

**Rules and Regulations
Governing the Subdivision of Land
Town of Brimfield, Massachusetts**

**(Adopted under the Subdivision Control Law section 81-K to 81-G
inclusive, Chapter 41 G.L.)**

Purpose

The “Subdivision control law has been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not yet become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The power of the planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in adjacent public ways; for reducing danger to life and limb in the operation of motor vehicle; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or by-laws; for ensuring adequate provision for water, sewage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city and town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to the subdivision of land; provided, however, that such a board may, when appropriate, waive, as provided for in section eighty-one R; such portions of the rules and regulations as is deemed advisable.” (Section 81-M of Chapter 41, G.L.)

Section I Authority

Under the authority vested in the Planning Board of the Town of Brimfield by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Brimfield.

Section II General

A. Definitions

“Subdivision” shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law, if at any time when it is made, every lot within the tract so divided has frontage on (a) a public way, or (b) a way shown on a plan theretofore approved in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city, or town in which the land lies, 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 zoning or other ordinance or by-law, if any, of said city or town for erection of a building on a lot, and if no distance is so required; such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.” (Section 81-L of Chapter 41, G.L.)

“Board” shall mean the Planning Board of the Town of Brimfield

B. Plan Believed Not to Require Approval

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 may submit his plan and application Form A (see Appendix) to the Planning Board 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 and accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.

No plan presented with its frontage on a road determined to be inadequate by the Planning Board, taking into consideration the factors enumerated in Ch 41, Sec. 81-M, will be considered eligible to receive the endorsement “Approval Not Required”

No Plan presented in which the lots are located in a street system which the Planning Board determines does not provide adequate access to said lots, taking into consideration the factors enumerated in Ch 41, Sec. 81-M, will be considered eligible to receive the endorsement “Approval Not Required”.

If the Board determines that the plan does not require approval, it shall without a public hearing and without unnecessary delay endorse on the plan the words “Approval under Subdivision Control Law not Required”.

The Board may add to such endorsement a statement of the reason approval is not required. The plan will be returned to the applicant, and the Board shall notify the Town Clerk of its action.

If the Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant

and return the plan. The Board will also notify the Town Clerk of its action.

If the Board fails to act upon a plan submitted under this section within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under Subdivision Control Law is not required.

C. Subdivision

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 or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definitive Plan of such Subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

Section III Procedure for the Submission and Approval of Plans

A. Preliminary Plan

1. General

A. Adequate Access from Public Way

1. Where the street system within a subdivision does not connect with or have, in the opinion of the 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 a physical improvements to and within such a way of access, in accord with the provisions of these regulations, from the boundary of the subdivision to a Town, County or State way.
2. 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 such public way to the same standards required within the subdivision. Any such dedication of land for purpose of 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.

Any person, before submitting his definitive plan for approval, may submit, and any applicant for a non-residential subdivision must submit, to the planning board and to the Board of Health a preliminary plan, and shall give written notice to the Clerk of the Town of Brimfield by delivery or by registered mail, postage prepaid, that he has submitted such a plan. The Board shall tentatively approve such preliminary plan with or without modifications suggested by it or agreed upon by the person submitting the plan or shall disapprove such preliminary plan, and, in the case of disapproval, shall state the reasons therefore. Except as is otherwise expressly provided, the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan, and no register of deeds shall record a preliminary plan. Said preliminary plan shall be accompanied by a nonrefundable fee of 20% of the total fee for a definitive plan (see schedule A attached) which shall be deducted from the total fee charged at the time of filing of the definitive plan.

2. Contents

“Preliminary Plan” shall mean a plan of proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing:

- a. The subdivision name, boundaries, north point, date, scale, legend and title “Preliminary Plan”
- b. The names of the record owner and the applicant and the name of the designer, engineer, or surveyor
- c. The names of all abutters, as determined from the most recent local tax list
- d. The existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner

- e. The proposed systems of drainage, including adjacent existing natural waterways, in a general manner
- f. The approximate boundary lines of proposed lots, with approximate areas and dimensions
- g. The names, approximate location and widths of adjacent streets

The topography in an approximate manner of information required for the Definitive Plan (Section II-B-2 Contents) and the financial arrangements (Section III-B-3 Performance Guarantee) will be developed.

3. Tentative Approval

The Planning Board may give such Preliminary Plan its tentative approval, with or without modification. Written notification of such action shall be sent, by certified mail or delivery, to the applicant and the Town Clerk within 45 (forty-five) days of submission.

