate details of erosion/sedimentation control devices.
 - d) The outline of any areas, including drainage ways, steep slopes and proposed stockpile of topsoil that shall be restored and/or seeded immediately.
 - e) A general note stating that temporary ground cover or erosion/siltation control shall be established on any unbuilt lots, where required by the Planning Board.
- 3.3.4. Staking.
- 3.3.4.1. To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing the Definitive Plan the Applicant shall stake the center line of all proposed streets at a minimum of every one hundred (100) feet, with the center line stations and the cut or fill dimensions to finish grade marked on the stakes.
- 3.3.5. Soil Surveys and Percolation Tests.
- 3.3.5.1. Where appropriate the Planning Board may require, at the expense of the Applicant, soil surveys and percolation tests, to establish the suitability of the land for the proposed storm drainage installations and proposed street construction. Such soil surveys and tests must be filed with all plans for non-residential subdivisions or multi-family residences.

- a) Test pits, borings or soundings shall be taken along the center line of each street shown on the plan, at intervals of at least every two hundred (200) feet and at locations such as cut sections and areas of questionable foundation material where the subsurface conditions may be, in the opinion of the Planning Board or its Agent, factors affecting the quality and service life of the street. Test pits shall not be backfilled until the Applicant has been notified by the Planning Board or its Agent that all necessary inspections and sampling has been completed. Where borings are used, samples shall be taken at five (5) foot intervals and at each change of strata. Soundings shall be taken in areas of unsuitable material for the purpose of determining the hard bottom contours. Test pits and borings, where required, shall extend to a minimum depth of five (5) feet below the street profile grade or to bedrock, whichever is less. The Applicant shall indicate, on the plan, a proposed layout of the subsurface exploration program, complete with location, spacing and type of exploration proposed.

- b) Soil surveys, when required by the Planning Board or its Agent, shall include a test excavation not less than seven (7) feet below finished grade, at a frequency of one (1) per lot, location of which must be shown on the contour plan, and a report thereon; a percolation test at a frequency of one (1) per lot, location of which must be shown on the contour plan, and a report thereon. Percolation tests shall be in accordance with Article XI of the Commonwealth of Massachusetts Sanitary Code.

3.3.6. Review by Board of Health as to Suitability of the Land (see **Schedule C**).

- 3.3.6.1. At the time of filing of the Definitive Plan, the Applicant shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with such information in the nature of percolation tests and deep test holes, as the Board of Health may require plus the information requested on **Schedule C – Board of Health Review**. The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health and include such specific findings and reasons therefore in such report and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health and the engineer to the Board.

3.3.7. Review by Other Town Officials.

- 3.3.7.1. The Clerk of the Planning Board will transmit copies of the Definitive Plan to town officials other than the Board of Health as follows:

One (1) copy each to the Town Counsel for review of easements and agreements, the Department of Public Works, the Department of Licenses, Permits & Inspections, the Fire and Police Departments, and the Light and Power Department.

- 3.3.7.2. Before the Definitive Plan is approved, the Planning Board will request written statements from the above officials with regard to the proposed improvements in the following respects:

- a) Town Counsel, as to the form of easements, covenants and performance guarantees.
- b) The Department of Public Works, as to the design of the street system, location of easements, monuments, street lights, drainage system, water system, and, if applicable, the sewerage system.
- c) The Fire and Police Departments, as to location of hydrants and the alarm system and street safety.
- d) The Department of Licenses, Permits & Inspections, as to compliance with the Zoning By-Laws.
- e) The Light and Power Department, as to location and type of street lights and power lines.

- 3.3.8. Conditions and Application of Other Regulations, Laws, and By-Laws (see also Section 3.3.10.2.).

- 3.3.8.1. When a common driveway is shown on the plan, before final approval of the plan the Planning Board must approve:

- a) An agreement between the owner or developer and the Town of Hudson prohibiting the sale of lots and erection of buildings, until such time as the common driveways have been constructed in accord with the approved plan.
- b) A declaration of covenants, easements, and restrictions for the use and maintenance of said common drives.

- 3.3.9. Public Hearing.

- 3.3.9.1. Before taking action to approve, modify, and approve or disapprove a Definitive Plan, the Planning Board shall hold a hearing, at which parties in

interest shall have an opportunity to be heard, in person or by an agent or attorney.

Notice of the time and place of such hearing and of the subject matter, sufficient for identification, shall be published once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing, in a newspaper of general circulation in the Town of Hudson, and by mailing a copy of such advertisement to the Applicant and to all owners of land abutting the land shown on the plans and on the most recent tax list and to all owners of land within five hundred (500) feet of a property line of the subdivision.

3.3.10. Planning Board Procedure.

3.3.10.1. The procedure that the Planning Board will follow with regards to approval, disapproval, or modification of the final plan submitted by the Applicant will be that as set forth in Chapter 41, Section 81-U of the General Laws, as amended. In summary, the Board, after receiving the Definitive Plan and profiles, will review the same to determine whether they are in compliance with its adopted rules and regulations and the Zoning By-Laws.

3.3.10.2. The plan shall comply with all reasonable regulations and rules of the Selectmen, Department of Public Works, and the Board of Health not otherwise covered by these rules and regulations. Specific reference is made to the specifications for septic systems which shall conform with the rules and regulations of the Board of Health.

3.3.10.3. Before final approval of the plan, the Applicant shall establish that the lots in the Definitive Plan are in conformity with the Hudson Zoning By-Laws, and failure of the lots to so comply will be adequate grounds for disapproval of the Definitive Plan. (See Chapter 41, Section 81-Q of the General Laws, and amendments thereto.) The Board may, as a condition of granting a permit under Section 81-Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall, for the purpose of the Subdivision Control Law, be deemed to be a part of the plan. Before final approval, all necessary permits under Chapter 131 of the General Laws and from the Massachusetts Department of Public Works shall be obtained, and the Applicant shall notify the Planning Board of any changes in the plan required by said permit or permits.

3.3.10.4. The Planning Board may extend the ninety (90) day period or the one hundred and thirty-five (135) day period, as applicable, permitted by statute

between submission of a Definitive Plan and action thereon upon written request of the Applicant.

3.3.10.5. If the Board fails to act upon a non-residential plan submitted under this section, or fails to act upon a residential plan for which a Preliminary Plan has been submitted and acted upon, or forty-five (45) days have elapsed since the submission of the plan without Planning Board action, or fails to notify the Town Clerk and the persons submitting the plan of its action within ninety (90) days after its submission, it shall be deemed to have approval under the Subdivision Control Law, and the Planning Board shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect. For all other residential plans the statutory time between submission of the Definitive Plan and action by the Planning Board, notification of the Town Clerk and of the Applicant of its action, shall be one hundred and thirty-five (135) days.

3.3.11. Certificate of Approval.

3.3.11.1. The action of the Planning Board, in respect to such plan, shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered, return receipt requested, mail to the Applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for the action and shall rescind such disapproval if the plan is amended to conform to the rules, regulations, and recommendations of the Planning Board and submitted for approval within seven (7) months of said disapproval. After seven (7) months, a new application will be required, conforming to the rules and regulations in effect at the time of the new submission. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the Board's certificate of approval or disapproval, as the case may be, with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the Planning Board shall return the original to the Applicant.

3.3.11.2. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

3.3.11.3. The endorsement of plan approval by the Planning Board shall be valid for a period of two (2) years from the date of said approval, or such other period of time as is specified in Section 3.3.12. Prior to the expiration of the said approval period, the developer and/or owner shall request in writing to the Planning Board an extension of time, if necessary. Failure to request extension of time prior to the expiration of the said approval period shall result in the Planning Board notifying the Building Inspector that no additional building permits should be issued in said development. The

request for extension shall state the reasons for said extension and also the length of time requested. Extension of time shall not in any case exceed one (1) year. Additional extensions after the first may be applied for but not until at least ten (10) months have expired on the extension in effect.

3.3.11.4. The Applicant shall file the approved Definitive Plan and covenant, if any, at the Registry of Deeds, and shall notify the Planning Board in writing, presenting evidence of the recording of the plan and the covenant within ten (10) days of said filing. The Applicant shall deliver to the Planning Board two (2) copies of the approved and recorded Definitive Plan, one (1) 105 mm negative, and one (1) copy of a Certificate of Title, duly searched and executed by an attorney or title company, stating that the title to the premises shown on said plan and appurtenances thereto is in the name of the Applicant and free of all encumbrances, or including an affidavit giving full details of all encumbrances. In addition, the Applicant shall file one (1) copy of the approved and recorded Definitive Plan each with the Board of Health, Assessor's Office, the Fire and Police Departments, the Department of Licenses, Permits & Inspections, and the Light and Power Department, and one (1) copy and a mylar thereof with the Department of Public Works.

3.3.12. Performance Guarantee.

3.3.12.1. Before endorsement of the Board's approval of a subdivision, the Board shall require that:

- a) The subdivider shall specify in writing the time within which the construction of ways and installation of municipal services required in Section 5.0 shall be completed, which time shall be two (2) years, unless the subdivider stipulates otherwise.
- b) The subdivider shall secure the construction of ways and installation of municipal services by one, or in part by one and in part by another, of the following methods:
 - (1) By a proper bond, sufficient in the opinion of the Planning Board, to secure performance of the construction ways and the installation of principal services required in Section 5.0 for lots in the subdivision shown on the plan. (See **Form F**).
 - (2) By a deposit of money or negotiable securities, sufficient in the opinion of the Planning Board, to secure performance of the construction of ways and the installation of municipal services required in Section 5.0. for lots in the subdivision shown on the plan. (See **Form G** or **H**).

- (3) By a covenant, executed and duly recorded by the owner of record, running with the land, whereby the ways and services required in Section 5.0. shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board (See **Form I**).
 - (4) By delivery to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the Applicant by the lender, which agreement shall be executed by the Applicant and the lender and shall provide for the retention by the lender of funds (otherwise due the Applicant) sufficient in the opinion of the Planning Board to secure the construction of ways and the installation of municipal services. Said agreement shall also provide a schedule of disbursements which may be made to the Applicant upon completion of various stages of the work, and shall further provide that, in the event that the work is not completed within the time set forth by the Applicant, any funds remaining undisbursed shall be available to the Town for completion. (See **Form I-a**).
- c) The subdivider shall submit an agreement, suitable for recording, executed by the Planning Board and the Applicant setting forth the form of the guarantee and the stipulated time for completion of improvements as required in 3.3.12.1. a) and b) , which shall be recorded in the Registry of Deeds by the subdivider and a receipt therefore be delivered to the Planning Board.

3.3.13. Reduction of Performance Guarantee.

- 3.3.13.1. The penal sum of any such bond held under 3.3.12.1. subparagraph b)(1) or any deposit held under subparagraph b)(2) or any amount of funds retained pursuant to an agreement under subparagraph b)(4) shall bear a direct and reasonable relationship to the expected cost, including the effects of inflation, necessary to complete the subject work. Such amount or amounts

shall from time to time be reduced so that the amount bonded, deposited, or retained continues to reflect the actual expected cost of work remaining to be completed (See **Form J**).

3.3.14. Release of Performance Guarantee.

3.3.14.1. Upon completion of improvements required under Section 5.0, security for the performance of which was given by bond, deposit, covenant, or agreement or upon the performance of any covenant with respect to any lot, the developer or owner, at his expense, shall cause to be published in a newspaper of general circulation in the Town of Hudson at least fourteen (14) days prior to the final release of the performance bond or surety, an announcement that such release is contemplated and shall deliver to the Planning Board a copy of the page containing a copy of the announcement. He shall also send by registered mail to the Town Clerk and the Planning Board a written statement that the said construction and installation in connection with which such bond, deposit, covenant, or agreement has been secured, has been completed in accordance with the requirements contained under Section 5.0., such statement to contain:

- a) Name and address of Applicant.
- b) A compliance certificate signed by the Planning Board that the development has been completed according to the Rules and Regulations of the Planning Board and the Town of Hudson Zoning By-Laws, shall be recorded in the Registry of Deeds by the Applicant, and a receipt therefore be delivered to the Planning Board.
- c) Copies of, or reference to, the requisite number of inspection forms and reports.
- d) An As-Built Plan. See Section 5.1.8.
- e) Written evidence as to construction of all ways and sidewalks, installation of monuments, street signs, traffic signs, pavement, lighting, gutters and curbs, required grading and drainage, water mains, hydrants and appurtenances, adequate lot drainage, planting and seeding, all in accordance with the Definitive Plan.
- f) Written evidence from the Board of Health as to the installation of the fire alarm system, all in accordance with the Definitive Plan.
- g) Written evidence from the Department of Licenses, Permits & Inspections as to conformance to the Town of Hudson Zoning By-Laws.

- 3.3.14.2. If the Planning Board determines that the construction has been completed, the Planning Board shall notify the Town Treasurer within forty-five (45) days that the Planning Board releases the interest of the Town in the bond or deposit, if any, and that it shall be returned to the person or persons who furnish same, or, in the case of covenant or tri-partite agreement, the Planning Board shall issue a written release of the covenant or agreement.
- 3.3.14.3. If the Planning Board determines that said construction or installation has not been completed, it shall specify to the developer in writing, by registered mail, the details wherein said construction and installation shall have failed to comply with requirements contained under Section 5.0 and shall send a copy of said notification to the Town Treasurer, the bonding company, if any, and the third party to the tri-partite agreement if there is such an agreement. Upon failure of the Planning Board to act on such application within forty-five (45) days after the receipt of the application by the Town Clerk and the Planning Board, all obligations under the bond will cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void.
- 3.3.14.4. In the event that said forty-five (45) day period expires without such specification, or without the release and return of the deposit or release of the covenant or agreement as foresaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.
- 3.3.15. Acceptance by the Town.
 - 3.3.15.1. The subdivider shall file with the Planning Board an Acceptance Plan and a final As-Built Plan on tracing cloth, mylar, or similar substance of completed street or streets, utilities, and easements, together with proper legal descriptions for initiating an article in the Town Warrant pursuant to the acceptance of the ways by the Town Meeting (See Section 5.0.) and shall grant a deed to the Town for the streets, utilities and easements, as needed in the plan, said deed to be recorded by the Town upon acceptance of the streets by the Town Meeting.
- 3.3.16. Phasing.
 - 3.3.16.1. If a subdivision is to be constructed in phases, each phase shall be completed before the next in sequence is begun, unless written permission of the Planning Board is obtained.

4.0 DESIGN STANDARDS.

- 4.1. Streets.
 - 4.1.1. Location.

- 4.1.1.1. All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel and an attractive street layout in order to obtain the maximum safety and amenity for future residents of the subdivision, they shall be so designed as to minimize cut and fill, and they shall be in accord with the rules and regulations of the Board of Selectmen and the Departments of Public Works.
 - 4.1.1.2. The proposed streets shall conform in location, so far as practical, to any existing plans of the Planning Board, to the Master Plan or parts thereof adopted by the Planning Board, and where required by the Planning Board, to the existing street system.
 - 4.1.1.3. Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property, whether or not subdivided.
 - 4.1.1.4. Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Planning Board, such strips shall be in the public interest.
 - 4.1.1.5. Adequate Access from Public Way.
 - a) Where the street system within a subdivision does not connect with or have, in the opinion of the Planning Board, adequate access from a Town, County, or State (public) way, the Board may require as a condition of approval of a plan, that such adequate access be provided by the subdivider, and/or that the subdivider make physical improvements to and within such a way of access, in accord with the provisions of Section 5.0. of these regulations, from the boundary of the subdivision to a Town, County, or State way.
 - b) Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the subdivider to dedicate a strip of land for the purpose of widening the abutting public way to a width at least commensurate with that required within the subdivision, and to make physical improvements to and within the subdivision. Any such dedication of land for the purpose of such way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the subdivider.
- 4.1.2. Alignment.

