

NEW BEDFORD CODE
Subdivision Regulations
City of New Bedford

As revised, adopted by the Board of Survey on October 18, 1990 and approved by the Mayor on October 24, 1990.

<u>Table of Contents</u>		Pages
	<u>Purpose</u>	1
Article I.	<u>Authority</u>	1
Article II.	<u>Application of Regulations</u>	1-4
	A. Definitions	1-3
	B. Subdivision Plan Approval Required	3
	C. Plan Not Requiring Approval	3-4
Article III.	<u>Procedure</u>	4-7
	A. Submission of a Preliminary Plan	4-5
	B. Submission of a Definitive Plan	5-7
	1. Notice to Clerk	5
	2. Fee	5
	3. Public Hearing	5-6
	4. Distribution	6
	5. Approval	6-7
	6. Notice to Applicant	7
Article IV.	<u>Performance Guarantees</u>	7-10
	A. Methods	7-8
	B. Release of Performance Guarantee	8-10
	C. Enforcement	9-10
Article V.	<u>General Requirements for the Subdivision of Land</u>	10-13
Article VI.	<u>Subdivision Plan Specifications and Required Contents</u>	13-18
	A. Drawings	13
	B. Preliminary Plan – Contents	14-16
	C. Final Plan – Contents	16-18
Article VII.	<u>Required Improvements</u>	18-22
	A. Monuments	18
	B. Street Improvements	18-20
	C. Storm Drainage	20-21
	D. Water Mains	21
	E. Sewers	21
	F. Curbing	21
	G. Lot Grading	21
	H. Street Lighting	21-22
	I. Utilities	22
	J. Street Trees	22
	K. Cable Television Wires	22
Article VIII.	<u>Validity</u>	22

NEW BEDFORD CODE
CITY OF NEW BEDFORD

SUBDIVISION CONTROL REGULATIONS

PURPOSE

The Subdivision Control Law has been accepted by the City of New Bedford for the purpose of protecting the safety, convenience and welfare of the inhabitants of the City 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 Board of Survey and Board of Appeals under the Subdivision Control Law will be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for ensuring compliance with applicable zoning and airport approach regulations; for securing adequate provision for water, sewerage, 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 with the ways in neighboring subdivisions.

Article I. Authority

These regulations are promulgated by the City of New Bedford Board of Survey under the Massachusetts Subdivision Control Law (Ch. 41, G.L., as amended). Under \ Section 22-30 of the New Bedford City Code, the Mayor and City Council act as Board of Survey.

Article II. Application of Regulations.

(A) Definitions.

- (1) "Subdivision" shall mean 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 of 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 frontage on (a) a public way, or (b) a way shown on a plan therefore 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 Board of Survey, 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 at least such distance as is then required by zoning or other ordinance or by-law, if any, of the City of New Bedford for erection of building on such lot. 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 a tract of land on which two (2) or more buildings were standing when the Subdivision Control Law went into effect in the City into separate lots on each of which, one of such buildings remains standing, shall not constitute a subdivision.
- (2) "Board" shall mean the Board of Survey of the City of New Bedford.
- (3) "Developer" shall mean any individual, group of individual, or partnership or corporation, public or private, seeking to build upon, subdivide, or alter land or buildings in any fashion in the City of New Bedford.

