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## **SECTION A. AUTHORITY**

Under the authority vested in the Fall River Planning Board by Massachusetts General Laws [MGL], Chapter 41 Section 81-Q, said Board hereby adopts these Subdivision Regulations governing the subdivision of land in the City of Fall River.

## **SECTION B. 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 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 a Board of Appeals under the subdivision control law shall be exercised with due regard for the provision of adequate access to all 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 cases of fire, flood, panic, and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; 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 or town in which it is located and with the ways in neighboring subdivisions.” M.G.L. Chapter 41, Section 81-M.

## **SECTION C. REFERENCE & SEVERABILITY**

Reference is made to MGL Chapter 41 Sections 81-K through 81-GG, inclusive, as amended, which include additional requirements and provisions with respect to the subdivision of land. To the extent that any provision of these Regulations is inconsistent with any provision of the Subdivision Control Law, the provision of the Subdivision Control Law shall govern. If any provision of these Regulations is found to be invalid or void, it shall not affect any other provision of these Regulations.

## **SECTION D. INTENT AND PROVISION FOR WAIVERS**

It is the intent of the Subdivision Control Law that any Subdivision Plan filed with the Planning Board shall receive the board's approval if said plan conforms to these Regulations. However, strict compliance with the requirements of these Regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law. The waiver provision shall exist as provided for in MGL Chapter 41 Section 81-R.

## **SECTION E. UNAPPROVED SUBDIVISION PROHIBITED**

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

## **SECTION F. ISSUANCE OF BUILDING PERMITS**

No building permits shall be issued for a lot within a subdivision unless a Definitive Plan for such subdivision has been recorded and all improvements as shown on the approved plan have been installed or a Performance Guarantee posted for their completion.

## SECTION G. DEFINITIONS

For the purpose of the rules and regulations, the following words and terms herein are hereby defined or the meaning thereof is explained or limited as follows:

**Applicant:** The person who applies for the approval of a plan of a subdivision or his administrators, executors, heirs, devisees, successors and assigns. The applicant shall certify that he is the owner of all the land included in the proposed subdivision.

**Approval:** Approval by the Board of a definitive plan of a subdivision.

**Board:** The Planning Board of the City of Fall River.

**Lot:** An area of land in one ownership, with definite boundaries, used or available for use, as the site of one or more buildings, even if the area of land shows on the assessors map or other documents as being composed as several lots. A lot within a subdivision shall mean any area of land with boundaries recorded or to be recorded without any interior division.

**Massachusetts Highway Department:** That state agency designated as MHD or formerly known as Massachusetts Department of Public Works (MDPW).

**Owner:** The owner of record as shown by the records in the Bristol County Fall River Registry of Deeds or Fall River District of the Land Court.

**Person:** An individual, two or more individuals, a partnership, association, or corporation.

**Registry of Deeds:** Bristol County, Fall River Registry of Deeds.

**Roadway of Traveled Way:** The portion of street intended for vehicular use.

**Subdivider:** The person undertaking the subdivision of land.

**Subdivision:** As defined in General Laws, Chapter 41, Section 81-L or any amendment thereof, addition thereto, or substitution therefor.

**Subdivision Control Law:** Sections 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws, and any acts in amendment thereof, in addition thereto or in substitution therefor.

**Utilities:** Improvements for the provision of municipal or public services, such as water supply, sewerage, gas, electricity, telephone, and others serving more than one premises.

## SECTION 1.000 PLAN BELIEVED NOT TO REQUIRE APPROVAL

### Section 1.100 Criteria

- 1.101 Planning Board approval is not required for a division of land provided that every lot within the tract so divided has frontage on one or more of the following.
  - a. A public way or a way which the City Clerk certifies is maintained and used as a public way.
  - b. A way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law.
  - c. A street or way in existence prior to March 1, 1954 and in the opinion of the Planning Board, of sufficient width, suitable grade, adequate construction to provide access to every lot in accordance with MGL, Chapter 4, Section 81-L and 81-M.
- 1.102 Conveyances changing the size and shape of the lots, provided that every lot so changed or affected by such change, has frontage as required by the Zoning Ordinance.
- 1.103 The division of a tract of land, on which two or more buildings were standing prior to March 1, 1954, into two separate lots on each of which one such building remains standing shall not constitute a subdivision.



Section 1.200 Plan Submission

Any person who believes that his plan does not require approval under the Subdivision Control Law, shall submit the following:

- 1.201 An original plan and four prints.
- 1.202 One completed Form A (See appendix A) to the City Clerk and one copy time stamped by the 1.203 City Clerk to the Planning Department.
- 1.204 A filing fee of \$100.00 for each lot shown on the plan that is to be created or changed, excluding the first lot, shall be filed with the Planning Department.
- 1.205 When appropriate, evidence necessary to show that the plan does not require approval.
- 1.206 Plans shall be filed (7) seven days prior to the scheduled meeting date. If the applicant files within the seven days of a meeting and wishes to be heard at that meeting an additional late fee of \$100.00 will be required.