4.1.2.1. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall be prohibited.

4.1.2.2. The minimum centerline radii of curved streets shall be as follows:

| | | |
|-------------------|--------------------|--------|
| Minor streets | One hundred feet | (100') |
| Collector streets | Two hundred feet | (200') |
| Secondary streets | Three hundred feet | (300') |
| Major streets | Five hundred feet | (500') |

4.1.2.3. A tangent at least one hundred and fifty (150) feet in length shall separate all reverse curves on major and secondary streets, except where at least one (1) radius is five hundred (500) feet or more or where the radius of curvature of both the curves is in excess of two (2) times the minimum specified in Section 4.1.2.2.

4.1.2.4. Streets shall be laid out so as to intersect at right angles. No street shall intersect any other street at less than sixty (60) degrees.

4.1.2.5. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than thirty (30) feet. However, when the intersection of two (2) streets varies more than ten (10) degrees from a right angle, the radius of the curve at the obtuse angle may be less, and at the acute angle may be greater than thirty (30) feet, to the extent approved or required by the Planning Board.

4.1.2.6. Streets shall be laid out so as to intersect at intervals in a range of six hundred (600) feet to twelve hundred (1,200) feet in length, unless otherwise specified by the planning Board. In special instances, the Planning Board may approve an easement for a future street in lieu of actual construction of a cross street.

4.1.3. Width.

4.1.3.1. The minimum width of right-of-way shall be as follows:

a) Minor, collector and secondary streets: fifty (50) feet, except sixty (60) feet for a secondary street in an area which, in the opinion of the Planning Board, will become a high density area.

b) Major streets and such secondary streets which, in the judgment of the Planning Board may, in the future, be changed in character to become a major street: sixty (60) feet in a low density area or greater, as provided in Section 4.1.3.2.

4.1.3.2. When a minor street will provide the only access for lots fronting on a length in excess of five hundred (500) feet or where, on a major street, potential volume of safety warrants, in the opinion of the Planning Board, the Board may require a greater right-of-way than that specified above and may require construction of a divided roadway.

4.1.4. Grade.

4.1.4.1. The centerline grade of any street shall not be less than five-tenths of one percent (0.5%). However, a centerline of not less than seven-tenths of one percent (0.7%) is preferred.

4.1.4.2. The maximum centerline grade for streets shall be as follows:

| | | |
|-------------------|---------------|-------|
| Minor streets | seven percent | (7%)* |
| Collector streets | seven percent | (7%)* |
| Secondary streets | six percent | (6%)* |
| Major streets | five percent | (5%)* |

- PLUS up to two (2) percent, for a distance not in excess of three hundred (300) feet.

4.1.4.3. Where changes in grade exceed one-half of one percent (0.5%), vertical curves will be provided. The minimum length of vertical curves shall be designed in accordance with the following:

$$L = K * (G1 \% - G2 \%)$$

G = Grade

L = Length

The values for K are as listed below:

| | Minor & Collector Streets | Secondary & Major Streets as determined by the Planning Board |
|--------|------------------------------|---|
| Crests | 28 | 55 |
| Sags | 35 | 55 |

Roadways should have a cross slope at two (2) percent or one-quarter (1/4) inch per foot.

4.1.4.4. The grade of any street, unless approved by the Planning Board, shall be so designed that the surface runoff of water shall be from the building line to the street. When one side of a street drops off so that surface water runoff cannot drain into the street, provision must be shown for drainage tiles and

catch basins, with any easement needed, to prevent overflow onto neighboring lots or erosion of banks.

- 4.1.4.5. When a grade is four (4) percent or greater within one hundred and fifty (150) feet of the intersection of street right-of-way lines, there shall be provided in a residential subdivision containing only one (1) family dwelling, a leveling area of at least seventy-five (75) feet, with a maximum grade of three (3) percent, and in all other subdivisions, a leveling area of at least two hundred (200) feet, with a maximum grade of two (2) percent.
- 4.1.4.6. When curves and grades combine to create potentially dangerous driving conditions, the Planning Board may require a suitable amount of super elevation of the curves or other protection.
- 4.1.5. Dead-end Streets.
 - 4.1.5.1. For the purposes of this section, any proposed street which intersects solely with a dead-end street shall be deemed to be an extension of the dead-end street. Dead-end streets and their extensions, if any, shall not be longer than five hundred (500) feet unless the water system is looped or, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions. Dead-end streets shall be measured from the right-of-way line of the intersecting street. If a dead-end street is longer than one thousand (1,000) feet in a non-residential subdivision, the Board may require a divided roadway. No dead-end street or extension thereof shall be less in length than one and one-half (1½) times the frontage requirement for the zoning district in which it is located, said length to be measured from the right-of-way line of the intersecting street to the outside diameter of the cul-de-sac (turnaround).
 - 4.1.5.2. Dead-end streets shall be provided at the closed end, with a turnaround having an outside roadway diameter of at least one hundred and ten (110) feet and a property line diameter of at least one hundred and twenty (120) feet, unless otherwise specified by the Planning Board. The Planning Board may, at its option, require a minimum outside roadway diameter of one hundred and forty (140) feet and a property line diameter of one hundred and sixty (160) feet, if the dead-end street is not intended to connect with another street at some future point in time. When a future street is projected beyond the circle, the circle shall be designed in relation to such extension. The turnaround or stub shall be located at the property line of the subdivision, unless the Planning Board approves otherwise.
 - 4.1.5.3. The Board may require a roadway easement from the end of the dead-end street to adjacent property. If a dead-end street is subsequently extended beyond the required turnaround, any easement appurtenant to a lot not abutting the turnaround, except that portion of the turnaround included in

said extension, shall terminate upon the approval and recording of the certificate by the Planning Board of the construction of said extension, at which time additional land used for the circle may be relinquished to the adjacent property.

4.1.6. Street Names.

4.1.6.1. Street names shall be subject to the approval of the Planning Board to provide names in keeping with the character of the Town. Proposed street names shall not duplicate nor bear phonetic resemblance to the name of existing public ways, paper streets, or any other way qualified to afford frontage under Section 81-L of Chapter 41 of the General Laws. A proposed street which is in alignment with an existing street shall bear the same name as the existing street.

4.1.6.2. Street names must be approved prior to final approval of the Definitive Plan by the Planning Board.

4.1.7. Streets in More Than One Town.

4.1.7.1. Each lot in a subdivision must be served by an approved way lying within the Town bounds.

4.1.7.2. If a subdivision is divided by a Town boundary, the Planning Board shall condition approval of the Definitive Plan on approval of the remaining portion of the plan by the Planning Board of the city or town in which it is located.

4.2. Driveways and Curb Cuts.

4.2.1. Driveways in subdivisions containing one- (1) and/or two- (2) family dwellings only shall be at least ten (10) feet wide and have a curb return at the roadway of two (2) feet in radius and shall have an opening of at least sixteen (16) feet at the gutter line.

4.2.2. Driveways for non-residential uses shall be at least sixteen (16) feet wide and have a curb return at the roadway of two (2) feet in radius and shall have an opening of at least twenty (20) feet at the gutter line.

4.2.3. Where rolled curbs or no curbs exist, the driveway flare shall have a three (3) foot radius. Driveway cuts shall not be within sixty-five (65) feet of the intersection of the centerline of intersecting streets.

4.2.4. If driveways slope from the edge of the street right-of-way to the edge of the pavement, there shall be a grade of not less than one (1) percent but not more than eight (8) percent, but the grade between the sidewalk and the

right-of-way shall be only as shown on the **Cross-sections, Schedules A and B**.

4.2.5. At every intersection, ramps three (3) feet wide shall be provided, adjacent to the granite curb sections required in Section 5.6.1.

4.3. Easements.

4.3.1. Where utilities cross lots or are centered on rear- or side-lot lines, easements shall be provided of a width of at least thirty (30) feet.

4.3.2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, the Planning Board may require a storm water easement or drainage right-of-way of adequate width and proper side slope 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 no case shall the width be less than thirty (30) feet or the side slope be steeper than two (2) horizontal to one (1) vertical.

4.3.3. Access easements to park and conservation land shall be provided, if required by the Planning Board, and shall be at least thirty (30) feet wide.

4.3.4. Wherever possible, easements along rear-lot lines shall be continuous to the street at the end of the block to connect with the adjoining blocks in the shortest direct line.

4.3.5. Where trails traverse the land shown on the plan, an easement at least fifteen (15) feet wide shall be shown, which may be limited to passage on foot or horseback. Where the present location of the trails interferes with logical development of the land, adjustments shall be made to relocate the trail or to connect the trail to a street right-of-way, another trail or suitable open space.

4.4. Open space.

4.4.1. Before approval of a plan the Planning Board may also, 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 relation to the land being subdivided and to the prospective uses of such land. The Planning Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years. Each area reserved for such purpose shall be of suitable area, dimensions, topography, and natural character for the purposes of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision, as approved by the Planning Board. The Planning Board may

require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. Unless otherwise specifically approved by the Planning Board, the total amount of area to be reserved for park and/or playground purposes shall be no less than ten (10) percent of the gross area of the subdivision. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Planning Board.

4.4.2. Pedestrian ways, bikeways, or bridle paths of not less than fifteen (15) feet in width may be requested where deemed desirable, to provide circulation or access to schools, playgrounds, parks, shops, transportation, open spaces, and/or community facilities, as provided in Section 4.10.

4.4.3. The Town shall have the right to acquire ownership of same by gift or as provided in Section 81-Q of Chapter 41 of the General Laws.

4.5. Protection of Natural Features.

4.5.1. Due regard shall be shown for all natural features, such as large trees, wooded areas, water courses, scenic points, historic spots, and similar community assets which, if preserved, will add attractiveness and value to the subdivision. Outside of street right-of-ways, no trees over a fifteen (15) inch caliper measured at four (4) feet above the existing grade shall be removed or have the grade level surrounding the trunk altered by more than six (6) inches without approval of the Planning Board after its consultation with the Conservation Commission.

4.6 Lot Drainage.

4.6.1. Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another: if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of adequate width and proper side slope shall be provided. Storm drainage shall be designed in accord with the specifications of the Planning Board. Where required by the Planning Board or the Board of Health, the Applicant shall furnish evidence as to any lot or lots to either Board that adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.

4.7. Fire Hydrants.

4.7.1. Hydrants shall be provided every five hundred (500) running feet on one side of each street, unless a greater distance is approved by the Chief of the Hudson Fire Department in writing. They shall be of a style approved both by the Fire Chief and the American Insurance Association.

4.8. Sidewalks, Grass Plots, Trees, Curbs and Berms.

4.8.1. Sidewalks shall be provided on one side of each street for the full length of major streets. Sidewalks shall be provided in the vicinity of pedestrian generators on minor and secondary street, as required by the Planning Board and in any area determined by the Planning Board to be a high density area. Minimum widths of sidewalks shall be five (5) feet.

4.8.2. See **Cross-sections** in **Schedules A** and **B**.

4.8.2.1. Sidewalks, grass plots, trees, curbs, and berms shall be shown in accord with these cross-sections and the requirements of Section 5.0.

4.9. Utilities.

4.9.1. General

4.9.1.1. Required utilities include water, sewer, storm drainage, telephone, electricity, gas, street lights, fire alarm systems, and cable TV, unless otherwise specified by the Planning Board. The Applicant shall submit evidence of complete financial arrangements with private utility companies prior to approval.

4.9.1.2. All utilities shall be placed underground at the time of initial construction. The Planning Board may permit transformers, switches, and other such equipment to be placed on the ground in approved locations, screened from view with evergreen shrubbery.

4.9.1.3. Where adjacent property is not subdivided or where all the property of the Applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision at such grade and size as will, in the opinion of the Planning Board, permit their proper extension at the later date.

4.9.1.4. Adequate disposal of surface and subsurface water shall be provided on both sides of the roadway, at intervals not to exceed three hundred (300) feet, unless otherwise approved by the Planning Board and at such other places as deemed necessary by the Planning Board, to assure adequate drainage of all low points and to provide proper runoff of storm water. In no instances shall catch basins be located along a driveway cut.

4.9.2. Sewerage.

- 4.9.2.1. If a public sewerage system is located within two thousand (2,000) feet down slope from a non-residential subdivision or a multiple-family subdivision or within one thousand (1,000) feet of a one (1) or two (2) family subdivision, all lots shall be connected to the public sewerage system by the developer.
- 4.9.2.2. If a public sewerage system is planned to be installed within one thousand (1,000) feet down slope of any subdivision with three (3) years of the date of submission of the Definitive Plan as indicated by prior Town Meeting action, the sewer system shall be installed by the developer in the street and to every lot which can be connected later to the public sewerage system.
- 4.9.2.3. If public sewerage connections are not required according to the above, or if the panned public sewerage system has not yet been installed to within the required distance of the proposed subdivision, private on-lot or communal sewerage systems, as approved by the Board of Health, shall be installed. The on-lot facility shall be located in the front yard wherever practicable to facilitate connections to an eventual public sewerage system.
- 4.9.2.4. Manholes shall be located at every change in grade or horizontal alignment but not more than three hundred (300) feet apart.
- 4.9.3. Water.
 - 4.9.3.1. Every subdivision shall be connected to the municipal water system, unless otherwise approved by the Planning Board and the Board of Health.
 - 4.9.3.2. Water, where water systems are required, pipes, and related equipment such as hydrants and main shutoff valves, shall be installed within the subdivision as necessary to provide all lots on each street with adequate water supply for domestic and fire protection.
 - 4.9.3.3. All house connections shall be installed in accord with the requirements of the municipal water system.
 - 4.9.3.4. If the Planning Board and Board of Health approves a private well or private water system, the requirements of the Board of Health shall govern the design of the well or system.
 - 4.9.3.5. The water system shall be designated so as to minimize infiltration.
- 4.9.4. Storm Drainage.
 - 4.9.4.1. The drainage system shall be laid out to the satisfaction of the Board, which will require provision of such facilities and arrangement thereof as, in its opinion, are necessary to:

- a) Permit unimpeded flow of all natural water courses.
 - b) Insure adequate drainage of all low points along streets.
 - c) Intercept excessive ground water in the subsoil along the streets.
 - d) Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- 4.9.4.2. Catch basins will be required on both sides of the roadway on continuous grades at intervals of not more than three hundred (300) feet; at all low points in the grade, and near the corners of the roadway at intersecting streets. Not more than two (2) catch basins shall be connected together before entering a manhole.
- 4.9.4.3. All drain pipes shall be laid in a straight line and grade. At every change in direction or grade, a manhole shall be provided.
- 4.9.4.4. Proper connections shall be made with the existing public drainage system. Where adjacent property is not subdivided, provision shall be made for extension of the system by continuing appropriate drains to the exterior boundaries of the subdivision, at such size and grade as will allow for their proper projection.
- 4.9.4.5. The Board may also require provision for subsoil drains, along or near the edge of the traveled way in addition to the trunk line system, wherever, in its opinion, ground water conditions in the subsoil warrant such drains.
- 4.9.4.6. In no instance shall catch basins be located at driveway entrances.
- 4.9.5. Gas.
- 4.9.5.1. If gas connection is available, mains shall be installed and T connections for each lot extended to the right-of-way line.
- 4.9.6. Fire Alarm System.
- 4.9.6.1. One (1) fire alarm box shall be provided for each one thousand (1,000) linear feet, or fraction thereof, of street within the subdivision. Exact location of boxes shall be specified by the Hudson Fire Department and indicated on the plan. The circuit shall be installed so that it may be connected with a circuit on a Town way adjoining the subdivision. See Section 5.1.2.
- 4.10. Bikeways, Walkways and trails.