NEW BEDFORD CODE

- (4) "Lot" shall mean the area of and defined by fixed metes, bounds, or boundary lines, and used or set aside and available for use as the site of one or more buildings or for any other definite purpose.
 - (5) "Arterial Street" shall mean a major street in the City's street system that serves as an avenue of the circulation of traffic into, out, or around the City and carries high volumes of traffic. The width of the right-of-way and other layout features of arterial streets shall be determined on a case by case basis by the City or by the City in cooperation with other government agencies.
 - (6) "Collector Street" shall mean a street whose principal function is to carry traffic between minor, local and arterial streets but that may also provide direct access to abutting properties. The width of the right-of-way and other layout features shall be determined by the City on an individual case basis.
 - (7) "Local Street" shall mean a street whose sole function is to provide access to abutting properties, and is designed in accordance with the City's approved fifty (50) foot specifications.
 - (8) "Dead End Street" shall mean a street subject to local street specifications that terminates in a vehicular turnaround. The minimum radius of said turnaround shall not be less than 50 feet. Said street shall not be more than four hundred (400) feet in length, and the length of the dead end street shall be measured from a point at the rear of the turnaround to the start of the center line of the dead end street. Further, in the center of the turnaround there shall be a circular island of a diameter width of fifteen (15) feet. Said island will be edged with granite curbing and shall be planted with one tree measuring three (3) inches in diameter at a point six inches from ground level or shrubs subject to the approval of the Planning Department. Hammerhead and T-type dead end streets may be permitted on approval of the Board of Survey, and subject to department regulations for such layouts.
- (B) Subdivision Plan Approval Required. No person shall make a subdivision of any land within the City of New Bedford unless such person has first submitted to the Board of Survey for its approval a plan of such proposed subdivision showing the lots into which such land is to be divided and the ways already existing or which are to be provided by him for furnishing access to such lots, and the Board of Survey has approved such plan in the manner hereinafter provided. After the approval of a plan the location and width of ways shown thereon shall not be changed unless the plan is amended accordingly, as provided in Section 81W (Ch. 41. G. L.), but the number, shape and size of the lots shown on a plan so approved may be changed without action by the Board, provided every lot so changed still has frontage on a public way or way shown on a plan approved in accordance with the Subdivision Control Law of at least such distance, if any, as is then required by ordinance or by-law of the City of New Bedford for erection of a building on such lot.
- (C) Plan Not Requiring 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 such person's plan does not require approval under the Subdivision Control Law, may submit such person's plan and application to the Board of Survey accompanied by necessary evidence to show that the plan does not require approval. Said person shall file such person's plan by delivery or registered mail to the Board of Survey, care of the City Clerk. If so mailed, the date of mailing shall be the date of submission of the plan. The Board of Survey hereby designates the city Planner as its agent to determine whether or not a plan requires approval. The City Clerk shall forward to the City Planner all subdivision plans received for such determination. If the City Planner determines that the plan does not require approval, such Planner shall, without a public hearing and within twenty-one (21) days of submission, endorse on the plan, or cause to be endorsed thereon by a person authorized by the Planner, the words "Board of Survey approval under

Subdivision Control Law not required.” Said plan shall be returned to the applicant and the City Planner shall notify the City Clerk of the such Planner’s action. Said endorsement shall not be withheld unless the plan shows a subdivision. If the City Planner determines that the plan does require approval under the Subdivision Control Law, such planner shall within twenty-one (21) days of the submission of said plan to inform the applicant and return the plan. The Planner shall also notify the City Clerk of such planner’s determination. The applicant may then submit applicant’s plan for approval as a subdivision, or may appeal as provided (Ch. 41, Section 81BB, G. L.). The City Planner shall then make such endorsement on said plan, and on the Planner’s failure to do so forthwith, the City Clerk shall issue a certificate to the same effect. In case of failure by the City Planner to act as stated above, it shall be deemed that approval under the Subdivision Control Law is not required.

- (D) Board of Appeals. As provided by statute, an appeal to the Board of Appeals or to the Superior Court may be taken by parties at interest from any decision by the Board of Survey.

Article III. Procedure.

For each subdivision proposed, there shall be prepared and submitted to the Board of Survey both a preliminary plan for study and modification and a final plan.

- (A) Submission of Preliminary Plan. It is required that any person, before submitting his definitive plan for approval, submit to the Board of Survey, to the Board of Health, the Department of Public Works, the Water Board, the City Planning Department, the Conservation Commission, the Wire Department and the Building Department a preliminary plan and shall give written notice to the City Clerk by delivery or by registered mail, postage prepaid, that such person has submitted such plan. If the notice is given by delivery , the City Clerk shall, if requested, give a written receipt therefore. Before approval, modification or disapproval is given by the Board of Survey to a preliminary plan, a public hearing shall be held by said Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by mailing notice thereof to all owners of land abutting upon the land included in such plan as they appear upon the most recent tax list.

Within forty-five (45) days after submission of a preliminary plan, each board or department shall approve such a 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 its reason therefore. The Board of Survey shall notify the City Clerk of its approval or disapproval as the case may be.

The Board shall not act on any preliminary plan within thirty (30) days after submission unless it has received the recommendations of said departments and a clearance from the Conservation Commission. Within forty-five (45) days after submission, the Board shall approve a 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 its reasons therefore. The Board of Survey shall notify the City Clerk of its approval or disapproval, as the case may be.

Approval of the preliminary plan shall indicate that the proposed plan for subdivision, if consistently followed throughout, will be adequate and sufficient to obtain final approval, provided that all requirements of Article VI, Section C, Final Plan, Contents, of these regulations are met.

- (B) Submission of a Definitive Plan.