4. Time Limit

When a Preliminary Plan has been submitted to the planning board, and written notice of the submission has been given to the town clerk, such preliminary plan and definitive plan evolved thereupon shall be governed by the rules and regulations relative to subdivision control in effect at the time of the submission on the preliminary plan, provided that the definitive plan is duly submitted within 7 (seven) months from the date on which the preliminary plan was submitted.

B. Definitive Plan

1. General

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

- a. An original drawing of the Definitive Plan and 6 (six) contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- b. A properly executed application Form B (see Appendix).

c. Balance due (if Preliminary Plan was filed) of 80% of fee (see attached Schedule A). If no Preliminary Plan was filed previously, full fee (100%), due at this time. (see attached Schedule A).

The applicant shall file one contact print of the Definitive Plan with the Board of Health.

The applicant shall file by delivery or Certified mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form B).

2. Contents

The Definitive Plan shall be prepared by an engineer or surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth. The plan shall be at a scale of one inch equals forty feet or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, north point, date and scale and legend and title "Definitive Plan".**
- b. Name and address of record owner, applicant, designer, engineer or surveyor.**
- c. Name of all abutters as they appear in the most recent local tax list.**
- d. Lines of existing and proposed streets, ways, lots easements, and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board)**
- e. 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.**

f. Location of all permanent monuments property identified as to whether existing or proposed.

g. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.

h. Indication of purpose of easements.

i. Suitable space to record the action of the Board and the signatures of the members of the Board.

(Items j,k and l may be submitted on the same sheet as the Definitive Plan or on separate sheets.)

j. Existing and proposed topography at a suitable contour interval if required by the Board.

k. Existing profiles on the exterior line and proposed profile on the center-line of proposed streets at a horizontal scale of one inch equals forty feet (1" equals 40') and vertical scale of one inch equals four feet (1" equals 4'), or such other scales acceptable to the Board. (All elevations shall refer to the Town datum.)

1. Proposed layout of storm drainage, water supply and sewage disposal systems.

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

The Board of Health shall within 45 days report to the Planning Board in writing approval or disapproval of the Definitive Plan. Failure of the Board of Health to report shall be deemed approval. In the event of disapproval, the Board of Health shall make specific findings as to which, of any, of the lots cannot be used for building sites. The Board of Health shall include these specific findings and the reasons therefore in the report and, where possible, make recommendations for the adjustment(s).

Any approval of the Definitive Plan by the Planning Board shall then only be given on condition that no building or structure shall be placed upon the designated lots or land without consent of the Board of Health.

The Definitive Plan shall show any conditions required by the Board of Health or shall refer to a separate document of conditions.

Every lot (so located that it cannot be served by a connection to the municipal sewer system) shall be provided with a cesspool or septic tank and drain-field satisfactory to the Board of Health.

4. Public Hearing

Following the receipt of the report of the Board of Health, or the lapse of 45 days without report, a public hearing shall be held by the Planning Board. Notice of this hearing shall be given by the Planning Board – at the expense of the applicant- at least fourteen (14) days prior thereto by advertisement in accordance with M.G.L. (Chapter 41, Section 81T). A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.

Following the public hearing the Planning Board shall approve, modify and approve, or disapprove the Definitive Plan, In any event, the Planning Board shall approve, modify and approve, or disapprove the Definitive Plan within 60 days of the receipt of the Definitive Plan.

“In the case of a nonresidential subdivision where a preliminary plan has been duly submitted and acted upon or where forty-five (45) days has elapsed since submission of the said preliminary plan, and then a definitive plan is submitted, the failure of a Planning Board either to take final action or to file with the city or town clerk a certificate of such action regarding the definitive plan submitted by an applicant within ninety (90) days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be approval thereof. Notice of such extension of time shall be filed forthwith by the Planning Board with the city or town clerk.

“In the case of a subdivision showing lots in a residential zone. where a preliminary plan has been acted upon by the Planning Board or where at least forty-five (45) days has elapsed since submission of the preliminary plan, an applicant may file a definitive plan. The failure of a Planning Board either to take final action or to file with the city or town clerk a certificate of such action on the definitive plan within

ninety (90) days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Planning Board with the city or town clerk.