4.10.1. Public bikeways, pedestrian walkways or trails may be required by the Planning Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space, and/or community facilities, or for such other reason as the Board may determine. These may or may not be part of normal sidewalk provisions, but they shall not be a part of any lot in the subdivision. Bikeways and walkways shall conform to the following standards:

4.10.1.1. Minimum right-of-way width:

Fifteen (15) feet.

4.10.1.2. Minimum pavement width for bikeways and walkways:

Ten (10) feet.

4.10.1.3. Maximum gradient:

Five (5) percent for segments less than one hundred (100) feet in length, three (3) percent elsewhere.

4.10.1.4. Minimum center line radius:

Twenty-five (25) feet.

4.11. Common Driveways.

4.11.1. Common driveways as permitted by Town By-Laws, and all drives serving more than two dwelling units, if permitted by a variance issued by the Zoning Board of Appeals, shall meet the following standards:

4.11.1.1. Minimum Width: Eighteen (18) feet for residential use, twenty-four (24) feet for all other uses.

4.11.1.2. Maximum Grade: Two (2) percent for the first twenty (20) feet, and nine (9) percent thereafter.

4.11.1.3. Maximum Length: Two hundred fifty (250) feet.

4.11.1.4. Curb Cut: Not nearer than sixty-five (65) feet from the centerline intersections of any rights-of-way.

4.11.1.5. In addition, the design shall, in the opinion of the Planning Board, assure adequate safety for emergency vehicles and shall provide for adequate drainage of surface waters.

4.11.1.6. All requirements of 3.3.8.1. and 5.13. also must be met.

5.0 REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION.

5.1. General.

5.1.1. No street or way through private property shall be accepted by the Town unless the same be previously constructed and completed in accordance with the Standard Cross-section (See **Schedules A and B**), Street Layout Plan, Profile, and the following specifications:

5.1.2. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the “Town of Hudson, Department of Public Works, Construction Specifications, January 1, 1963 as amended” and to the requirements of the “Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways, Bridges and Waterways, 1988 Edition as amended”, hereinafter referred to as Standard Specifications, as amended and the Special Provisions included hereinafter. Appropriate illustrations are found in “Commonwealth of Massachusetts, Department of Public Works, Construction Manual Part 3, 1966 as amended”.

5.1.3. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications, amendments or addenda. These specifications and special provisions shall take precedence and shall govern when they are stricter.

5.1.4. To facilitate reference, each paragraph in these specifications is noted with the paragraph number of the particular section as contained in the Standard Specifications.

5.1.5. Wherever in the Standard Specifications or other contractual documents, the following terms, or pronouns in place of them, are used, the intent and meaning shall be interpreted by substitution as follows:

“Commonwealth” Town of Hudson

“Department” Department of Public Works and Board of
Selectmen of the Town of Hudson

“Engineer”

The Planning Board of the Town of Hudson, acting directly or through an authorized representative, such representative acting within the scope of the particular duties entrusted to him.

- 5.1.6. The extent of work required shall be as shown upon approved plans, and in compliance with the Standard Cross-section plans. Stakes shall be set which will indicate the exact amount of cut or fill.
- 5.1.6.1. Offset stakes shall be set under the direction of a Registered Land Surveyor at fifty (50) foot intervals and at each sewerage and drainage structure and at each hydrant, to indicate the location and the exact amount of cut, fill or grade.
- 5.1.6.2. Improvements to minimize adverse environmental impact, if required, shall be installed in accordance with all details as shown on the approved Definitive Plan, and all possible measures shall be taken during construction to minimize dust and erosion.
- 5.1.6.3. No earth shall be removed from the area shown on a Definitive Plan except in accordance with the approved plan.
- 5.1.7. As each construction operation is completed, it shall be inspected and approved by the proper Town authority prior to starting working on the succeeding operation.
- 5.1.8. As-Built Plans and Acceptance Plans.
- 5.1.8.1. At the time the street or way or portion thereof is ready for acceptance and to facilitate acceptance by the Town of Hudson, the developer shall have prepared and certified by a Registered Land Surveyor a “Plan of Acceptance” drawn with india ink on tracing cloth, mylar or similar substance (size 18” X 24” or 24” X 36”), showing widths, lengths, bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines. It shall show that all stone bounds have been set. Bearing directions shall follow the legal description exactly.
- 5.1.8.2. A blank space (4” X 8”) shall be provided on the lower right-hand corner of the plan for a title block to be filled in by the developer. The surveyor shall place a certification on the plan stating “The street (or way or portion thereof) is laid out and the bounds have been set as shown on this plan” and shall be dated, signed, and the surveyor’s stamp affixed thereon. One

(1) copy of the plan shall be submitted to the Board of Selectmen and one (1) copy to the Planning Board.

5.1.8.3. The developer shall have the original plans and profiles that were submitted to the Planning Board and that are on file in the Planning Board Office, corrected and certified by his engineer, to show the actual as-built locations and grades of all utilities and roadway profiles and any changes authorized by the Planning Board.

5.1.8.4. The developer shall submit one (1) mylar sepia and six (6) prints of the Acceptance Plan and six (6) prints of the As-Built Plan to the Department of Public Works.

5.2. Street and Roadway.

5.2.1. The roadway shall be graded and prepared for pavement as follows:

5.2.1.1. 101 Clearing and grubbing of the entire area of such street or way shall be performed to remove all trees not intended for preservation, stumps, brush, roots, rocks, or boulders and like material which may exist upon the surface.

5.2.1.2. 120 Roadway earth excavation shall remove all materials encountered down to the true surface of the subgrade, or to suitable materials in areas where unsuitable material exists, in preparation for foundation of roadway, sidewalks, driveways and berms. Approved material obtained from the excavation may be used in fills as required if, in the opinion of the Planning Board, they are suitable.

5.2.1.3. 150 When, in the opinion of the Planning Board, suitable material is not available within the limits of the highway location to form the subgrade or sub-base, the contractor shall obtain such additional material from other sources in accordance with this section and as may be approved by the Planning Board.

5.2.1.4. 170 The subgrade surface, sixteen (16) inches below the finished surface grade in minor and secondary streets, and eighteen (18) inches below the finished surface grade in major streets in residential subdivisions and in all streets in non-residential subdivisions, shall be prepared true to the lines, grades and cross-sections given and properly rolled. All soft or spongy material below the subgrade surface shall be removed to a depth determined by the Planning Board, and the space thus made shall be filled with special gravel borrow containing no stones over six (6) inches in their largest diameter.

5.2.1.5. 401 Gravel sub-base or foundation containing no stones having any dimensions greater than six (6) inches shall be spread in two (2) equal

layers on the surface of the subgrade to a minimum depth of twelve (12) inches in conformity with requirements of Section M 1.02.0. Gravel borrowed shall be Type A, as specified in the Standard Specifications. Each layer shall be thoroughly watered, rolled, and compacted true to line and grade. Any depressions that appear during and after the rolling shall be filled with additional gravel and re-rolled until the surface is true.

5.2.1.5.b. 402 Dense graded base shall be spread in one 6-inch layer on the surface of the 12-inch gravel sub-base, in conformity with the relevant provisions of the Standard Specifications.

5.2.1.6. 401.60 Final grading, rolling and finishing, including the shaping, trimming, rolling and finishing of the surface of the sub-base prior to application of gravel for surfacing of the roadway and base courses for walks or loam for berms shall be in accordance with this section as directed by the Planning Board.

- a) If the Planning Board determines that enough time has elapsed to make it desirable, a tack coat meeting their specifications shall be applied prior to the application of the second layer of gravel.
- b) At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed, as provided in Section 5.9.

5.2.2. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in Section 4.1.2.5. The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Planning Board. The minimum and maximum widths of roadways shall be as follows:

| | Right-of-Way Width as Required <u>in Section 4.1.3.</u> | Pavement <u>Width</u> |
|------------------|---|--------------------------|
| Major Street | 60 feet | 30 feet |
| Secondary Street | 50 feet | 28 feet |
| Collector Street | 50 feet | 28 feet |
| Minor Street | 50 feet | 28 feet |

All pavement widths shall be as defined above but are subject to alteration by the Planning Board at its option.

- 5.2.3. 460 The wearing surfaces of roadways shall be of Class I Bituminous Concrete Pavement, Type I-1. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant-mixed and laid hot. The pavement shall be constructed in conformity with lines, grades, and typical cross-section shown on plans. Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications, except that no such construction shall be undertaken before March 30th of any year nor after November 1st of any year without written permission of the Planning Board Agent.
- 5.2.3.1. Pavement on minor, collector, and secondary streets shall be laid to a finished depth of three (3) inches, laid in two (2) one and one-half (1½) inch courses. Pavement on all major streets shall be laid to a finished depth of four (4) inches laid in two (2) courses: the base course shall be two and one-half (2½) inches and the top course shall be one and one-half (1½) inches.
- 5.2.3.2. Greater pavement thickness shall be required by the Board on roadways subject to heavy traffic such as in non-residential subdivisions or in selected major streets and/or secondary streets of residential subdivisions.
- 5.2.4. 685 Embankments outside, within or adjoining the right-of-way shall be evenly graded and pitched at a slope of not greater than two (2) horizontal to one (1) vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the Planning Board. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, and rip-rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with and approved by the Planning Board. Whenever embankments are built in such a way as to require approval by the Planning Board, the developer must furnish to the Town duly-recorded access easements, free of encumbrances for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.
- 5.2.5. Loam shall be placed on all shoulders, embankments, and other areas disturbed by the construction, to a depth of four (4) inches. Grass conforming to Section M 6.03.0 of the Standard Specifications shall be placed at the rate of four (4) pounds per one thousand (1,000) square feet, or such other ground cover as the Planning Board may approve.
- 5.3. Utilities.
- 5.3.1. General

- 5.3.1.1. Installation and materials, unless otherwise specified, shall conform to the standards of the Town of Hudson.
 - 5.3.1.2. 140 Excavation for structures, including foundations for drains, sewers and water pipes, wells, and other structures shall be made to the depth as indicated on the Definitive Plan or established by the Planning Board as appropriate. Rock excavation designated as Class B, encountered in trench excavation, shall be removed as directed by the Planning Board.
 - 5.3.1.3. 200 All drain, sewer, gas and water pipes, underground utilities and other structures shall be installed upon the completion of roadway subgrade and before the placing of the sub-base, gravel base course, sidewalks or pavement. If the pavement is removed, excavated or damaged, the trench shall be covered with a poured, reinforced concrete slab to the lines, grades and dimensions approved by the Planning Board.
 - 5.3.1.4. Where adjacent property is not subdivided, or where all the property of the Applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Planning Board, permit their proper extension at a later date.
- 5.3.2. Water.
- 5.3.2.1 Public water mains and related facilities shall be installed to the standards of the Hudson Department of Public Works. Hydrants shall be located as specified in Section 4.7.
 - 5.3.2.2. Each hydrant shall be served directly from the water main through a six (6) inch lateral connection. It shall be gated with a five (5) inch bottom valve and shall have two (2) two and one-half (2½) inch hose outlets and one (1) four and one-half (4½) inch steamer outlet. Water main valves shall be located in such number and locations that lines by individual block may be isolated for maintenance purposes.
 - 5.3.2.3. Where a public water system is located within four hundred (400) feet of the subdivision, the subdivider shall connect to the public water system. Where a public water system is not located within four hundred (400) feet of the subdivision, the subdivider may install a private on-lot water system.
 - 5.3.2.4. Private on-lot water systems shall be located a minimum of fifty (50) feet from a septic tank, one hundred (100) feet from a leaching field, seepage pit and cesspool, ten (10) feet from durably-constructed building sewer, and one hundred (100) feet from a privy. Such systems shall be constructed in accordance with the U. S. Environmental Protection Agency, Office of

Drinking Water, Manual of Individual Water Supply Systems, EPA-570/9-82-004, Washington DC, October 1982. It shall also conform to Massachusetts Department of Public Health regulations.

5.3.2.5. Community-type systems, or the joint use of wells shall be subject to the standards of the Massachusetts Department of Public Health and acceptance of the Hudson Board of Health.

5.3.3. Sewerage.

5.3.3.1. Where public sewers are required, they shall be designed and constructed in accordance with the requirements and specifications of the Hudson Department of Public Works.

5.3.3.2. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations and requirements of the Board of Health. On-site septic tanks and leaching fields may be located in either the front or rear yard of the building(s) served, with the front yard preferred. Due consideration should be given to surface and subsurface soil conditions, drainage and topography in the location of such on-site facilities, and in no instance can any portion of the sewage disposal facilities be located closer than ten (10) feet to a property line.

5.3.4. Drainage.

5.3.4.1. 200, 220, 230 Adequate disposal of surface and sub-surface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of Sections 200, 220, 230 of the Standard Specifications and shall be built on both sides of the roadway at intervals not to exceed three hundred (300) feet unless otherwise approved by the Planning Board, and at such other places as deemed necessary by the Planning Board to assure an unimpeded flow of all natural watercourses, to assure adequate drainage of all low points and to provide proper runoff of storm water. In no instances shall catch basins be located along a driveway cut. The standard depth of catch basins shall be two feet six inches (2'6") below the invert of lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of Section 230 for installations of pipes.

5.3.4.2. Cement concrete pipe and reinforced concrete pipe (used on all cross-drains under pavements) shall be installed according to the size as shown on the plans. No backfilling of pipes shall be done until the installation has

been inspected by the Planning Board Agent. All drainage trenches except cross- drains shall be filled with a clean gravel borrow in accordance with Specification 760. All cross-drain trenches shall be backfilled with selected material satisfactory to the Planning Board Agent.

5.3.4.3. 260 Where sub-drains are required, they shall be constructed in conformance with Section 260 of the Standard Specifications.

5.3.5. Gas.

5.3.5.1. Gas mains shall be installed if gas connection is available unless said installation is specifically waived by the Planning Board. See Section 4.9.5.

5.3.5.2. The Gas Company shall be notified by the developer upon approval of the Definitive Plan, so that the installation of gas mains may be completed without undue delay.

5.3.5.3. If excavation is made after the subgrade is completed and inspected, the mains shall be put in a trench covered with a poured, reinforced concrete slab to the lines, grades and dimensions approved by the Planning Board.

5.3.6. Telephone and Electricity.

5.3.6.1. Telephone lines shall be installed in underground conduits in conformity with Section 390 of the Standards Specifications. Electric lines shall be installed underground in accord with the regulations of the Hudson Light and Power Department. The Planning Board may permit transformers, switches and other such equipment to be placed on the ground in approved locations.