NEW BEDFORD CODE

- 1) Notice to Clerk. Every person submitting a definitive plan of land to the Board of Survey for its approval shall give written notice to the City Clerk by delivery or by registered mail, postage prepaid, that such person has submitted such a plan. Such notice shall describe the land to which the plan relates, sufficient detail for identification and shall state the date when such plan was submitted and the name and address of the owner of such land. No plan shall be deemed properly filed under this section without having met all requirements listed in Article VI of these regulations.
- 2) Fee. Fees for submission of preliminary and/or definitive plans and for plans not requiring approval under the Subdivision Control Law shall be set from time to time by order of the Board of Survey. Costs of the hearing shall be borne by the applicant.
- 3) Public hearing. Before approval, modification and approval or disapproval of the definitive plan is given, a public hearing shall be held by the Board of Survey, notice of the time and place of which and of the subject matter sufficient for identification, shall be given by the Board of Survey at the expense of the applicant by advertisement in a newspaper of general circulation in the City once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing; and by mailing copy of such advertisement to all owners of land abutting upon the land included in such plan as appearing upon the most recent tax list.
- 4) Distribution. The City Clerk shall distribute copies of the definitive plan to the Board of Health, City Planning Department, Building Department, Department of Public Works, Water Board, Wire Department, and the Conservation Commission. When a definitive plan of a subdivision is submitted to the Board of Survey, a copy thereof shall also be filed with the Board of Health, the Department of Public Works, Water Board, the City Planning Department, Conservation Commission, Wire Department and Building Department, which agencies shall within forty-five (45) days after the plan is so filed, report to the Board of Survey in writing, approval or disapproval of said plan, and in the event of disapproval, shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and where possible, shall make recommendations for the adjustment thereof. Failure to so report shall be deemed approval by said departments. At the time of filing of the final plan, the Board of Health, the Department of Public Works, and the Water Board shall prepare estimates of the cost of the improvements subject to their approval which estimates shall be given to the subdivider to provide the basis for setting up the required performance guarantees, or in the case of the Water Board, the assessable extension agreement.
- 5) Approval. After the hearing and after the report of said departments or the lapse of forty-five (45) days without such report, the Board of Survey shall approve, or, if such plan does not comply with the Subdivision Control Law or the rules and regulations of the Board or the recommendations of the Board of Health, shall modify and approve or shall disapprove such plan. In the event of approval of the definitive plan as submitted or approved with modifications, it shall be construed that all Board of Survey streets shown within the boundary of the submitted definitive plan shall be discontinued. In the event of disapproval, the Board shall state in detail wherein the plan does not conform to the rules and regulations of the Board or to the recommendations of said departments and shall revoke its disapproval and approve a plan which as amended, conforms to such rules and regulations or recommendations.
- 6) Notice to Applicant. The Board of Survey shall file a certificate of its action with the City Clerk, a copy of which shall be recorded by the City Clerk in a book kept for the purpose, and shall send notice of such action by registered mail, postage prepaid, to the applicant at applicant's address stated on the application. Failure of the Board to act or to file a certificate of its action with the City Clerk within ninety (90) days after submission of a definitive plan, 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 Board with the City Clerk.

Article IV. Performance Guarantees.

(A) Methods. Before approval of a plan, the Board of Survey shall require provision for the construction of ways and the installation of municipal services in accordance with the detailed requirements of the agencies listed under Article IV, Section B, of these regulations, such construction and installation to be secured by one or in part by one and in part by the other of the following methods, which methods may be selected and from time to time varied by the applicant.

(1) Bond or Securities. By a proper bond or a deposit of money or letter of credit or negotiable securities, sufficient in the opinion of the Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan. Any such bond may be enforced and any such deposit may be applied by the Board for the benefit of the City of New Bedford upon failure of the performance for which such bond or deposit was given to the extent of the reasonable cost to the City of completing such construction or installation. Penal sum may be reduced upon partial approval of the plan.

Any original security instrument selected by the applicant shall be valid for one year, if work is not satisfactorily completed on the construction of ways and the installation of principal services within this time period the Board of Survey may upon written request permit the applicant to extend the original security agreements in order to complete the necessary ways and municipal services. No extension shall exceed a six month period; and the Board of Survey, at its discretion, may grant additional extensions.

(2) Covenant (Conditional Approval). By a covenant, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than mortgage deed or other methods of conveyance as provided in Section 81U, Ch. 41 of the Massachusetts General Laws. If conditional approval is requested by the applicant, the applicant shall execute and deliver to the Board before final approval a conditional approval contract in a form approved by the Board to perform the required work. Such contract shall be recorded at the Bristol County Registry of Deeds, and shall be binding upon the land within the subdivision. Upon completion, to the satisfaction of the Board, of the work on the ground necessary to adequately serve all lots within the subdivision, or if so requested by the subdivider, any particular lot or group of lots, the Board will issue and deliver to the subdivider a certificate of such performance, and thereafter the conditions applicable to the lots described shall terminate.

(3) By delivery to the Board of Survey 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 sufficient in the opinion of the Board of Survey and otherwise due the applicant, to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for 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 the work is not completed within the time set forth by the applicant, any funds remaining un-disbursed shall be available for completion.