“In the case of a subdivision showing lots in a residential zone, where no preliminary plan has been submitted and acted upon or where forty-five (45) days has not elapsed since submission of such preliminary plan, and a definitive plan is submitted, the failure of a Planning Board either to take final action or to file with the city or town clerk a certificate of such action regarding the definitive plan submitted by an applicant within one hundred thirty-five days (135) after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Planning Board with the city or town clerk”. (Sec. 81U MGL)

5. Performance Guarantee

a. Before approval of a Definitive Plan of a subdivision the Planning Board shall require provision for the construction and installation of the improvements specified in Section V of there Rules and Regulations, such construction and installation to be secured by a proper bond or 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 for the lots in the subdivision shown on the Definitive Plan. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Selectmen, or Town Treasurer and shall be contingent on the completion of such improvements within two (2) years of the date of the bond.

b. The penal sum of any such bond, or the amount of any deposit held-under clause (a) above – may from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Planning Board in whole or in part.

c. Upon the completion of the construction of ways, and the installation of municipal services in accordance with Section V of the Rules and Regulations, security for the performance of which was given by bond, or deposit, the applicant may send by registered mail to the

Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond or deposit has been given has been completed in accordance with the Rules and Regulations of the Planning Board, such statement to contain the address of the applicant, and said clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has been completed, it shall release the interest of the Town in such bond, and return the bond or the deposit to the person who furnished same, duly acknowledged, which may be recorded. If the Planning Board determines that said construction or installation has been completed, it shall release the interest of the Town in such bond and return the bond or the deposit to the person who furnished the same, in a check issued by the treasurer at the direction of the Town Accountant, which may be recorded. If the Planning Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction and installation fails to comply with the Planning Board Rules and Regulations and upon failure so to do within forty-five (45) days after the receipt by the Town Clerk of said statement all obligations under the bond shall cease and terminate by operation of law, and deposit shall be returned and any such covenant shall become void. In the event that said forty-five (45) day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, shall issue a certificate to such effect, duly acknowledged, which may be recorded.

d. Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

6. Certificate of Approval

The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action.

Final approval, if granted, endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board (or by the signature of the person officially authorized by the Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of action of the Board with the Town Clerk has notified the Board that no appeal has been filed and a certificate by the Town Clerk, is endorsed, on the Plan, or is separately recorded and referred to said Plan, that no notice of appeal was received during the twenty days next after receipt and recording of notice from the Planning Board of the approval of the plan. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with four prints thereof.

*** Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within the subdivision.**

SECTION IV – DESIGN SPECIFICATIONS

A. Streets

1. Location and Alignment

- a. All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular traffic. Due consideration shall be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.**
- b. The proposed streets shall conform, so far as practicable, to the Master Plan as adopted in whole or in part by the Planning Board.**
- c. Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.**
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the**

opinion of the Planning Board, such strips are in the public interest.

e. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.

f. The minimum centerline radii of curved streets shall be one hundred feet (100 ft.). Greater radii may be required for principal streets, or to provide adequate sight distance.

g. Streets shall be laid out so as to intersect as nearly as possible at right angles. No Street shall intersect any other street at less than sixty degrees.

h. Property lines at street intersections shall be rounded or cut back to a radius of not less than twenty-five feet.

2. Width

The minimum width of the street right-of-way shall be sixty feet (60 ft) for principal street and fifty feet (50 ft) for a secondary street. Greater width may be required where deemed necessary by the Planning Board.

3. Grade

a. Street grade shall be not less than (0.5%). Grade shall not be more than (6.0%) for a principal street nor more than (12.0 %) for a secondary street.

b. Where the grade of a street at the approach to an intersection exceeds 6%, a leveling area of not greater than 3 % shall be provided for at least thirty-five feet, measured from the nearest edge of the paved surface of the intersecting roadway.

4. Dean-end Streets

a. Dead-end streets shall not be longer than five hundred, unless, in the opinion of the Planning Board. A greater

length is necessitated by topography or other local conditions.

b. Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred feet (100 ft), and a property line diameter of at least one hundred thirty feet (130 ft).

B. Deeds and Easements

1. Easements for utilities or storm drainage across lots or along rear or side lots shall be provided where necessary and shall be at least twenty feet wide.

2. A written easement for each street right-of-way shall be submitted and approved by Town Counsel before final endorsement of a definite plan by the Planning Board.

3. In a cluster subdivision, a written deed to the Town or other document reserving appropriate land as permanent open space shall be submitted.