5.3.7. Other Utilities.

5.3.7.1. Any and all wiring shall be installed underground and may be in the same trench with vertical and/or horizontal separation as approved by the Planning Board. Service shall be provided to each lot and each street light before the subgrade is prepared.

5.3.7.2. Other utilities shall be installed in underground conduits in accord with Section 800 of the Standard Specifications or as required by the utility company or department.

5.4. Sidewalks.

- 5.4.1. Sidewalks shall be constructed within the subdivision, separated from the pavement area by a seeded grass plot. (See Section 5.7) When unusual topographic conditions require, the Board may approve the placement of a sidewalk at a greater distance from the roadway or at a higher or lower elevation in relation thereto, provided such variation is indicated on the Definitive Plan and accompanying cross-sections.
- 5.4.2. Sidewalks shall have a finished grade in relation to the finished grade of the roadway as shown on the applicable cross-section plan and shall extend the full length of each side of the street.
- 5.4.3. All materials shall be removed for the full width of the sidewalk to subgrade twelve (12) inches below the finished grade as shown on the cross-section, Schedules A and B.
- 5.4.4. 701 Bituminous concrete sidewalks laid in two (2) courses, each of one and one-half (1½) inches, shall have thickness of three and one-half (3½) inches after compression, shall be constructed on a six (6) inch gravel foundation to the required lines and grades in accordance with the Standard Specifications.
- 5.4.5. 701 If the Applicant prefers to install cement concrete sidewalks, they shall be constructed in conformity with this section of the Standard Specifications.
- 5.5. Bikeways and Walkways.
- 5.5.1. 701 Except as specified herein, where bikeways and walkways are required, they shall be constructed in conformance with Section 701 of the Standard Specifications.
- 5.5.2. Specifications for sidewalks contained in Section 5.4. shall apply to bikeways and walkways.
- 5.5.3. For the length of each bikeway and walkway there shall be a cross slope equivalent to three-eighths ($\frac{3}{8}$) of one inch per foot of width, to provide for proper drainage. Leveling areas at intersections with sidewalks shall be shown in details.
- 5.6. Curbs, Berms and Guard Rails.
- 5.6.1. Bituminous concrete berms shall be MDP Type 3 and shall be provided along each side of the roadway, except that granite curbs of the same height and Type VA4 (Sub-section M 9.04.) shall be provided:
 - 5.6.1.1. At intersections along the roadway, the distance of the arcs of the curves plus a straight section at each end of eight (8) feet.

- 5.6.1.2. Along each edge of a roadway where the grade exceeds five (5) percent.
- 5.6.1.3. On the inner side of all curves, with a radius less than two hundred and fifty (250) feet.
- 5.6.3. In the event that the Planning Board waives curbs and berms, paved gutters shall be provided along each edge of the roadway where the grade exceeds three (3) percent.
- 5.6.4. The profile of the berm is subject to Planning Board approval.
- 5.6.5. 600 Guard rails shall be installed for safety at curves or filled areas as required by the Planning Board, in accordance with the Standard Specifications for steel beam guard rails.
- 5.7. Grass Plots.
- 5.7.1. 751, 765 A three and one half (3½) foot grass plot shall be provided on each side of each road way between the pavement and sidewalk areas, where sidewalks are required, and shall occupy all the remaining area not paved up to the right-of-way lines. The top four (4) inches of all required grass plots shall consist of good quality loam, rolled and planted.
- 5.7.2. Grass shall be used unless other ground cover is approved by the Planning Board. Seed shall conform to Section M 6.03.0 of the Standard Specifications.
- 5.7.3. The slope of the grass plot shall be a maximum of two (2) feet horizontal to one (1) foot vertical.
- 5.7.4. Street light stanchions and street lights shall be located at least ten (10) feet from the edge of the roadway in the grass plot or in the median, if there is one, but shall not be nearer than twenty-five (25) feet from the intersection of two (2) streets, measured from the intersection of the tangents of the intersecting street curb lines. If street lights are located in the median, the Board may require pedestrian lighting placed in the grass plot. (See also Section 5.11.)
- 5.8. Trees.
- 5.8.1. Street trees of a species approved by the Planning Board shall be planted on each side of each street in a subdivision, except where the Definitive Plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the Profile and Standard Cross-sections Schedules A and B, approximately at forty (40)

foot intervals and shall be at least twelve (12) feet in height, two (2) inches in caliper, measured four (4) feet above the approved grade and shall not be closer than five (5) feet nor more than ten (10) feet from said right-of-way line. Trees shall be planted in accordance with Section M 6.06.0 and M 6.09.0 of the Standard Specifications.

- 5.8.2. The developer shall plant other trees as needed to provide at least one (1) area of shade to each lot.
- 5.8.3. All deciduous street trees shall be clear of any branches from the approved grade level to a point seven (7) feet above ground level.
- 5.8.4. The developer will be liable for all trees so planted as to their erectness and good health for one (1) year after planting.
- 5.8.5. No evergreen trees such as pine, fir, spruce or hemlock are to be planted on an easterly or southerly side of a road, street or way.
- 5.8.6. Except as otherwise provided, all cut bankings shall be planted with a low-growing shrub or vine and wood-chipped to a minimum depth of six (6) inches, or seeded with a deep-rooted, perennial grass, to prevent erosion. (See also Section 5.2.4.)
- 5.8.7. All reasonable care shall be exercised to preserve the trees in the subdivision.
- 5.9. Monuments.
- 5.9.1. Monuments shall be installed on street lines, at all points of intersections of streets with each other and at all points of curvature, at all points of change of direction, at each point where the lot line intersects the street right-of-way, and at all points where, in the opinion of the Planning Board, permanent monuments are necessary.
- 5.9.2. Monuments shall be a standard permanent granite or reinforced concrete marker of not less than four (4) feet in length and not less than five (5) inches in width and breadth and shall have a three-eighths ($\frac{3}{8}$) inch drill hole in the center of the top surface. Said monuments shall be installed at the time of final grading, with the top flush with the final graded surface.
- 5.9.3. The placement and accurate location of these markers shall be certified by a Registered Land Surveyor and properly located on the street acceptance plans.
- 5.10. Street Signs and Names.

- 5.10.1. Street signs shall be installed at each intersection to conform to the standards established by the Town of Hudson.
- 5.10.2. Street names shall be approved by the Planning Board to prevent duplication and to provide names in keeping with the character of the Town.
- 5.10.3. 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.
- 5.11. Street Lights.
 - 5.11.1. Street and pedestrian pole and light types shall be approved by the Planning Board.
 - 5.11.2. Street and pedestrian light stanchions shall be located at such intervals as required by the Planning Board in the grass plot or median, as provided in Section 5.7.4. and shall be installed in accord with the procedure required by the Hudson Light and Power Company.
 - 5.11.3. Light poles must be a minimum twelve (12) feet high with three (3) inch top O.D. (G.E. Cat. # ARTA123s4.OASNX, or equal).
 - 5.11.4. Minimum two (2) inch Diam. PVC Schedule 40 electric conduit must be used.
 - 5.11.5. All electrical conduit must have thirty (30) inch minimum cover, and must be inspected by HLPD before trenches are covered.
 - 5.11.6. All conduits crossing roadways and driveways shall be encased in concrete.
 - 5.11.7. Electric marking tape must be installed one (1) foot above conduit.
 - 5.11.8. Wire size shall limit voltage drop to 3.5 percent.
 - 5.11.9. Minimum three (3) foot slack of wire shall be left by contractor on top of the pole for connections.
- 5.12. Fire Alarm System.

5.12.1. The fire alarm system shall be installed in accordance with the specifications of the Hudson Fire Department. See Section 4.9.6.

5.13. Common Driveways.

5.13.1. The driveway shall be graded in accord with Section 5.1. and a wearing surface applied in accord with Section 5.2.3.1., unless a lesser thickness is approved by the Planning Board, to a width of at least fifteen (15) feet.

5.14. Maintenance of Improvements.

5.14.1. For the purpose of protecting the safety, convenience and welfare of the Town's inhabitants; 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 reducing the danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; under the authority of Chapter 41, Section 81M as amended, the Applicant or his successor shall provide for the proper maintenance and repair of improvements under this section of the rules and regulations during the construction and for the period of eighteen (18) months after the completion of the construction of said improvements and the release of security or until the Town votes to accept such improvements, whichever comes first. Such maintenance shall include snow removal, beginning at the time of occupancy of an individual owner or tenant other than the developer.

5.15. Provision for Competent Supervision.

5.15.1. The Applicant shall provide competent supervision during the development of his subdivision. If at any time it becomes apparent to the Planning Board that the supervision is not satisfactory, they may order the discontinuance of the development until competent supervision is provided.

5.15.2. This shall include the necessary supervision to make sure that all temporary drainage controls, erosion and sedimentation controls, stock pile controls, and other such measures as contained in the approved Definitive Plan are adequately and properly provided and maintained.

5.16. Cleanup.

Any area disturbed by the construction and all rights-of-way shall be cleaned up so as to leave the area shown on the plan in a neat and orderly appearance free from debris, tree stumps, loose rocks, mounds of dirt, or other objectable material. Seeding of these areas may be required by the Planning Board. On-site burial of rocks, stumps or other debris takes place only with the approval of the Planning Board.

6.0 ADMINISTRATION.

6.1. Variation.

6.1.1. Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law. Any such waivers granted must be requested by the Applicant in writing and approved, by vote and in writing, by the Planning Board.

6.2. Reference.

6.2.1. For matters not covered by these rules and regulations, reference is made to Section 81-K to 81-GG inclusive, of Chapter 41 of the General Laws.

6.3. Building Permit.

6.3.1. No building shall be erected within a subdivision without written permission from the Planning Board.

6.3.2. The Board of Selectmen and/or Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under Chapter 41, Section 81-X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board, and in the event that more than one building for dwelling purposes be erected or placed or converted to use as such on any lot, that the Board of Selectmen and/or Building Inspector is satisfied that consent has been obtained from the Planning Board in accord with Section 2.4. of these rules and regulations, Chapter 41 Section 81-Y, and amendments thereto.

6.3.3. In the case of a bond, surety, or tri-partite agreement, no structure shall be occupied until at least the base course of bituminous concrete, as specified in Section 5.0., has been applied to the streets which serve the structure. In the case of a covenant in lieu of a bond or surety, no occupancy permit shall be issued until all improvements are completed.

6.4. Inspections.

6.4.1. Inspections shall be arranged by the developer with the Planning Board Agent for that purpose prior to the construction of streets and the installation

of utilities and during construction, as specified herein at each significant construction stage. See Form P.

6.4.2. Inspection shall be requested in writing at least forty-eight (48) hours in advance of each inspection to the Planning Board.

6.4.3. Inspection shall be by the Director of Public Works, or other designated Planning Board Agent, except where otherwise noted, for the following:

- Satisfactory excavating.
- Satisfactory layering of water and sewer mains, hydrants, and related equipment.
- Satisfactory laying of gas mains and related equipment.
- Satisfactory installation of surface and subsurface drainage system and related equipment.
- Satisfactory filling.
- Satisfactory compacting.
- Satisfactory installation of electric lines and related equipment.
- Satisfactory installation of telephone lines and related equipment.
- Satisfactory completion of the pavement.
- Satisfactory placing of curbs and gutters.
- Satisfactory construction of sidewalks.
- Satisfactory finish grading of grass plots.
- Satisfactory installation of monuments.
- Satisfactory grading of lots.
- Satisfactory installation of fire alarm system by the Hudson Fire Department.
- Satisfactory planting of street trees.
- Satisfactory final clean-up.

- 6.4.4. The Planning Board may establish the order of the required inspections and may require satisfactory completion of one step before the subdivider proceeds to the next. It may require tests to be done by the subdivider as a condition for approval of the Planning Board is advisable.
- 6.4.5. The proper Town official or agent shall indicate on Form P – Inspection Form. Provided by the Planning Board, the date of inspection and the approval and shall file such form with Planning Board whereupon the cost of the inspection shall be paid to the inspector from the inspection escrow account.
- 6.4.6. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the Applicant or rescission of the approval of the plan, in accord with Chapter 41, Section 81-W of the General Laws of Massachusetts.
- 6.5. Meetings.
- 6.5.1. The Planning Board will hold regular and/or special meetings on such dates as will be designated and on file with the Town Clerk.
- 6.6. Validity.
- 6.6.1. If, in any respect, any provision of these rules and regulations in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be invalid and in all other respects these rules and regulations shall stand as if such invalid provision had not been made, and they shall fail to the extent, and only to the extent, of such invalid provision, and no other provision of these rules and regulations shall be invalidated, impaired or affected thereby.
- 6.7. Effective Date.
- 6.7.1. These regulations become effective after approval by the Board, certification by the Town Clerk and filing with the Register of Deeds and the Recorder of the Land Court, July 1, 1993.

7.0 Appendix.

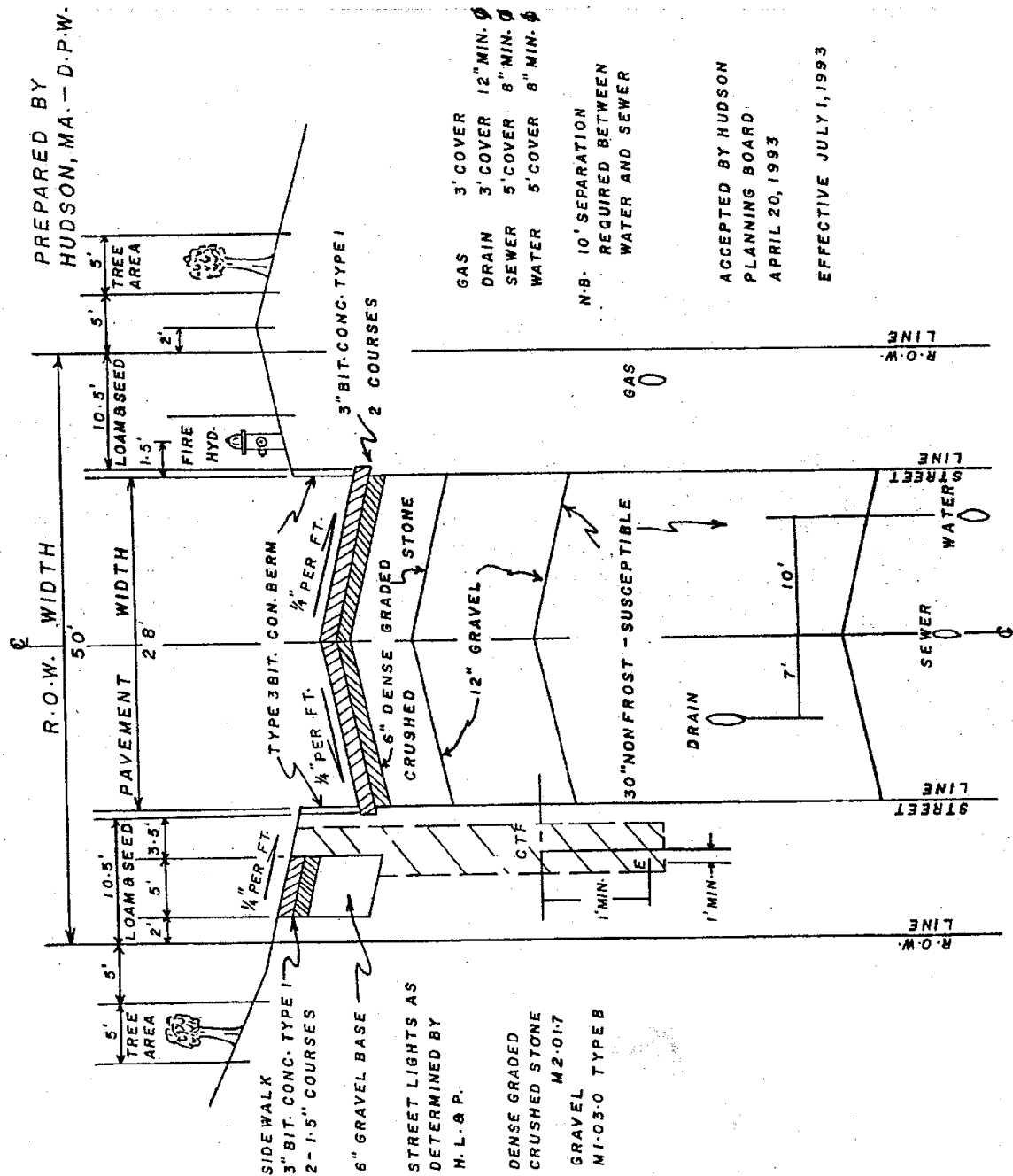
SCHEDULES



SCHEDULE A

STANDARD CROSS-SECTION

Hudson
Planning
Board



SCHEDULE C

BOARD OF HEALTH REVIEW

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

At the time of filing of the Definitive Plan, the Applicant shall also file with the Board of Health two (2) contact prints of the Definitive Plan, dark line on white background, together with the following information:

- a. A statement in writing concerning the status of the proposed project in relationship to the removal of fill or dredge of any bank, stream, marsh, meadow or swamp bordering on any inland water. (Hatch Act - General Laws C. 131 Sec. 40).
- b. If the disposal system is to be connected to the Hudson sewer system, in writing, indicate the anticipated volume and composition of the waste to be discharged.
- c. If the disposal system is to be on site, the Applicant must comply with all the provisions of the State Environmental Code, including 310 CMR 15:00 covering percolation tests. Arrangements at the Applicant's cost shall be made to conduct said tests in accordance with said regulation in the presence of the Board of Health, or duly authorized representative. The Applicant must file a written report signed by a Registered Professional Engineer or Registered Sanitarian with the Board of Health within thirty (30) days of filing of the Definitive Plan, which indicates exactly the procedure used and test results, and a conclusion based upon the test results concerning whether the soil conditions on each lot are suitable for the sewerage disposal purposes intended.

Sewerage to be disposed of in excess of 2,000 gallons per day must be approved by the Massachusetts Department of Public Health. (General Laws C. 111, Sec. 17).

- d. The Board of Health reserves the right to make further and additional requirements as in its judgment it may determine to be necessary in a particular case.
- e. Failure to comply with this procedure may result in the Board of Health's disapproval of said plan (General Laws C. 41 Sec. 81U).

The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Planning Board in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to public health, and include such specific findings and the reasons therefore in such report, and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health.

SCHEDULE D

PROJECT INFORMATION
SUMMARY

PROJECT INFORMATION SUMMARY (PIS) INSTRUCTION SHEET

This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please fill out this form as accurately as possible. Answers to these questions will be considered as part of the application for approval of a subdivision and may be subject to further verification and public review.

Please submit any additional information to document how any known impacts, whatever the magnitude, will be dealt with in the design process. This additional information will help in the review of the PIS, and will reduce time delays by addressing potential impacts early on in the process.

Applicants need not fill out every part in the PIS. Please complete only those parts applicable to the type of project proposed.

The Planning Board will, in its review of the application, determine what elements of the ENVIRONMENTAL IMPACT STATEMENT must be included in the application for approval of the Definitive Plan for a proposed subdivision.

PROJECT INFORMATION SUMMARY FORM

PART I - GENERAL INFORMATION

Name of Project: _____

Name and Address of Owner:

Name and Address of Consultant/Engineer:

(Name)

(Name)

(Street)

(Street)

(P.O.) (State) (Zip)

(P.O.) (State) (Zip)

Business Phone: _____

Business Phone: _____

Name and Phone of Contact Person: _____

Description of Project: (Briefly describe type of Project): _____

A. PROJECT INFORMATION

1. _____ Variance or Special Permit - Specify: _____
 _____ Rezoning - From: _____ To: _____
 _____ Residential Development - # of Units: _____
 _____ Business Development - Type: _____
 _____ Industrial Development - Type: _____
 _____ PUD/Cluster
2. Location of Project:
 - a. Address _____
 - b. Distance and direction from nearest intersection(s): _____
 - c. Tax Account Number: _____
3. Present Zoning: _____
4. Dominant zoning within 1/4 mile of site: _____
5. Present land use: _____

6. Dominant land use within 1/4 mile of site: _____
7. Project Extent:
 - a. Total number of acres in parcel: _____ acres
 - b. Number of acres already developed: _____ acres
 - c. Number of acres to be developed under this application: _____ acres
 - d. Anticipated construction dates - From: _____ To: _____
 - e. Anticipated capital expenditure: \$ _____
 - f. If expansion of existing project: _____ % expansion
8. Total height of tallest proposed structure: _____ feet

B. NATURAL FEATURES OF SITE

1. Approximate acreage of site by use. (NOTE: land should not be classified in more than one category. Total current acreage = total after completion):

| | <u>Current</u> | <u>After Completion</u> |
|--|----------------|-----------------------------|
| Meadow or Brushland | _____ acres | _____ acres |
| Forested | _____ acres | _____ acres |
| Active Agriculture | _____ acres | _____ acres |
| Idle Agriculture | _____ acres | _____ acres |
| Chapter 131 Classified Wetland | _____ acres | _____ acres |
| Water Surface Area (ponds, lakes, streams) | _____ acres | _____ acres |
| Unvegetated (rock, gravel) | _____ acres | _____ acres |
| Roads, Buildings, Pavement | _____ acres | _____ acres |
| Active Recreation Facility | _____ acres | _____ acres |
| Other (specify): _____ | _____ acres | _____ acres |
| TOTAL | _____ acres | _____ acres |

2. Will disturbed area be in or within 100' of any of the following? (If YES, specify):

| <u>YES</u> | <u>NO</u> | <u>SPECIFY</u> |
|------------|-----------|---|
| _____ | _____ | Stream _____ Classification: _____ |
| _____ | _____ | Waterbody _____ |
| _____ | _____ | Chapter 131 Classified Wetland(Wetland #) _____ |
| _____ | _____ | Woodlands _____ |
| _____ | _____ | Steep Slopes _____ |
| _____ | _____ | Agricultural Land _____ |
| _____ | _____ | Unique Ecological Feature _____ |
| _____ | _____ | Unique Geological Feature _____ |
| _____ | _____ | Designated Open Space _____ |

- _____ Designated Sensitive Environmental Area _____
- _____ Parkland _____
- _____ Recreational Facilities _____
- _____ Historic Site _____
- _____ Known Archeological Site _____
- _____ Unique Archeological Site _____
- _____ Plant or animal species identified as threatened or
endangered (specify) _____

3. Are there any known drainage ways, drainage ditches or seasonal flows of water on or through the site? NO _____ YES _____ (specify on separate sheet)

C. PLANNING CONSIDERATIONS

1. Is the site served by:
- a. Sanitary sewer _____ Septic systems _____ Other _____
 - b. Storm sewer _____ Open drainage _____
 - c. Public water _____ Wells _____ Other _____
 - d. Other Utilities (specify) _____

2. Is the site contiguous to any of the following?
- _____ Expressway _____ Private Drive
 - _____ State Road _____ Rail Lines
 - _____ County Road
 - _____ Town Street
 - _____ Undesignated Road

3. Is there a property line boundary within 100' of the proposed disturbed area? NO _____ YES _____

4. Is the site served by public transportation? NO _____ YES _____

5. Are any of the following within 1,000' of the site?

- _____ School _____ Sewage Treatment Facility
- _____ Hospital _____ Ambulance Station
- _____ Library _____ Cultural Center (Museum, etc.)
- _____ Church _____ Government or Public Facility
- _____ Firehouse _____ Electrical Generating Facility
- _____ Cemetery _____ High Voltage Electrical Transmission Line

6. Will the action result in the preservation of any open space?
NO _____ YES _____

Is site presently used by the community as open space or recreation area? NO_____ YES_____

7. Will the project result in any major visual impacts? NO_____ YES_____

8. Will the project affect any important views or vistas? NO_____ YES_____

9. Special Planning Considerations: is the site within any of the following?

____Agricultural District

____Historic Preservation District

____500 feet of a state or county road, parkland, or municipal boundary

____100 feet floodplain as defined by FEMA Flood Insurance maps

10. Has any provision been made for solar or other alternative sources of energy for this project? NO_____ YES_____ (specify:_____)

11. Has provision been made for siting the project to make use of natural solar heating or shading? NO_____ YES_____

12. Will this project require the relocation of any other project or facility? NO_____ YES_____ (specify:_____)

PART II - GEOLOGY & HYDROLOGY

A. What is the predominant soil type(s) on the project site? _____

B. Are there any bedrock outcroppings on the site? NO_____ YES_____

C. What is the depth to bedrock? _____feet (Info. source: _____)

D. What is the general slope of the land? 0-10%_____% 10-15%_____% 15% or greater_____%

E. What is the depth to the water table? _____feet (Info. sources:_____)

F. Will surface area of any existing lakes, ponds, streams, bays or other surface water areas be increased or decreased by project? NO_____ YES_____ (specify on separate sheet)

G. Will any stream channels be modified? NO_____ YES_____

- H. What additional percentage of the site will be covered by impervious materials as a result of the project? _____% more than existing.
- I. Are any mitigation measures being designed into the project to minimize the effects of impervious surfaces on drainage and runoff? NO _____ YES _____
(If YES, please attach a narrative explanation on separate sheet)
- J. Are there any existing drainage problems on the site, upstream, or downstream? NO _____ YES _____
(If YES, please attach a narrative explanation on separate sheet)
- K. How much on-site storage of runoff will be provided? _____acre-feet
- L. Are sedimentation ponds to be provided? NO _____ YES _____
- M. Retention or detention ponds.
1. Are retention or detention ponds to be provided? NO _____ YES _____
2. Which? Temporary _____ Permanent _____

PART III - GRADING AND SITE DEVELOPMENT

- A. How much natural material will be removed from the site of the project?
Rock _____cubic yards Topsoil _____
Subsoil _____cubic yards
- B. How much natural material will be brought onto the site of the project?
Rock _____cubic yards Topsoil _____
Subsoil _____cubic yards
- C. How much natural material will be redistributed on the site of the project?
Rock _____cubic yards Topsoil _____
Subsoil _____cubic yards
- D. How many square feet of vegetation (trees, shrubs, ground cover) will be disturbed on this project site? _____square feet
- E. Are there any plans for revegetation? NO _____ YES _____ (specify on separate sheet)
- F. Will blasting occur during construction? NO _____ YES _____
- G. How will demolition debris (if any), vegetation waste, and similar materials be disposed of? _____

H. Will existing contours be altered by more than 3 feet of:

Cut: NO _____ YES _____

Fill: NO _____ YES _____

I. Maximum Gradients.

1. What will be the maximum gradient of roadways within the project? _____%

2. What will be the maximum gradient of driveways within the project? _____%

PART IV - RESIDENTIAL

A. Is project to be single phased _____ , or multi-phased _____?

B. If multi-phased project:

a. Total number of phases anticipated: _____

b. Anticipated date of Phase 1 commencement (including any necessary demolition): month _____ year _____

c. Approximate date of completion of final phase: month _____ year _____

d. Is Phase #1 financially dependent upon subsequent phases? NO ___ YES ___

C. Number and type of housing units to be constructed:

| | One Family | Two Family | Multi-Family | Condo or Co-op |
|----------|------------|------------|--------------|----------------|
| Initial | _____ | _____ | _____ | _____ |
| Ultimate | _____ | _____ | _____ | _____ |

D. If project is not on public sanitary sewers:

1. Type of on-site sewerage system(s) to be installed:

_____ standard leach field(s)

_____ raised fill systems

_____ package plant

_____ other (specify: _____)

2. If any surface outflow, name of stream into which effluent will be discharging: _____

E. If project involves storm sewers:

1. Where do storm sewers discharge? _____

2. What volume of storm water runoff is planned for? _____ cfs at point of discharge

F. Solid Wastes:

1. Where will solid wastes be disposed of?

Name of facility _____ location _____

2. Will any waste not go to a sanitary landfill? NO _____ YES _____

- G. Water Supply:
 - 1. If water is from existing wells, indicate pumping capacity: ____gal/min.
 - 2. If water supply is to be from new wells, what impact can be expected on the local water table? _____
 - 3. If water supply is from source other than public water supply, what is the quality of the water to be provided? _____
- H. Total anticipated water usage per day: _____ gal/day
- I. Number of off-street parking spaces: _____ existing _____ proposed

PART V - BUSINESS

- A. Orientation of development: _____ Neighborhood _____
City or Town _____ Regional _____
- B. Estimated employment generated: during construction: _____
during operation: _____
- C. Total gross floor area proposed: _____
- D. Number of off-street parking spaces: _____ existing _____ proposed
- E.
 - 1. Is surface or subsurface liquid waste disposal involved? NO__ YES__
 - 2. If YES to #1, type of waste: _____
 - 3. If surface outflow, name of stream into which the effluent will be discharged: _____
- F. If not on public sanitary sewers, how will liquid wastes be treated?

- G. If project is on public sanitary sewers, name of sewage treatment facility to which the effluent will be directed: _____ location: _____
- H. If project involves storm sewers:
 - 1. Where do storm sewers discharge? _____
 - 2. What volume of storm water runoff is planned for? _____cfs at point of discharge
- I. Maximum vehicular trips generated per hour upon completion of project: _____
- J. If multi-phased project:
 - a. Total number of phases anticipated: _____
 - b. Anticipated date of phase 1 commencement (including any necessary demolition): month _____ year _____

- c. Approximate date of completion of final phase: month _____ year _____
- d. Is Phase #1 financially dependent upon subsequent phases? NO ___ YES ___

K. Solid Wastes:

- 1. Where will solid wastes be disposed of?
Name of facility _____ location _____
- 2. Will any wastes not go to a sanitary landfill? NO ___ YES ___
- 3. Will compactors be utilized for on-site storage? NO ___ YES ___
- 4. Have provisions been made for on-site storage? NO ___ YES ___
- 5. If project involves a take-out feed facility, have any provisions been made to restrict carry-out litter? NO ___ YES ___ (specify: _____)

L. Will project routinely produce odors (more than 1 hr/day?) NO ___ YES ___

M. Will project produce noise exceeding the local ambient noise levels?
 during construction? NO ___ YES ___
 after construction? NO ___ YES ___

N. Will dust control techniques be employed during or after construction of this project? NO ___ YES ___ (specify: _____)

O. Will project result in any potential contraventions of any State or Federal air quality standards? NO ___ YES ___ (specify: _____)

P. Will project use herbicides? NO ___ YES ___ (specify: _____)

Q. Will project use pesticides? NO ___ YES ___ (specify: _____)

R. Will project be landscaped to provide visual and sound screening?
NO ___ YES ___

S. Has project been designed for energy efficiency? NO ___ YES ___
If YES, please specify: _____

PART VI - INDUSTRIAL

Please complete Part V - Business, and continue below:

A. Are any liquid (or solid) substances produced as wastes that cannot be adequately treated (or safely disposed of) at a standard municipal sewage treatment plant (or sanitary landfill)?
 NO ___ YES ___ (If YES, please explain on separate sheet.)