(B) Release of Performance Guarantee. After or during subdivision construction, and before the Board of Survey votes to release the subdivider, the surety or the guarantor from all or part of the required guarantee, the Board of Survey shall determine that the subdivision

requirements have been fulfilled. Such determination shall be written certifications which the subdivider shall assemble as follows:

- (1) By the Department of Public Works, stating that the streets and storm drainage have been constructed and completed in conformance with the final plan diagram and all applicable requirements; that the City has taken clear and unencumbered title to the required public utility easement as defined in Article V. Item 22; and that as-built plans, on reproducible material, stamped by a professional engineer and professional land surveyor, have been received by the Engineering Department. Said plans shall be at a scale of one inch to forty feet and separate sheets shall be provided for each public utility installed. Further, the plans shall be accompanied with sufficient legal documentation to allow for the recording of an accepted street.
 - (2) By the Water Board, stating that the water mains and hydrants have been installed and are in place in conformance with the final plan diagram and all applicable requirements.
 - (3) By the Board of Health and Department of Public Works, stating that the sewerage or means of waste disposal have been constructed and are in place in conformance with the final plan diagram and all applicable requirements.
 - (4) By the City Planning Department stating that the final plan is in conformance with the Master Plan.
 - (5) By a registered civil engineer or registered land surveyor, acceptable to the Board of Survey and the subdivider, and paid for by the subdivider, that all permanent granite bounds or monuments on street lines and lot lines (if necessary) have been installed and are accurately in place in the locations designated on the final plan.
- (C) Enforcement.
- (1) By prohibition of public improvements. No public way shall be laid out, accepted or constructed, and no municipal service or improvement shall be constructed in a way within a subdivision, to serve the land therein, unless such way appears on a plan of such subdivision approved under the Subdivision Control Law, except by or in accordance with the affirmative vote of two-thirds (2/3) of those present and voting at a meeting of the City Council.
 - (2) By denial of building permits. The Building Commissioner shall not issue permits for the erection of a building until first satisfied:
 - a) 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 section 81X (Ch. 41, G. L.); and
 - b) That any condition endorsed thereon limiting the right to erect or maintain buildings on such lots have been satisfied, or waived by the Board; and
 - c) That consent has been obtained from the Board if the plan provides for more than one building for dwelling purposes to be erected, placed or converted to use as such on any lot; and
 - d) That for construction on lots for which a common sewer is not available, a "disposal works construction permit" has been obtained from the Board of Health.

If enforcement of the provisions aforementioned would entail practical difficulty or unnecessary hardship, and if the circumstances of the case do not require that the building

be related to a way shown on such plan, the Board of Appeals shall have power, by vote of a majority of its members, to issue a permit for the erection of such building, subject to the provisions of Section 81 and Sections 81AA and 81BB (Ch41, G. L.).

Article V General Requirements for the Subdivision of Land.

The subdivider shall observe the following general requirements and principles of land subdivisions:

- (1) Zoning Ordinance, Master Plan conformance. In general the proposed subdivision shall conform to the Zoning Ordinance and the Master Plan.
- (2) Street arrangement. The arrangement of streets in the subdivision shall provide for the continuation of the principal street in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connection streets.
- (3) Width of streets. In general, primary and secondary arterials or highways shall not be less than the width shown on the Master Plan. Parkways and boulevards shall be such width as may be designated by the Board. As a general rule, the width of minor streets shall not be less than fifty (50) feet.
- (4) Dead-end street. Dead-end streets shall not in general exceed four hundred (400) feet in length, and shall be equipped with a turnaround with a minimum radius of fifty (50) feet right-of-way. Further, all proposed subdivision access streets in excess of 500 feet in length shall be linked to existing public streets or private streets built to City standards at two locations; the distance between the two locations shall not be less than three hundred feet or as otherwise approved by the Board of Survey.
- (5) Block length. Block lengths generally shall not exceed one thousand two hundred (1,200) feet in length.
- (6) Block divisions. Each normal block shall be planned to provide two (2) rows of lots, but irregularly shaped blocks indented by dead-end streets or containing interior parks will be acceptable when properly designed and covered by agreements as to maintenance of interior parks.
- (7) Curb radii. Curb radii at intersection shall not be less than twenty-eight (28) feet and property lines shall be adjusted accordingly.
- (8) Side lot lines. Side lines of lots, so far as practicable, shall be at right angles or radial to street lines.
- (9) Vision clearance at intersections. Care shall be exercised in the layout of corner lots allowing sufficient area to permit location of buildings without interfering with vision at intersections.
- (10) Corner lot size. Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line of each street.
- (11) Street grades. Grades of all streets shall conform in general to the terrain and shall be the reasonable minimum, but shall not be less than five-tenths (0.5) percent nor more than five (5) percent for main thoroughfares nor more than ten (10) percent for minor streets.