4. The Planning Board may require that there be provided a storm water easement or drainage right-of-way of course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

C. OPEN SPACES

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 in 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 years.

D. PROTECTION OF NATURAL FEATURES

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

E. MONUMENTS

Stone bounds shall be set at points as shown in the Definitive Subdivision Plan and the Street Plan Profile.

1. Bounds shall project four inches above finished grade.
2. Bounds shall not be less than four feet in length and not less than four inches in width and breadth, and shall have a drill hole in the center. Wrought iron rods may be used where points fall on exposed ledge.
3. When all the stone bounds are installed, the surveyor will certify by letter that all the bounds have been installed according to approved plans.

F. ROAD SPECIFICATIONS

1. The subdivider shall construct all streets on the plan according to the following specifications:

Traveled Way

- a. The minimum width of the traveled way shall be thirty (30 ft.) for a principal street and twenty-eight (28 ft) for a secondary street. Greater width may be required where deemed necessary by the Planning Board.

Clearing

- a. No clearing shall be started on any part of the street until the Planning Board has designated in writing, those trees which are to remain in the tree belt.

b. The subdivider shall notify the Planning Board when the street has been staked out and is ready for the Planning Board to designate those trees which are to remain.

c. If there are not enough existing trees to meet the below requirements, additional trees shall be planted at the expense of the subdivider until these requirements are met.

Sub-Base

Description

That material directly under and supporting the gravel base.

The sub-base shall contain no loam, soft yielding material, clay, rock, or any other unsuitable material. All unsuitable material shall be removed and replaced with gravel. The gravel shall consist of hard durable stone and coarse sand practically free from loam and clay and containing no stone having any dimension greater than six inches. The grading of the gravel shall conform to the following requirements:

SIEVE	PASSING
1/2"	50% - 85%
3/8"	45% - 80%
4	40% - 75%
10	30% - 60%
40	10% - 35%
200	0% - 10%

a. Prior written approval of the source of gravel for the sub-base is required. The Planning Board if requested will furnish a list of approved gravel pits, or will approve any gravel pit with a suitable grade upon request.

b. The depth of the sub-base shall be as specified by the Planning Board, governed by existing conditions. The width of the sub-base, measured at the finished grade shall be thirty-four feet (34 ft).

c. The gravel shall be spread uniformly with the larger stones at the bottom of the sub-base, but with no segregation of the large or fine particles. Where the depth of the sub-base is greater than eight inches, the gravel shall be spread and compacted in two or more layers not exceeding eight inches in depth.

d. Any stones with a dimension greater than as specified above shall be removed from the sub-base before the sub-base is rolled.

e. Rolling shall be done with a self-propelled roller weighing not less than twelve tons and shall continue until a firm, even surface, true to the lines and grades, is obtained. Any gravel, which after being rolled, does not form a satisfactory, solid, stable foundation, shall be removed and replaced before proceeding with the gravel base course.

f. The grading of the sub-base for the area on which the gravel base is to be laid shall be finished at the required depth below and parallel to the proposed pavement surface, thus grading the sub-base with the same crown as the finished paving.

G. INSPECTIONS

1. No work shall be performed on the sub-base without the presence or approval of a duly appointed representative of the Planning Board.

2. No work shall be performed on the gravel base until the sub-base has been inspected by a duly appointed representative of the Planning Board and written approval has been received by the sub-divider.

H. GRAVEL BASE COURSE

1. Description

- a. The gravel base course shall consist of not less than twelve inches of compacted gravel placed upon the sub-base or sub-grade.**
- b. The gravel shall conform to the sub-base as specified under “F Road Specs:”, sub-title Sub-base, except that it shall contain no stone having any dimension greater than two and on-half inches.**
- c. The top four inches shall be selected gravel or processed gravel which shall pass a two-inch screen.**
- d. The placement of the gravel shall be so as to conform to the specifications for the placement of gravel sub-base under Sub-base © and (f).**
- e. The grading of the base for the area on which the pavement is to be laid shall be finished at the required depth below and parallel to the proposed pavement surface, thus grading the gravel base course with the same crown as the finished paving.**
- f. The width of the base course shall be thirty-four (34 ft).**
- g. Inspections**
 - 1. No work shall be performed on the gravel base course without the presence or approval of a duly appointed representative of the Planning Board.**
 - 2. No work shall be performed on the hardened surface until the gravel base has been inspected by a duly appointed representative of the Planning Board and written approval of the gravel base has been received by the subdivider.**

I. HARDENED SURFACES

- 1. The hardened surface shall be composed of mineral aggregate, mineral filler, and bituminous material, plant mixed and laid hot.**
- 2. The hardened surface shall conform to the specifications of the “Commonwealth of Massachusetts, Department of Public Works Standard Specifications for Highways and Bridges: dated 1953, Sec B-**

18, Class I Bituminous Concrete Pavement, Type 0I-1, and all revisions and additions thereto.