- B. Are any hazardous toxic materials produced (NO_____ YES_____), or utilized (NO_____ YES_____).
- C. Have any provisions been made to utilize any waste heat produced for productive purposes? NO___ YES___ (specify:_____)

PART VII - PERMITS AND/OR APPROVALS REQUIRED

- A. Does the project involve any State or Federal funding or financing? NO___ YES___ (specify:_____)

- B. Status of Permits and/or Approvals:

| <u>AGENCY</u> | <u>APPROVAL REQ' (TYPE)</u> | <u>SUBMITTED (DATE)</u> | <u>APPROVED (DATE)</u> |
|---------------------------------------|---------------------------------|-----------------------------|----------------------------|
| Board of Selectmen | _____ | _____ | _____ |
| Planning Board | _____ | _____ | _____ |
| Zoning Board of Appeals | _____ | _____ | _____ |
| Other Municipal Agency | _____ | _____ | _____ |
| Regional Agency | _____ | _____ | _____ |
| Health Department | _____ | _____ | _____ |
| Highway Department | _____ | _____ | _____ |
| Massachusetts DEQE | _____ | _____ | _____ |
| Massachusetts Dept. of Public Health | _____ | _____ | _____ |
| Massachusetts Dept. of Transportation | _____ | _____ | _____ |
| Other State Agency | _____ | _____ | _____ |
| US Army Corps of Engineers | _____ | _____ | _____ |
| US Department of Transportation | _____ | _____ | _____ |
| US Environmental Protection Agency | _____ | _____ | _____ |
| Other Federal Agency | _____ | _____ | _____ |

Attach any additional information as may be required to clarify your project. If there are or may be any adverse impacts associated with the proposal, please discuss such impacts and the measures which can be taken to mitigate or avoid them.

I hereby certify that the information given above is true and accurate to the best of my ability to provide such information.

Preparer's Signature: _____

Title: _____

Representing: _____

Date: _____

SCHEDULE E

ENVIRONMENTAL IMPACT STATEMENT

1. The environmental impact statement shall clearly and methodically assess the relationship of the implementation of a proposed development to the natural and man-made environment of the Town. The statement shall utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in the planning and designing of the proposed project. The elements of statement shall be prepared by professionals registered in Massachusetts to practice in their fields where so specified or by authorities recognized in their field having reached a professional status or its recognized equal.

1. To insure the adequate preparation and consideration of the statement, it is strongly recommended that a draft statement be prepared and submitted together with the submission of the Preliminary Plan of the proposed development.

3. It is intended that the statement be a guide to the Planning Board in its judgement and deliberation on the proposed development and its compatibility with existing conditions and planning efforts of the Town. Failure of the plans or of the impact statement of the proposed development to indicate such compatibility may be grounds for re-examination and/or the resubmission thereof at the determination of the Planning Board.

4. An Environmental Impact Statement shall be prepared when required by the Planning Board, other Town By-Laws, State or Federal Laws or Regulations.
 - (a) The Planning Board may require any private person, firm or corporation to prepare an Environmental Impact Report for any and all work, project or activity which may cause damage to the environment, and for which no funds of the Commonwealth are to be expended.
 - (b) This report shall be limited in scope to the purposes of the Subdivision Control Law, Sections 81-K through 81GG.

Further, the environmental statement concerning each character of subdivision shall contain at least the elements required as noted except as modified or required by the Planning Board.

5. Each environmental statement shall consist of four (4) separate sections, each section to address one of the following concerns:
 - (a) The environmental impact of the proposed development. (See Paragraph 6 below for required elements of the impact disclosure.)

- (b) Any adverse environmental impacts which cannot be avoided should the proposed development be implemented.
 - (c) Alternatives to the proposed development which are expressly allowed or allowed by permit by the Zoning By-Laws.
 - (d) All measures available, and those measures to be used to minimize adverse environmental impacts (or maximize beneficial impacts).
6. The section on environmental impact shall consist of the elements and sub-elements as required by the Planning Board.
- (a) A Physical Element to consist of the following sub-elements:
 - (i) Air Pollution - Change in local air quality caused by the proposed development shall be predicted. Sources shall be identified, and consideration shall be given to changes in air quality both during construction and after completion of the project. Except in large residential developments (one-hundred (100) dwelling units or more) or in high density multi-family developments and in non-residential subdivisions, air pollution impacts may be identified and expressed in relative terms. For these large and/or high density residential developments and for non-residential developments, the Planning Board may require a detailed, technical report to be prepared. This sub-element shall consider not only impacts caused by the proposed development and its alternatives, but also impacts on it by adjacent existing or proposed developments.
 - (ii) Noise Pollution - The same requirements for air pollution sub-element shall govern.
 - (iii) Surface and Sub-surface Water Pollution - Impact of storm water run-off on adjacent and downstream surface water bodies and sub-surface ground water and the water table shall be detailed. Coordination with State and Town water quality agencies including the Board of Health and Conservation Commission is recommended so that necessary agreements and responsibilities can be included in the study of the proposed development to navigable streams and flood plains and municipal water supply impoundments and reservations shall be shown.
 - (iv) Soils - The potential dangers of erosion and sedimentation caused by both the construction, operation and maintenance of the proposed development and its alternatives shall be detailed and may also be related to sub-element (iii) above. It shall also deal with the compatibility of existing soils with the proposed development.

- (v) General Ecology - The relation of the proposed development to the major botanical, zoological, geological and hydrological resources of the site shall be examined.

Consideration of these resources adjacent to the site shall also be made where deemed appropriate by the Planning Board. Consideration shall also be given to rare or endangered species of plant and wildlife found on the site.

- (b) A Transportation Element to consist of the following elements:
 - (i) Traffic Generation - Existing traffic volume, composition, peak hour levels and street capacities shall be shown. Overall average daily traffic generation, composition, peak hour levels, and directional flows shall be estimated. The methodology used to derive these predictions shall be included.
 - (ii) Street Maintenance - Methods, responsibility, and projected cost to the Town shall be detailed. Coordination with the Highway Department is recommended.
 - (iii) Mass Transit - Consideration shall be given to the relation of the proposed development to existing mass transit (bus, rail or other modes) and how the proposed development may be served.
- (c) A Public Utility Element prepared by a professional engineer registered in Massachusetts, to consist of the following sub-elements:
 - (i) Water Supply and Distribution - The average daily and peak demand; method to supply the buildings on the site including sizes of mains, existing and proposed; and the cost and the proposed responsibility for bearing or sharing the cost shall be detailed. Coordination with the Hudson Water Department is strongly recommended so that necessary agreements and responsibilities can be included in the study of the proposed development and its alternatives.
 - (ii) Sewage Treatment - The average daily and peak demand; and any unusual composition or concentration of component flows into the public system, the method to serve the buildings on the site including size of pipe, existing and proposed, the cost and proposed responsibility for bearing or sharing the cost shall be detailed. Coordination with the Board of Health, and if deemed advisable, appropriate State agencies, is strongly recommended for the reasons in (i) above.

- (iii) Storm Drainage - The same requirements for the water supply and distribution sub-element shall govern.
 - (iv) Solid Waste - The average weekly demand; expected contents; recycling potential; on-site incineration, reduction or compaction; and method of delivery to the Town facilities shall be detailed. Coordination with the Board of Health is strongly recommended, for the reasons in (i) above.
- (d) A Neighborhood and Community Element to consist of the following sub-elements:
- (i) Schools - The expected impact on the school system pre-primary, primary and secondary levels, by type of housing (single-family, garden apartment, town-house, high rise, etc.), and by bedroom (one-bedroom, two-bedroom, etc.). The number of students; school bus routing changes if found necessary; and impact if any on parochial systems. Coordination with the Superintendent of Schools is recommended, particularly for large residential developments.
 - (ii) Police - The expected impact on police service, time and manpower needed to protect the proposed development; provision for special alarm or warning devices or agents and other needs shall be presented. Coordination with the Police Department is recommended.
 - (iii) Fire - Expected fire protection needs; on-site fire fighting capabilities; on-site alarm or other warning devices; fire-flow water needs, source and delivery system and other needs shall be presented. Coordination with the Fire Department is recommended.
 - (iv) Recreation - On-site recreation provisions shall be detailed and off-site recreation demands shall be estimated. Provision for public open space, either dedicated to the Town or available to its residents shall be described. Open space available primarily or exclusively for residents or employees shall also be described. Coordination with the Park and Recreation Committee is recommended.
 - (v) Existing Neighborhood Land Use - Compatibility with adjacent or nearby existing land uses, or approved private development plans, if known, for adjacent or nearby land use changes to occur during the life of the proposed development. If not compatible, reasons therefor shall be detailed. Consultation with the Planning Board is strongly recommended.

- (e) A Socio-Economic Element to consist of the following sub-elements:
 - (i) Population - In residential development, the overall population; ranges in expected family size by housing type and bedroom count; ranges in expected income and other relevant social data shall be estimated.
 - (ii) Low/Moderate Income Housing - In residential developments, provisions for low and/or moderate income housing shall be identified as to type of housing and bedroom count; State or Federal subsidies proposed to be applied; and indication, if any, from the appropriate agencies including the Housing Authority as to its desirability and feasibility for its location, financing, and operating subsidy.
 - (iii) Employment - In all non-residential developments and in large residential developments the number and types of job skills to be employed shall be detailed. This shall include both construction labor and full-time work force when the development is in operation; employment by shift; estimates as to the amount of local labor which is intended to be used; and minority-group labor opportunities. Coordination with the Development and Industrial Committee is recommended for industrial and commercial development.

- (f) An Aesthetics Element - to consist of the following sub-elements:
 - (i) Architecture - The type of style of architecture of the buildings shall be described; its relation to prevailing types of architecture for similar buildings; and its compatibility with the function of the building and to the architecture of adjacent buildings. Sketches, photos, elevations and renderings are encouraged to illustrate architectural appropriateness as well as innovation. Consultation with the Building Inspector is recommended.
 - (ii) Lighting - The type, design, location, function and intensity of all exterior lighting facilities shall be described. Attention given to safety, privacy, security, and daytime and nighttime appearance shall be detailed. Consultation with the Highway Department and with the Commonwealth Gas and Electric Company is recommended.
 - (iii) Landscaping - Provisions for landscaping shall be described including type, location and function. Consultation with the Highway Department is recommended.

- (iv) Visual - Attention given to views into the site and from the site shall be described. Included shall be long-distance views as well as to and from adjacent properties. Visual impact may be related to the preceding sub-elements concerning the overall aesthetics of the proposed development.
 - (g) A Master Plans Element - to detail the compatibility of the proposed development and its alternatives to established plans of record of the Planning Board, Conservation Commission, Highway Department, and other Town and State agencies as applicable. If not, compatible, the reasons therefore shall be detailed.
 - (h) A Municipal Benefit/Cost Element - A primary part of this element shall be an analysis of the net benefit or cost to the Town in dollars, as complete as is practicable. This municipal benefit/cost analysis should follow standard and usual procedures and parameters for measuring both the benefits to be derived and costs to be incurred by the Town of Hudson as a result of the implementation of the proposed development. It will be helpful to provide one or more benefit/cost analyses for alternative uses to provide for a basis for comparison. Except in unusual cases, or when the construction of a proposed development is scheduled to take place in distinct and separate phases and each phase may be functional and operable without any or all of the others, the municipal benefit/cost analysis may assume full and complete development and occupancy. In phased development or in other unusual cases, the Planning Board may require more than one analysis (an analysis for each phase) and/or more than one environmental impact statement. This element may also estimate net benefits or costs of non-qualifiable environmental impacts.
7. The remaining three (3) sections (paragraph 5(b)-(d) above) of the environmental statement shall be in sufficient detail to enable the Planning Board to determine whether unavoidable impacts have been fully recognized; whether alternatives to the proposed development have been fully explored; and whether all reasonable measures to minimize adverse or unavoidable impacts (or maximize beneficial impacts) have been taken.

FORMS



Town of Hudson

Planning Board

78 Main Street, Hudson, MA 01749

Tel: (978) 562-9963 Fax: (978) 568-9641

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

_____, 20____

To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the Town of Hudson 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. (check appropriate box)

- 1) The accompanying plan is not a subdivision because the plan does not show a division of land; if there is a division of land shown, it is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the zoning bylaw/ordinance under Section _____ which requires _____ feet for erection of a building on such lot. Every lot shown on the plan has such frontage on:
 - a) A public way, private way or way shown on plan is either certified by the Town Clerk as maintained and used as a public way or a way endorsed in accordance with the subdivision control law or a private way.

- 2) The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, which adds to/takes away from/changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the Town of Hudson Zoning Bylaw.

- 3) The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings were standing on the plan prior to the date when the subdivision control law went into effect and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan.

Page 2

4) Other reasons or comment:

The owner's title to the land is recorded in Book _____ Page _____ or Land Court Certificate Number _____.

MAP & PARCEL# _____

Received by the Town Clerk Applicant's Signature _____

Date _____ Applicant's Address _____

Time _____ am/pm _____

Signature _____ Applicant's phone number _____

Owner's signature and address if not the applicant or applicant's authorization if not the owner.



Town of Hudson

Planning Department

78 Main Street, Hudson, MA 01749

Tel: (978) 562-9963 Fax: (978) 568-9641

FORM B
APPLICATION FOR
APPROVAL OF A PRELIMINARY PLAN

DATE: _____

To the Planning Board:

The undersigned, being the Applicant as defined under Chapter 41, Section 81L, herewith submits the accompanying Preliminary Plan of property located in the Town of Hudson for approval as a subdivision as allowed under the Subdivision Control Law and the Regulations Governing the Subdivision of Land of the Hudson Planning Board.

NAME OF SUBDIVIDER: _____

ADDRESS: _____

PHONE NUMBER: _____

NAME OF ENGINEER & SUVEYOR: _____

ADDRESS: _____

PHONE NUMBER: _____

DEED BOOK & PAGE _____ LAND COURT CERT # _____

PLAN DETAILS (NAME, DATE, DRAWN BY):

LOCATION (LAND BOUNDED BY) AND DESCRIPTION OF PROPERTY:

SIGNATURE OF OWNER: _____

ADDRESS: _____

A CERTIFIED LIST (done by the Assessors Office) with the names and addresses of the abutters of this subdivision is attached, along with 2 sets of mailing labels.

FORM B-1

**CERTIFICATE OF APPROVAL
OF A PRELIMINARY PLAN**

PLANNING BOARD
TOWN OF HUDSON, MASSACHUSETTS

Date: _____

Subdivision Name: _____

It is hereby certified by the Planning Board of the Town of Hudson, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20____, it was voted to approve a Preliminary Plan, entitled: _____.

Submitted by: _____

Originally filed with the Planning Board on _____, 20____.

Concerning property located: _____.

With the following conditions:

A copy of this CERTIFICATE OF APPROVAL is to be filed with the Hudson Town Clerk, and a copy sent to the Applicant.