- (12) Service streets, loading areas. Paved rear service streets of not less than twenty (20) feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced shall be provided in connection with all lots designed for commercial use.
- (13) Commercial street width. In front of areas designed and zoned or where a petition for a change in zoning is contemplated for commercial use, to permit such use, the street width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.
- (14) Flooding. Land subject to flooding and land deemed by the Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such uses as shall not be endangered by periodic or occasional inundation.
- (15) Future streets. In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further re-subdivision.
- (16) Reserve strips. In general, no reserve strips controlling access to abutting property or to land dedicated or to be dedicated to public use shall be permitted.
- (17) Street lines. In general, street lines within a block deflecting from each other at any point more than ten (10) degrees shall be connected with a curve, the radius of which, for the inner street lines, shall not be less than three hundred fifty (350) feet on main thoroughfares, two hundred fifty (250) feet on secondary thoroughfares, and one hundred (100) feet on local streets. The outer street line in each case shall be parallel to such inner street line.
- (18) Parks and playgrounds. Where deemed appropriate by the Board of Survey, land shall be set aside for parks and playgrounds for a period of at least three (3) years; the set aside period shall commence from the date of the approval of the final plan.
- (19) Variations may be permitted. Variations of the general requirements above outlined may be permitted by the Board on application when in its judgment special factors warrant such a variation in accordance with Section 81R of Subdivision Control Laws.
- (20) One house per lot. No more than a one, or a two-family house shall be erected on each subdivided lot. This requirement shall not be construed to apply to commercial or industrial developments.
- (21) Easements, turnarounds. Where a turnaround is required to be provided at the end of the approved portion of a way, which does not connect with another way, easements shall be secured, as required beyond normal roadway width, from abutting lots. Such easements shall terminate upon the approval and recording of a plan showing extension of said way, except in such portion of said turnaround as is included in said extension.
- (22) Public Utility Easement. The Applicant shall provide a public utility easement within the approved right-of-way in accordance with a Deed of Easement instrument provided by the City of New Bedford Department of Public Works. Said easement shall be at least equal to the width of the public right-of-way and may be greater if the Commissioner of Public Works determines that a larger easement is necessary for the public health, safety and welfare. The public utility is in addition to any other easement for any other purpose that may be required to insure the public health, safety and welfare.
- (23) Fence along state highway. Where subdivision abuts a state highway, developer shall erect a chain fence bordering said state highway.

- (24) Snow removal and garbage pickup. Between the time that a definite plan has been approved or approved with modifications to the time that the ways within the subdivision have been accepted by the City Council, the subdivider shall be responsible to snowplow said ways and to pick up garbage of the residents within said subdivision.
- (25) Study to evaluate environmental impact of development of the aquifer on bodies of water in the City of New Bedford.

Article VI. Subdivision Plan Specifications and Required Contents.

(A) Drawings.

- (1) Medium. A preliminary plan shall be drawn either in black India ink or with pencil on tracing paper. A subdivision final plan shall be drawn only in India ink on linen tracing cloth.
- (2) Sheet size. Both in preliminary plans and final plans, the drawing sheets submitted to the Board of Survey shall not be larger than sixteen (16) inches by twenty-one (21) inches to conform to Bristol County Registry of Deeds requirements. If multiple sheets are used, they shall be accompanied by an index diagram of sheets.
- (3) Scale. Preliminary Plans shall be drawn to a scale of not more than one hundred (100) feet to the inch; except that plans of land adjoining the subdivision area, and diagrams showing the location of nearest available public sanitary sewers or water mains, may be drawn to a scale of not more than four hundred (400) feet to the inch. The index diagram of sheets may be of such scale as required to show the necessary information.
- (4) Prints. Five (5) prints, preferably dark line on white background, of each sheet of preliminary plan or final plan, accompanied by all the information required, shall be submitted to the Board of Survey.

(B) Preliminary Plan, Contents. A preliminary plan shall contain the following information:

- (1) Subdivision name. Proposed subdivision name and identifying title;
- (2) Record owner, etc. Name and address of Record Owner, Subdivider and Designer of preliminary layout;
- (3) Locations. Location of property lines, existing easement, buildings, watercourses and other essential features;
- (4) Adjoining land. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage;
- (5) Existing sewers, etc. The location of any existing sewers and water mains, culverts and drains on the property to be subdivided;
- (6) Existing streets, etc. Location, names and present widths of existing and proposed streets, all known Board of Survey streets within one hundred feet of the site boundary, highways, easements, building lines, alleys, parks and other public open spaces and similar facts regarding property adjacent;
- (7) Zoning, dedications. Any changes in the districts or other regulations under the zoning ordinance applicable to the area to be subdivided, any boundaries of such districts affecting the tracts, all parcels of land proposed to be dedicated to public use and the conditions of such dedication;