3. No work shall be performed on the hardened surface without the presence or approval of a duly appointed representative of the Planning Board.

J. UTILITY TRENCHES

1. All electrical and telephone distribution wires shall be installed underground, unless in the opinion of the Planning Board such unstaallation is not in the best interest of the Town or is impractical.

2. All utility entrances and trenches in the subdivision shall be completed prior to the application of the hardened surface.

3. A connection for each underground utility shall be installed to the edge of the street right-of-way for each house lot before the finished surface of the street is installed.

K. SHOULDERS

1. All shoulders shall be graded with a minimum of six inches of loam.

2. The depth of the loam shall be measured down from the top of the berm.

L. TREE AND PLANTING SPECIFICATIONS

1. Size of Trees

a. The diameter of the trunk, measured at the base, shall be not less than two inches.

2. Species

a. The trees shall be Norway Maple, Sugar Maple, Red Maple, Red Oak, Little Leaf Linden or as approved by the Planning Board. The location of overhead wires or obstructions shall be considered in determining the location and species acceptable to the Board.

3. Placement

a. Trees shall be placed so that there shall not be less than one tree for every seventy-five feet of frontage, or fraction thereof.

4. Guarantee

a. Each new tree shall be guaranteed by the subdivider for a period of one year from date of completion of the subdivision. Any tree deemed by the Planning Board to be unsatisfactory within one year shall be removed and replaced at the expense of the subdivider.

5. Damaged Trees

a. Any tree which the Planning Board designates to remain and which is subsequently damaged during construction of the subdivision shall be repaired or removed and replaced as directed by the Planning Board and at the expense of the subdivider.

M. CURBS, BERMS and GUTTERS

1. Bituminous concrete berms shall be installed along all street edges. Berm locations and lengths shall be shown on street plans and profiles. Bituminous concrete berms with asbestos fiber, 2.5% by weight mix, shall be required. Bituminous concrete berms shall be constructed with an approved berm machine. The road surface where berm is placed shall be free of loose material.

2. Specially constructed gutters or curbs may be required under special conditions as specified by the Planning Board.

N. STORM DRAINAGE

1. Design of storm sewers, accompanied by supporting calculations showing the basis for the design, shall be submitted for review prior to final approval of the subdivision by the Planning Board and Selectmen.

2. All storm water runoff must be conveyed to a natural water course or existing adequate storm drain. Where necessary, the developer shall acquire and convey to the Town of Brimfield drainage easements across adjacent land, and shall install ditches, or structures at his expense, to accomplish this purpose.

O. STREET SIGNS

1. The subdivider shall install street signs at all street intersections according to the standards set by the Town of Brimfield Highway Department.

SECTION V ADMINISTRATION

A. VARIATIONS

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

B. REFERENCE

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.

C. ONE DWELLING PER LOT

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town without the consent of the Planning Board.

D. BUILDING PERMIT

No building shall be erected within a subdivision without written permission from the Planning Board and Building Inspector of the Town of Brimfield.

Sub-Division Fees

Sub-Division Control

Preliminary Plan

Filing Fee	\$200.00
Per Lot Fee	\$ 40.00

Definitive Plan with Preliminary Plan presented

Filing Fee	\$ 800.00
Per Lot Fee	\$ 160.00

Definitive Plan without Preliminary Plan

Filing Fee	\$ 1000.00
Per Lot Fee	\$ 200.00

\$ 100 Advertising and abutter notices (if charges are above \$100 the balance will be billed to the applicant)

\$50 Continuance Fee

Engineering Peer Review / Inspection Fees

Deposit of \$ 2,500.00 Plus \$20.00 per linear foot of road.

The petitioner is required to pay actual cost which is to be paid by a schedule set at the Planning Boards discretion. These costs may be greater than the initial deposit incurred for the review of the project. If a surplus remains upon the completion of the project the petitioner will be reimbursed the balance. Initial deposit, as determined by the Planning Board, must be paid before the opening of the public hearing.