A true copy, attest:

Clerk, Hudson Planning Board

Planning Board of the Town of Hudson

FORM B-2

**CERTIFICATE OF DISAPPROVAL
OF A PRELIMINARY PLAN**

PLANNING BOARD
TOWN OF HUDSON, MASSACHUSETTS

Date: _____

Subdivision Name: _____

It is hereby certified by the Planning Board of the Town of Hudson, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____ , 20____ , it was voted to disapprove a Preliminary Plan, entitled:

_____.

Submitted by: _____

Originally filed with the Planning Board on _____ , 20_____ .

Concerning property located: _____

_____.

For the following reasons:

A copy of this CERTIFICATE OF DISAPPROVAL is to be filed with the Hudson Town Clerk, and a copy sent to the Applicant.

A true copy, attest:

Clerk, Hudson Planning Board

Planning Board of the Town of Hudson



Town of Hudson
Planning Department
78 Main Street, Hudson, MA 01749
Tel: (978) 562-9963 Fax: (978) 568-9641

FORM C
APPLICATION FOR
APPROVAL OF A DEFINITIVE PLAN

DATE: _____

To the Planning Board:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, herewith submits the accompanying Definitive Plan of property located in the Town of Hudson for approval as a subdivision under the requirements of the Subdivision Control Law and the Regulations governing the Subdivision of Land of the Hudson Planning Board.

NAME OF APPLICANT: _____

ADDRESS: _____

PHONE NUMBER: _____

NAME OF ENGINEER: _____

ADDRESS: _____

PHONE NUMBER: _____

NAME OF SURVEYOR: _____

ADDRESS: _____

PHONE NUMBER: _____

DEED BOOK & PAGE _____ LAND COURT CERT # _____

LOCATION (LAND BEING BOUNDED BY) AND DESCRIPTION OF PROPERTY:

Form C – Page 2

The following are all the mortgages and other liens or encumbrances on the whole or any part of the above-described property: (List mortgages, etc. here)

The undersigned hereby applies for the approval of said Definitive Plan by the Board, and in furtherance thereof hereby agrees to abide by the Board’s Rules and Regulations. The undersigned further covenants and agrees with the Town of Hudson upon approval of the Definitive Plan:

1. To install utilities in accordance with the Rules and Regulations of the Planning Board, the Department of Public Works, the Board of Health, and all general as well as Zoning By-laws of said Town, as are applicable to installation utilities within the limits of ways and streets.
2. To complete and construct the streets or ways shown thereon in accordance with Section 5 of the Rules and Regulations of the Planning Board and the approved Definitive Plan, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole or part of said land, and assigns of the undersigned.
3. To complete the aforesaid installations and construction within two (2) years from the date hereof..

This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the undersigned.

SIGNATURE OF OWNER: _____

ADDRESS: _____

A CERTIFIED LIST (done by the Assessors Office) with the names and addresses of the abutters of this subdivision is attached, along with 2 sets of mailing labels.

FORM C-1

CERTIFICATE OF APPROVAL
OF A DEFINITIVE PLAN

PLANNING BOARD
TOWN OF HUDSON, MASSACHUSETTS

Date: _____

Subdivision Name: _____

It is hereby certified by the Planning Board of the Town of Hudson, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20____, it was voted to approve a Definitive Plan, entitled: _____
_____.

Submitted by: _____.

Originally filed with the Planning Board on _____, 20____.

Concerning property located: _____
_____.

With the following conditions:

A copy of this CERTIFICATE OF APPROVAL is to be filed with the Hudson Town Clerk, and a copy sent to the Applicant.

A true copy, attest:

Clerk, Hudson Planning Board

Planning Board of the Town of Hudson

FORM C-2

**CERTIFICATE OF DISAPPROVAL
OF A DEFINITIVE PLAN**

PLANNING BOARD
TOWN OF HUDSON, MASSACHUSETTS

Date: _____

Subdivision Name: _____

It is hereby certified by the Planning Board of the Town of Hudson, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20____, it was voted to disapprove a Definitive Plan, entitled: _____

Submitted by: _____

Originally filed with the Planning Board on _____, 20_____.

Concerning property located: _____

For the following reasons:

A copy of this CERTIFICATE OF DISAPPROVAL is to be filed with the Hudson Town Clerk, and a copy sent to the Applicant.

A true copy, attest:

Clerk, Hudson Planning Board

Planning Board of the Town of Hudson

FORM D

DESIGNER'S CERTIFICATE

_____, 20__

To The Planning Board of the Town of Hudson:

In preparing the plan entitled: _____

I hereby certify that the above-named plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Hudson, Massachusetts, and my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____ to _____
dated _____, 20 __, and recorded in the _____
Registry in Book _____, page _____.

2. Other plans, as follows: _____

3. Oral information furnished by: _____

4. Actual measurement on the ground from a starting point established by: _____

5. Other sources: _____

(Seal of Engineer or Surveyor)

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

Address

FORM E

CERTIFIED LIST OF ABUTTERS

_____, 20____

To The Planning Board of the Town of Hudson:

The undersigned, being an Applicant for approval of a Definitive Plan of a proposed subdivision entitled: _____

submits the following sketch of the land in the subdivision, listing the names of the adjoining owners, and the abutters to the adjoining owners in their relative positions and indicating the address of each abutter on the sketch or in a separate list, including owners of land separated from the subdivision only by a street.

Signature of Applicant

Address

_____, Massachusetts

_____, 20____

To The Planning Board of the Town of Hudson:

This is to certify that at the time of the last assessment for taxation made by the Town of Hudson, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above where as above written, except as follows:

Assessor

FORM F

PERFORMANCE BOND
SURETY COMPANY

Know all men by these presents that _____ as Principal, and _____ a corporation duly organized and existing under the laws of the State of _____ and having a usual place of business in _____, as Surety, hereby bind and obligate themselves and their respective heirs, executors, administrators, successors and assigns, jointly and severally, to the Town of Hudson, a Massachusetts municipal corporation, in the sum of _____ Dollars.

The condition of this obligation is that if the Principal shall fully and satisfactorily observe and perform in the manner and in the time herein specified, all of the covenants, conditions, agreements, terms, and provisions contained in the application signed by the Principal and dated _____, 20____, under which approval of a Definitive Plan of a certain subdivision, entitled _____

_____ and dated _____, 20____, has been or is hereafter granted by the Hudson Planning Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid sum shall be paid to the Town of Hudson as liquidated damage.

The Surety hereby assents to any and all changes and modifications that may be made of the aforesaid covenants, conditions, terms, and provisions to be observed and performed by the Principal, and waives notice thereof.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 20____.

Principal

By: _____
(Title)

Surety

By: _____
Attorney-In-fact

FORM G

PERFORMANCE BOND
SECURED BY DEPOSIT

Know all men by these presents that _____

binds and obligates himself/itself/his/its executors, administrators, devisees, heirs, successors, and assigns to the Town of Hudson, a Massachusetts municipal corporation, in the sum of _____ Dollars, and has secured this obligation by the deposit with the Treasurer of said Town of Hudson of said sum in money or negotiable securities.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors and assigns shall fully and satisfactorily observe and perform in the manner and in the time herein specified, all of the covenants, conditions, agreements, terms, and provisions contained in the application signed by the Principal and dated _____, 20____, under which approval of a Definitive Plan of a certain subdivision, entitled _____

_____ and dated _____, 20____, has been or is hereafter granted by the Hudson Planning Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid security for said sum shall become and remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said Town of Hudson as liquidated damage.

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this _____ day of _____ 20____.

Principal

By: _____
(Title)

FORM I

SUBDIVISION COVENANT

SUBDIVISION COVENANT

_____, 20____

Town of Hudson, Massachusetts

KNOW ALL MEN by these presents that the undersigned has submitted an application dated _____, to the Hudson Planning Board for approval of a definitive plan of a subdivision of land entitled: _____, plan by: _____, Engineer, date: _____ and owned by : _____, address: _____, land located: _____-, and showing ___(No.)__ proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a Performance Bond, Pass Book Surety, Tripartite Agreement or other form of security at the time of execution of this agreement. However, parties acknowledge and agree that a form of security, as a part of this covenant, will be required within ___ days of the execution of this subdivision covenant.

IN CONSIDERATION of said Planning Board of the Town of Hudson, In the County of Middlesex, approving said plan without requiring a performance bond, at the time of execution of this agreement, the undersigned hereby covenants and agrees with the Town of Hudson Planning Board as follows:

1. That the undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have affirmatively assented to this contract in writing prior to its execution by the undersigned.

2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
 - a. The Application for Approval of Definitive Plan (Form C).

*If there is more than one owner, all must sign. "Applicant" may be owner or his agent or representative, or his assigns, but the owner of record must sign the covenant.

- b. The Application for Approval of Definitive Plan (Form C).
- c. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
- d. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____.
- e. The definitive plan as approved and as qualified by the certificate of approval.
- f. Performance security instrument and construction schedule and estimate.

However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

- 3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigned of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
- 4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released; and
- 5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
- 6. That the undersigned agrees to record this covenant with the Middlesex County Registry of Deeds, forthwith or to pay the necessary recording and administrative fee to the said Planning Board in the event the Planning Board shall record this agreement forthwith. Specific reference to this covenant shall be entered upon the definitive subdivision plan as approved if undersigned elects to record this covenant in lieu of paying the requisite

administrative and recording fees then said undersigned will furnish the Planning Board with an attested copy of the duly recorded covenant.

7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in Section 81U, Chapter 41, M.G.L.
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.
9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before _____(Planning Board date for construction and installation to be completed)_____ the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged provided that all other conditions of approval have been met and the project is not otherwise in violation of the Planning Board's Rules and Regulations. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. In the event the applicant requests the Planning Board to extend approval of this subdivision then a timely request prior to expiration of approval must be made in writing by applicant. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant and Planning Board from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation;
11. Applicant agrees to reimburse the Town of Hudson for all administrative and recording fees for street acceptance, as build plans, and appurtenant utility easements from performance security funds or otherwise in an amount not to exceed \$500.00.

- 12. Applicant agrees to pay, in a timely manner, any and all utility and light and power costs, in the public interest, so as to insure public health, safety and welfare in the subdivision. Applicant further agrees that in the event such payments are not timely made then after due notice and hearing, the Planning Board may determine that Bond Funds must be utilized to ensure continued power service to the subdivision, including but not limited to continued operation of street lights, sewer pump stations and related facilities within the subdivision and that the subdivision is in default. In this regard, the Planning Board reserves the authority pursuant to the Subdivision Control Law, c.41 of the Massachusetts General Laws after notice and hearing to expend board funds to ensure continuous light and power service to the subdivision.

For title to the property, see deed from _____, dated _____ recorded in ____ (county) _____ Registry of Deeds, Book _____, or registered in _____ (county) _____ Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____.

The present holder of a mortgage upon the property is _____ (name) _____ of _____ (address) _____. The mortgage is dated and recorded in _____ (county) _____ Registry of Deeds, Book _____, Page _____, or registered in _____ (county) _____ Land Registry as Document No. _____, and noted on certificate of title no. _____. In Registration Book _____, Page _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

IN WITNESS WHEREOF we have hereunto set our hands and seals this ____ (day) ____ of _____ (month) _____, 20__.

| | |
|--------------------------------------|--|
| Owner Applicant By _____ | Acceptance by a Majority of the Planning Board of the Town of Hudson _____ _____ _____ |
| Mortgagee By _____ , its _____ | _____ _____ _____ |

Hereunto duly authorized

One acknowledgement must be completed for each of the following:

Planning Board representative

Owner or owners

Mortgagee

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss _____, 20__

Then personally appeared before me the above named _____ and acknowledged the foregoing instrument to be their free act and deed as members of the Hudson Planning Board.

, Notary Public

My commission expires: _____

COMMONWEALTH OF MASSACHUSETTS

__(county)__, ss _____, 20__

Then personally appeared before me the above named _____ and acknowledged the foregoing instrument to be ____ (his/her/its) ____ free act and deed.

, Notary Public

My commission expires: _____

COMMONWEALTH OF MASSACHUSETTS

___(county)____, ss _____, 20__

Then personally appeared before me the above named _____ and acknowledged the foregoing instrument to be its free act and deed as Mortgagee.

, Notary Public

My commission expires: _____

TRI-PARTITE AGREEMENT

Date _____

Subdivision Name: _____

PERFORMANCE – SECURED BY MORTGAGE

Agreement made pursuant to Massachusetts General Laws, Chapter 41, Section 81 U, this day of _____, 20__, by and between _____ hereinafter referred to as the "Lender", and _____ hereinafter referred to as the "Applicant".

Whereas the Lender has recorded a first mortgage on premises shown on a Definitive Plan dated _____, approved _____ entitled: _____ said mortgage being recorded at Middlesex South Registry of Deeds at Book _____ Page _____ and,

Whereas, said first mortgage has been given by the Applicant to the Lender as security for advances to be made to the Applicant by the Lender;

NOW THEREFORE, this agreement provides for the retention by the Lender of funds otherwise due the Applicant to secure the construction of ways and the installation of municipal services in said subdivision in accordance with the standards contained in the Rules and Regulations Governing the Subdivision of land, adopted by the Hudson Planning Board, and the Definitive Plan entitled _____ except: _____ approved by the Hudson Planning Board. A schedule of said disbursements which may be made to the Applicant upon completion of various stages of the work, is attached hereto and incorporated as Exhibit "A".

In the event that the work is not completed as approved by the Planning Board within the time set forth by the Planning Board, and as specified by the Applicant in the attached schedule then any funds remaining undisbursed shall be available for completion of said work forthwith.

Such funds shall be in amount or amounts which shall from time to time be reduced with the approval of the Planning Board so that the amount retained by the Lender shall continue to reflect the actual expected cost of work remaining to be completed for the construction of ways and the installation of municipal services. The construction to be performed under this agreement shall begin no later than _____ and shall be completed by _____.

Applicant agrees to reimburse the Town of Hudson for all administrative and recording fees for street acceptance as build plans and appurtenant utility easements from performance security funds or otherwise in an amount not to exceed \$500.00.

Applicant agrees to pay, in a timely manner, any and all utility and light and power costs, in the public interest, so as to insure public health, safety and welfare in the subdivision. Applicant further agrees that

in the event such payments are not timely made then after due notice and hearing, the Planning Board may determine that Bond Funds must be utilized to ensure continued power service to the subdivision, including but not limited to continued operation of street lights, sewer pump stations and related facilities within the subdivision and that the subdivision is in default. In this regard, the Planning Board reserves the authority pursuant to the Subdivision Control Law, c.41 of the Massachusetts General Laws, after notice and hearing, to expend board funds to ensure continuous light and power service to the subdivision.

(Bank) By its Officer
Hereunto duly authorized

(Developer)

(Planning Board Town of Hudson)

[A Certificate of Vote will be required for the Bank Officer executing this agreement.
A Trustee's Certificate or Certificate of Corporate Vote will be required for applicant if applicable.]



FORM J BOND REDUCTION RELEASE FORM

Hudson Planning Board

Date _____, 20____

Subdivision Name: _____

Middlesex County Registry of Deeds, Plan Book _____ Page No. _____

Developers' Name: _____

Access Street into Subdivision: _____

I, _____ hereby petition the Planning Board of the Town of Hudson, to reduce the amount of money withheld, by the Town.