- (8) Width, etc., of streets. The width and location of any street or other public way or places shown upon the Official Map or the Master Plan within the area to be subdivided, and the width, location, grades and street profiles of all streets or other public ways proposed by the developer;
- (9) Gradings, etc. Typical cross sections of the proposed grading and roadways or sidewalks and topographic conditions;
- (10) Date, etc. Date, true north point and scale;
- (11) Survey. Deed description and map of survey of tract boundary made and certified by a licensed land surveyor;
- (12) Water supply. Connection with existing water supply or alternative means of providing water supply to subdivision in accordance with all applicable requirements;
- (13) Sewer connection. Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed in accordance with all applicable requirements;
- (14) Drainage: Drainage provisions shall be made such that the peak run-off after development is not more than the peak run-off prior to development, said condition shall be attained either through the containment of drainage on-site and/or the provisions for linkage to public storm drains. Further, provisions for collecting and discharging surface drainage shall be made, such that the drainage flowing onto surrounding properties after development is no more than the drainage flowing onto surrounding properties prior to development. All run-off calculations shall be based on the 100 year storm projections.

Also, through the use of data retrieved from on-site test pits one per each lot, the developer's engineer shall determine the highest groundwater level for any two weeks between the period March 1 – June 1 of any given year; and shall also indicate the elevation of the lowest point of all proposed foundations in relation to the highest recorded groundwater level. All data required by this subsection shall be shown on the preliminary plan.

In no instance shall any part of any foundation be less than one foot above the maximum groundwater level determined by the on-site test pits. Further, when a pump station is required to meet the criteria of this section, said pump station shall be provided by the developer.

- 15) Sewer and Storm Water Pump Station: In the event that a sewer or drainage pump station or any other special drainage or pumping device is part of a condominium or homeowners association ownership arrangement, the developer shall require that the the Condominium Association and/or the Homeowners Association be structured to include an escrow account with the financial capacity of fully replacing said pump stations or other special drainage devices at the time of issuance of a Certificate of Occupancy.
- 16) Bridges, culverts. Preliminary designs of any bridges or culverts which may be required.
- 17) Lot lines, setback lines. The proposed lot lines with approximate areas and dimensions and suggested setback lines of buildings.
- 18) Sidewalks, etc. The preliminary layout shall show the proposed location of and type of sidewalks, all required handicapped features as provided by MGL Chapter 22,

NEW BEDFORD CODE

Section 21 and 22 (curb cuts, walks, and overpasses), street lighting standards and species of street trees, the location of curbs, gutters, water mains, sanitary sewers and storm drains and the sizes and types thereof, the character, width and depth of pavement and sub-base, the location of manholes and basins and underground conduits.

- 19) Boundaries of easements. Where the topography is such as to make difficult the inclusion of any utilities within the street area so laid out, the preliminary layout shall show the boundaries of proposed permanent easement over or under private property, which permanent easements shall be not less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public open space shown upon the layout or upon the official map.
- 20) Future street system. Where the preliminary plan submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the submitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.

All of the information set forth above is required by the Board for the purpose of complying with section 81O of the Massachusetts Subdivision Control Law and the City of New Bedford Board of Health regulations. Due care in the preparation of this material will expedite the process of passing upon the formal subdivision plan.

- (C) Final plan, contents. The final plan of a subdivision submitted for approval and subsequent recording shall show or be accompanied by the following material:
 - (1) Title, etc. Proposed subdivision name or identifying title, "The City of New Bedford, Bristol County," the address of record owner and subdivider, and the name, license number and seal of the licensed professional engineer or land surveyor.
 - (2) Street lines. Street lines, pedestrian ways, lots, reservations, all easements on- or off-site, areas dedicated to public use, and all known Board of Survey streets within one hundred feet of the site boundary shall be clearly delineated. Further, all public utility easements and other easements intended for public purposes shall be accompanied by the appropriate easement agreement documents which shall be executed by both parties upon approval of the final plan. Easement locations may be altered to respond to unavoidable and unforeseen construction problems, if said alteration is approved by the Commission of Public Works and said alteration is duly noted on the as-built plans.
 - (3) Final designs. Final designs for items (7) – (19), Article VI, Section B of these regulations.
 - (4) Street line, etc. data. Sufficient data acceptable to the Department of Public Works to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practicable, these should be referenced to monuments, included in the state system of coordinates, and in any event should be tied to reference points previously established by a public authority. Drawings of each street, sewer and storm drain with profiles of same, drawn to the Department of Public Works' standards, shall be submitted with the final plan.
 - (5) Length of lines, etc. The length of all straight lines, the deflection of angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot.

The final plan shall show the boundaries of the property, location, graphic scale and true north point.