To release the following sum of \$ _____ . With a remaining balance of \$ _____.

The Town of Hudson, a municipal corporation situated in the County of Middlesex, Commonwealth of Massachusetts, acting by its duly organized Planning Board, holder of a Performance Bond, Surety or Mortgage – dated _____, 20____, recorded with the Middlesex County District Deeds, acknowledges satisfaction of the terms thereof and hereby releases its right, title and interest in the lots designated on said plan and/or to any funds due the Applicant and held by the mortgager as follows by releasing the following sum of \$ _____ from the full amount held by the Town of Hudson.

Executed as a seated instrument this _____ day of _____ 20____.

| | |
|---------------------------------------|-------|
| PLANNING BOARD, TOWN OF HUDSON | |
| _____ | _____ |
| _____ | _____ |
| _____ | |

Commonwealth of Massachusetts

Middlesex, ss _____, 20____

Then personally appeared **Robert L. D'Amelio, Chairman**, one of the above named members of the Planning Board of the Town of Hudson, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Notary Public

My commission expires : _____



FORM J2 LOT RELEASE FORM

Hudson Planning Board

Date _____, 20__

Subdivision Name: _____

Developers' Name: _____

Access Street into Subdivision _____

I, _____ hereby petition the Planning Board of the Town of Hudson, to release the following lot(s): ___ as shown on Plan entitled “ _____ ” recorded by the Middlesex County Registry of Deeds, dated _____, 20__, from the covenant dated _____, 20__ record by the Middlesex South County Registry of Deeds **Book** _____, **Page** _____. For said subdivision has been partially completed, to the satisfaction of the Planning Board in an adequate condition to safely serve the enumerated lots shown on Plan entitled “ _____ ”.

Executed as a sealed instrument this ____ day of _____ 20__.

| | |
|---|-------|
| 1.2.1.1 PLANNING BOARD, TOWN OF HUDSON | |
| _____ | _____ |
| _____ | _____ |
| _____ | |

Commonwealth of Massachusetts

Middlesex, ss _____, 20__

Then personally appeared **Robert L. D'Amelio, Chairman** one of the above named members of the Planning Board of the Town of Hudson, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Notary Public

My commission expires : _____

FORM K

**CONVEYANCE OF EASEMENTS
AND UTILITIES**

_____, of _____,
County, Massachusetts, for good and adequate consideration, grant to the Town of Hudson,
a municipal corporation in Middlesex County, Massachusetts, the perpetual rights and
easements to construct, inspect, repair, renew, replace, operate and forever maintain, water
mains with any manholes, pipes, conduits, drainage easements and other appurtenances
thereto, and to do all acts incidental thereto, in, through and under the following described
land: _____

_____ appearing on a plan entitled: _____

And, for the consideration aforesaid, the said grantor does hereby give, grant, transfer and
deliver unto the Town of Hudson all water mains, manholes, pipes, conduits, drainage
easements and all appurtenances thereto that are now or hereafter constructed or installed
in, through, or under the above described land by the grantor and the grantor's successors
and assigns.

The grantor warrants that the aforesaid easements are free and clear of all liens or
encumbrances, that he (it) has good title to transfer the same, and that he will defend the
same against claims of all persons.

For grant's title see deed from _____
dated _____, 20____, and recorded in _____ District
Registry of Deeds, Book _____, Page _____, or under Certificate of
Title No. _____, registered in _____ District
of the Lands Court, Book _____, Page _____.

And (to be completed if a mortgage exists) _____
(name and address) _____
the present holder of a mortgage on the above described land, which mortgage is
dated _____, 20____, and recorded in said Deeds, Book _____,
Page _____, for consideration paid, hereby releases unto the Town forever from the
operation of said mortgage, the rights and easements herein above granted and assents
thereto.

Authorized Signature of Mortgagor Signature of Owner

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day
of _____, 20_____.

COMMONWEALTH OF MASSACHUSETTS

_____, ss

_____, 20 ____

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

Notary Public

My commission expires: _____



FORM L
REFERRAL FORM

_____, Massachusetts
_____, 20__

Board of Health _____

Department of Public Works _____

Fire Department _____

Director of Licenses,
Permits and Inspections _____

Police Department _____

Light and Power Department _____

Town Administrator _____

The attached Definitive Plans were submitted to the Planning Board on _____.
A public hearing has been scheduled for _____ p.m. on _____
to discuss these plans.

May we have your comments and recommendations concerning this subdivision by no later
than _____.

Please return this form with your comments and recommendations.

Thank you,

Clerk Planning Board

FORM M

CONTROL FORM

Preliminary Plan Approval Date _____

Date of Definitive Plan _____

Submission Date(s) **(S)** _____

Check: Rec'd _____ Forms Rec'd _____ Plans Rec'd _____

Approval Deadline Date, , as applicable
(S+90 days) or (S+135 days) _____

Hearing Date **(H)** _____

Date of Letters to Abutters **(H-14 days)** _____

Date of Newspaper Notices (2) **(H-14 days)**
(H-7 days) _____

Approval or Disapproval Date **(A)** _____

Appeal Deadline Date **(A+20 days)** _____

Date of Restrictive Agreement _____

Date Record Plan Endorsed _____

Date Plans and Restrictive Agreement Recorded _____

Book No. _____ Page No. _____

1st Copy Subdivider's file _____

2nd Copy Planning Board Clerk for Follow-up _____

Date Form M and set of Definitive Plans sent to following **(S+10)**

- 1. Board of Health _____
- 2. Department of Public Works (2 copies) _____
- 3. Fire Department _____
- 4. Director of Licenses,
Permits and Inspections _____
- 5. Police Department _____
- 6. Light and Power Department _____

Date Form M and set of Definitive Plans returned from the following **(S+45 days = Deadline)**

- 1. Board of Health _____
- 2. Department of Public Works (2 copies) _____
- 3. Fire Department _____
- 4. Director of Licenses,
Permits and Inspections _____
- 5. Police Department _____
- 6. Light and Power Department _____

FORM N

TOWN OF HUDSON, MASSACHUSETTS



LEGAL NOTICE OF PUBLIC HEARING

_____, having submitted a Definitive Plan of a proposed subdivision of land in Hudson, Massachusetts, located _____

as shown on plan entitled: _____

by: _____

___ dated _____, a copy of which is on file with the Town Clerk, a public hearing will be held thereon at the Department of Public Works Building, Municipal Drive, Hudson, Massachusetts, on _____, at _____, in accordance with provisions of General Laws, Chapter 41, Section 81-T, as amended.

Planning Board _____

Chairman, _____

FORM O

RECEIPT FOR SUBDIVISION PLAN

Town Clerk

Hudson, Massachusetts

Received
from _____

a copy of a _____ Preliminary/ _____ Definitive Subdivision Plan entitled

application for approval for which has been made to the Hudson Planning Board.

Town Clerk

Date of Filing

FORM P
INSPECTION FORM *

Hudson, Massachusetts

Name of Subdivision _____ From Sta. _____ To Sta. _____

Name of Applicant _____ Phone of Applicant _____

| Subject | Responsible Agency | Initials of Agent | Date of Inspection |
|--|-----------------------|-------------------|--------------------|
| 1. Clearing of Right-of-Way | Dept. of Public Works | _____ | _____ |
| 2. Sub-grade Preparation | Dept. of Public Works | _____ | _____ |
| 3. Drainage (Below-grade) Installation | Dept of Public Works | _____ | _____ |
| 4. Water Installation | Dept. of Public Works | _____ | _____ |
| 5. Fire Alarm Installation | Dept. of Public Works | _____ | _____ |
| 6. Gravel Base | Dept of Public Works | _____ | _____ |
| 7. Curb Installation | Dept. of Public Works | _____ | _____ |
| 8. Binder course | Dept. of Public Works | _____ | _____ |
| 9. Drainage (At surface) Installation | Dept of Public Works | _____ | _____ |
| 10. Berm Installation | Dept. of Public Works | _____ | _____ |
| 11. Finish Course | Dept of Public Works | _____ | _____ |
| 12. Sidewalk Construction | Dept. of Public Works | _____ | _____ |
| 13. Street Trees and Planting | Dept. of Public Works | _____ | _____ |
| 14. Grass Strips | Dept. of Public Works | _____ | _____ |
| 15. Street Lights | Dept of Public Works | _____ | _____ |
| 16. Street Signs and Monuments | Dept. of Public Works | _____ | _____ |
| 17. Final Clean-up | Dept. of Public Works | _____ | _____ |
| 18. Maintenance | Dept. of Public Works | _____ | _____ |

* Responsible agency and Planning Board shall be notified in writing at least 24 hours before each required inspection as listed. No inspection may be waived except by joint approval of Planning Board and responsible agency.

FORM Q
DIGITAL SUBMISSION REQUIREMENTS

All plans submitted to the Planning Board for endorsement must be submitted electronically according to the following schedule:

ANR PLANS – At the time of application submittal

SITE PLANS – As-builts required prior to issuance of occupancy permit

ALL SUBDIVISIONS – Final approved plans required prior to issuance of any building permit. As-builts required prior to issuance of last occupancy permit.

Format

The following formats are required for submission:

1. All geographic data must be submitted in a standard real-world coordinate system. The following coordinate system is strongly preferred:

Projection: Massachusetts Stateplane Mainland
Datum: NAD83
Fipszone: 2001
Units: Meters
Spheroid: GRS1980

2. All digital data must be delivered in **Autodesk AutoCAD dxf** format.

Please contact the Planning Department with any specific questions regarding digital submissions.

FORM R
3RD PARTY BILLING FORM



Town of Hudson
Planning Department
78 Main Street, Hudson, MA 01749
Tel: (978) 562-9963 Fax: (978) 568-9641

3rd Party Billing Form

Date: _____

To: Community Newspapers
Legal Notice Department

I hereby authorize the Community Newspapers to bill me directly for the legal notice to be published in the _____ on _____. This legal notice pertains to a _____.

Signed: Applicant/Authorized Agent

Date

Print Name: _____

Address: _____

Phone: _____



FORM S
PEER REVIEW PROCESS

Town of Hudson
Peer Review Process

All projects submitted to the Planning Board for Site Plan Review, Special Permit and review under Subdivision Control will require peer review unless determined otherwise by a vote of the Hudson Planning Board at the opening of the public hearing. The following process will be adhered to:

1. At the first public hearing for the project the Planning Board will notify the Applicant that the peer review process will be followed. At the end of the first public hearing the Planning Board will continue the hearing to a date and time certain approximately 45 days later to accommodate the process.
2. The Applicant will provide the Planning Director with a full filing package including all plans, calculations, narratives, etc. which will be forwarded to the peer review consultant within 24 hours of receipt.
3. Upon receipt of plans, etc from the Town, the peer review consultant will prepare a scope of work, fee estimate and authorization letter. Upon issuance of authorization letter The Planning Director will request a check from the Applicant. This will take place within 7 days of receipt of plans.
4. Immediately (within 24 hours) upon receipt of escrow check from the Applicant, authorization letter signed by the Planning Director and returned to peer review consultant.
5. Peer review consultant to review plans, calculations and prepare comment letter – Assuming average size subdivision or commercial development **Day 1-15**; subject to modification based on scale of project. If additional time is necessary, the authorization letter will identify the require time.
6. Draft comment letter sent to Planning Director and Planning Board for review and comments and/or questions – **Day 16**
7. Planning Department/Board review of the draft comment letter – **Day 16-20**
8. Questions/Request/Comments/Edits regarding the draft comment letter returned to peer review consultant – **Day 21**
9. Comment letter finalized by peer review consultant – **Day 22-25**
10. Final comment letter sent to Planning Director for distribution to Applicant – **Day 26**

FORM T
EROSION CONTROL PLAN

EROSION CONTROL PLAN

1. Before construction begins, all erosion control measures must be in place, as per plan and/or Town DPW.
2. Failure to maintain satisfactory erosion control at the site may result in an immediate Stop Work Order, as well as a freeze on any Occupancy Permits and Building Permits.
3. During the beginning phases of any clearing, proper erosion control is to be in place to control runoff onto the public way.
4. Hay bales or a silt fence are to be placed along the front of the lot to prevent any runoff from leaving the lot. If a silt fence is used, it is expected that the bottom portion is to be buried in a trench that is 3" deep and covered with soil to control erosion. Hay bales are to be properly staked into the ground.
5. Either hay bales or a silt fence shall be installed, in a continuous manner, along both sides of the road until the end of the public way in the subdivision is reached.
6. Any soil runoff (whether from a single lot or from the subdivision) reaching a public way shall be removed by a street sweeper cleaning within forty-eight (48) hours.
7. Steps shall be taken to ensure that established properties and wetland areas are fully protected from any runoff from the site (whether from a single lot or from the subdivision).
8. There shall be hay bales at intervals of 25' (on the lots themselves), in a V-shaped formation, perpendicular to the hay bales or silt fence that is running along said road.
9. To ensure that water from the road flows into the catch basins, a temporary berm, from the catch basin running up along the edge of the hot-top for a distance of 25', shall be installed. At the catch basins themselves, a temporary wedge-shaped berm behind the raised catch basin, with a lip in front of the basin to force the water to flow back into the basin itself, shall be constructed.
10. Within the lots themselves, at the high side of the driveway, either hay bales or a silt fence to control runoff from lot to lot shall be installed.
11. On ALL lots that do not have a hot-top driveway installed, a temporary driveway, using 1½ " stone that is 6" deep, shall be constructed. The size of this driveway shall be 50' long by 10' wide.
12. Either hay bales or a silt fence shall be installed from the hot-top driveway to the rear of the property line, between each of the lots, to further control the runoff.

13. Where there is a stockpile of earth, either hay bales or a silt fence shall be installed to keep runoff from the pile from eroding onto the roadway.
14. At the end of the subdivision, adjacent to the public way, a 10½' easement on both sides of the road shall be installed. Here, a wide bed of stone, with hay bales located at the front of each property line, shall be constructed, to direct the water directly into the catch basins which lie at the end of the subdivision.
15. During the fall season, soil stabilization for every lot, via hydro-seeding or any other expectable approved means, shall be provided.
16. Any existing catch basins are to be properly protected with hay bales to ensure that the runoff is contained.
17. Stockpiles of hay bales, silt fencing and 1½" stone must be on-site for emergency use (200' of silt fence, 70 hay bales, and 50 ton of 1 ½" stone).
18. The Developer will designate as Inspector a person or entity different from the road contractor. The Inspector must be assessable seven (7) days per week and be responsible for inspecting and coordinating and maintenance and repair of all erosion control systems on the site.
19. Inspections of all erosion control systems shall be conducted by the Inspector at least once each week until the completion of construction of the subdivision. In case of any noted breach or failure, the contractor shall immediately make appropriate repairs.
20. In addition, inspections shall be made before, during, and after any storm event reaching one (1) of the following thresholds:
 - a. Any storm in which rain is predicted to last for twelve (12) consecutive hours or more.
 - b. Any storm for which a flash flood watch or warning is issued.
 - c. Any single storm predicted to have a cumulative rainfall greater than ½".
 - d. Any storm not meeting the previous three (3) thresholds, but which would mark a third consecutive day of rain.

**This EROSION CONTROL PLAN
was adopted by the Hudson Planning Board
on September 16, 1997**