- (6) Open spaces. The final plan shall also show by proper designation thereon all public open spaces for which deeds of session are included and those spaces title to which is reserved by the subdivider. For any of the latter, there shall be submitted with the final subdivision plan copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
- (7) City Solicitor approval. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the City Solicitor as to their legal sufficiency. Further, that the public utility easement and any other necessary easement within or outside of the designated right-of-way for whatever purpose shall also bear the certificate of approval of the City Solicitor as to their legal sufficiency.
- (8) Completion of improvements. Before final approval of the plan, there shall be filed with the Board certificates as to the completion of all improvements required by the Board, from all interested agencies as also required under Article IV, Section B. For any required improvements not so completed, there shall be submitted with the plan a certificate of the City Solicitor as to the sufficiency of the performance guarantee offered in lieu thereof.
- (9) Lots to be numbered. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing City practice.
- (10) Monuments. The permanent reference monuments shall be shown thus "X." They shall be constructed in accordance with specifications of the Department of Public Works and when referenced to the state system of plan coordinates shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Department of Public Works and their location noted and referenced upon the plan.
- (11) Study to evaluate environmental impact of development of the aquifer on bodies of water in the City of New Bedford.

Article VII. Required Improvements.

- (A) Monuments. Monuments of a type approved by the Department of Public Works shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by the Department of Public Works.
- (B) Street Improvements.
 - (1) Preparation of roadway. Within the layout area, the following work must be done:
 - a) Brush, stumps, etc. All brush, stumps, etc., shall be removed from the site, and disposed of.
 - b) Stripping site. All unsuitable material shall be stripped from the site and disposed of.
 - c) Subgrade of street. The street shall be brought to proper subgrade which shall be as shown on the typical section required for street acceptance (Top of subgrade is 21" below Design—Top of Curb—Grade at the Gutter Line) by such cutting or filling as may be necessary. The subgrade material shall be compacted

to ninety-five (95) percent of maximum density at optimum moisture content and shall be constructed with a crown of one-fourth (1/4) inch per foot.

- d) Subgrading materials. Twelve (12) inches of gravel base course shall be installed on the subgrade in two (2) six-inch lifts in the roadway. This gravel base course shall be installed as shown on the typical section required for streets acceptance (i.e., Top of Base Course is 9" below the Top of Curb Grade at the Gutter Line). The gravel used for the base course shall be in accordance with the Massachusetts State Highway Standard Specifications for Highways and Bridges, 1973 edition, including all addenda thereto, and as specified in the latest City of New Bedford Department of Public Works Rules and Regulations Governing the Construction of Ways, Streets and Sidewalks for Acceptance by the City of New Bedford. In case of conflict, the latter specification shall govern. The gravel base course shall be compacted to maximum density at optimum moisture content, and to the satisfaction of the Commissioner of Public Works of the City of New Bedford.
 - e) Prime coat. Prior to installing the three (3) inch Class I bituminous concrete (blacktop) pavement, a prime coat of Grade MC-70 (AASHTO Specifications M81 or M82) cutback asphalt shall be spread on the gravel base course at a rate of two-tenths (0.2) to five-tenths (0.5) gallon per square yard and allowed to penetrate the gravel base course.
 - f) Pavement. Following the penetration of the cutback asphalt prime coat and the absorption of any "puddled" asphalt by a method approved by the Department of Public Works a one and one-half (1 ½) inch top course of Class I bituminous concrete pavement, Type I-1 shall be installed as specified in the City of New Bedford Department of Public Works Rules and Regulations referred to above. The top of the top course of bituminous concrete pavement shall be installed six (6) inches below the top of curb, and shall be crowned one-quarter (1/4) inch per foot to the center line of roadway. In unusual circumstances, and where required, additional plans will have to be submitted to, and approved by, the Department of Public Works, detailing any changes from the above.
- (2) Street rights-of-way. Street rights-of-way for local streets shall be fifty (50) feet minimum, to include thirty-four (34) foot wide paved roadway and eight (8) foot wide sidewalks; except where the street has been accepted by the Board of Survey with narrower roadway prior to the effective date of these regulations, in which case the sidewalks may be seven and one-half (7 ½) feet for normal to long blocks, and six (6) feet for short blocks. (For this purpose, normal to long blocks shall be those blocks of three hundred (300) feet and over, and short blocks shall be those under three hundred (300) feet). Street rights-of-way for minor streets shall be forty (40) feet. Wider rights-of-way shall be required where the Master Plan so proposes and the report from the City Planning Department (See Article III; Section (A)) should indicate specifications to be met in accordance with the Master Plan.
- (3) Street grading must, where practicable, insure proper drainage. A street shall be graded to its full width between exterior lines including the sidewalk areas throughout the distance along such street for which final approval or release from guarantee or conditions (after conditional approval) is requested by the subdivider.
- (4) Other requirements, the Commissioner of Public Works may make such other requirements as, in his reasonable discretion, may be necessary because of special conditions.
- (C) Storm Drainage. Basic drainage facilities shall be installed, in such area where sewer installation is impractical, in the following manner:

NEW BEDFORD CODE

- (1) On major streets a crowned cross section is preferred, except at curves. Both shoulders outside the pavement shall be compacted and stabilized, and storm water run-off from adjoining properties and from the roadway shall be definitely channeled and conducted in such manner that road shoulders, embankments, and pavement edges cannot be undermined nor raveled away.
 - (2) Storm drain culverts and conduits shall be not less than twelve (12) inches in diameter or so much larger as may be required by good engineering design standards in relation to the slope, drainage area and land use of the area to be drained.
 - (3) Storm drains shall be laid with a cover depth not less than thirty-six (36) inches except that, where ledge is encountered, different depth and pipe materials may be used as determined by the Department of Public Works. Material used in the drainage system shall be as required by the Department of Public Works of the City of New Bedford.
 - (4) Head walls, catch basins, and manholes as well as storm drainage lines and structures shall be those constructed to the requirements and specifications of the Department of Public Works of the City of New Bedford.
 - (5) Except where storm water may be, in the opinion of the Board of Survey, safely decanted from the road surface or the gutter by paved channel to a natural drainage ditch of adequate proportions, catch basins and storm drainage lines shall be installed on continuous grades, so located as to assuredly drain all low points and sags in the roadway, and be so located that, if possible, storm water shall not flow along the street surface or gutter a greater distance than three hundred (300) feet, unless otherwise permitted by the Department of Public Works.
 - (6) Where a drainage course (surface or piped) is outside street exterior lines, the location of such drainage course shall be secured to the City of New Bedford by easement or dedication.
- (D) Water Mains. All lots within subdivisions shall be connected to the City water mains, and whenever possible all water main configurations shall result in, or promote, a looped water main system. All required water mains shall be installed in compliance with the regulations of the Water Board.
- (E) Sewers. Sanitary sewage pipes and related equipment to serve all lots in the subdivision shall be installed to connect with the existing public sewerage system, where possible. Size and type of all installations shall meet the requirements of the Department of Public Works. Where such installation is not practicable, the subdivider shall construct for each lot an alternative means of sewage treatment and disposal, to the satisfaction of the Board of Health.
- (F) Curbing. Type VA4 granite curbing shall be supplied and installed as shown in the typical section required for street acceptance and as specified by the Department of Public Works of the City of New Bedford.
- (G) Lot Grading. All lots shall be graded to provide drainage into streets where possible. Where this is not possible, interiors of lots shall be graded in such a way, or shall be provided with drainage, so as to avoid ponding of water. Topsoil is not to be removed from the locus, but must be replaced on the lots to be subdivided after grading.
- (H) Street Lighting. The installation of street lights and all related conduits necessary to provide power to these street lights shall be required in all subdivisions and shall be provided by the developer, or general contractor, who shall assume all related costs. The street interval frequency, candlepower and size of lighting fixture shall be determined by the Inspector of Wires of the City of New Bedford. Further, at the time of issuance of a

NEW BEDFORD CODE

certificate of occupancy the Developer shall provide street lighting service to all lots with occupied structures; said lighting may be permitted as temporary lighting at the discretion of the Inspector of Wires; no temporary lighting system shall be allowed for a period of more than six months unless the Inspector of Wires, after examination, permits further extension of up to six months.

Further, the developer or general contractor shall also provide to the City a number of light Poles and fixtures equivalent to ten percent of the total number installed as part of the subdivision, but in no case less than one light pole and one fixture.

- (I) Utilities. All utilities shall be placed underground and constructed to specification of the Inspector of Wires and the Engineering Department of the City of New Bedford.
- (J) Street Trees. Trees such as Honey Locust, Linden, Ailanthus, American Beech, Northern Maple, Red Maple, Northern Red Oak, White Ash or other species approved by the Planning Department, shall be provided at the rate of one tree per lot; and the location of said trees shall be determined after the footprint of the principal structure and driveway(s) are laid out. Further, all trees at the time of planting shall measure three (3) inches in diameter at a point six (6) inches from ground level. Species of trees shall be as approved by the City Planning Department.
- (K) Cable Television Wires. All lots shall be provided with cable television service. Said television cables shall be brought to the lot line of every lot in a conduit placed two feet below grade. Further, the location of all cable television wires in all right of ways shall be clearly indicated on all as-built plans.

Article VIII. Validity.

The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof.

It is hereby declared to be the intention of the Board of Survey to enact each and every section, paragraph, clause or phrase of these regulations irrespective of the enactment of every other section, paragraph, clause, or phrase herein contained.