Section 1.300 Plan Contents

The plan submitted shall be suitable for recording at the Bristol County Registry of Deeds, and shall include at least the following:

- 1.301 Name and address of the property owner.
- 1.302 Date, scale, locus map and north arrow.
- 1.303 The name, seal and signature of the Registered Professional Land Surveyor who prepared the plan.
- 1.304 Boundaries and dimensions of the entire original tract, if the lots or parcels to be recorded are divided from a larger tract. If it is not practical to show the boundaries of the original tract on the plan, the area and frontage or all remaining land shall be stated on the plan.
- 1.305 The frontage and area in square feet shall be shown for every lot or parcel.
- 1.306 The names, widths and status (public or private) of all ways abutting the property shall be shown.
- 1.307 Proposed lots shall be designated numerically as parcels (Parcel 1, Parcel 2, etc.).
- 1.308 Names of owners and assessors plat and lot numbers for the property being divided and abutting properties shall appear on the plan.
- 1.309 Planning Board Signature Block:

FALL RIVER PLANNING BOARD

APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW NOT REQUIRED

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

- 1.310 If the plan submitted has been exempted from certain zoning requirements by a decision of the Board of Appeals, the following notation shall appear on the plan:

“Subject to a variance granted on (date) \_\_\_\_\_  
by the Fall River Board of Appeals and  
Recorded in the Bristol County Registry of

Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_.”

- 1.311 Lots which do not appear to conform to the requirements of the Zoning Ordinances may have the following notation placed on the plan by the Planning Board, "The Above Endorsement is not a determination as to conformance with Zoning Regulations."
- 1.312 The Zoning district shall be identified on the plan and if the property is in more than one district the district lines shall be shown on the plan.

If the Planning Board determines that the plan does not require approval in accordance with Chapter 41, Section 81 P, it shall, without a public hearing and without unnecessary delay endorse the plan accordingly. The plan shall be returned to the applicant and the Board shall notify the City Clerk of its action. Where the determination of the Board that a plan does not require approval is based on qualifying conditions, such as certain parcels are not to be used as separate building lots, or that the determination is made with respect to some but not all lots shown, the Board may include an explanatory or qualifying statement of its reasons as a part of its endorsement.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission of said plan, notify the City Clerk and inform the applicant. Such notification shall be in writing.

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

## **SECTION 2.000 PRELIMINARY PLAN**

### 2.100 General

A preliminary plan, showing the proposed subdivision in a general way, submitted by the applicant for discussion and approval by the Board, enables the applicant, the Board, the Board of Health, and other City agencies to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Although not required for residential subdivisions, it is strongly recommended that a preliminary plan be filed in every case.

### 2.200 Application

- 2.201 Six copies of the preliminary plan to be filed with the Planning Board.
- 2.202 Completed Form B (see appendix) to be filed with the City Clerk by the applicant.
- 2.203 Copy of time stamped (City Clerk) Form B to be filed with the Planning Board.
- 2.204 A \$250.00 filing fee to cover the cost of initial engineering and planning review shall be filed with the Planning Board.
- 2.205 A copy of the Preliminary Plan shall be filed with the Board of Health by the applicant.

### 2.300 Contents

The preliminary plan shall be drawn at scale acceptable to the Planning Board and shall clearly show at least the following:

- 2.301 Subdivision name, boundaries, north point, date, scale, legend, locus plan and the title "Preliminary Plan".



2.302 Names and addresses of record owners, the applicant and the stamp of the registered professional engineer and/or land surveyor as required by the provision of Chapter 112 of the General Laws.

- 2.303 Names of all abutters, as determined from the most recent local tax list, including Plat and Lot numbers as shown on the Fall River Assessors plans.
- 2.304 Existing and proposed names, lines of streets, ways, easements, and any public areas within the subdivision.
- 2.305 Proposed system of drainage, including existing natural waterways in a general manner.
- 2.306 Boundary lines of all proposed lots, with approximate area and dimensions.
- 2.307 Location, names, present widths and status of adjacent streets.
- 2.308 Topography of the land in a general manner.
- 2.309 If sewer is not available, percolation and water table tests may be required as directed by the Board. Two copies of the test results shall be submitted to the Board.
- 2.310 Any items required for a definitive plan on which the applicant would like Planning Board input in a preliminary manner.

#### 2.400 Additional Information

The attention of the applicant is directed to the provisions of Chapter 784 of the Acts of 1972 (Section 40 Chapter 131 M.G.L.) Protection of Wetlands (new acts involve all wetlands and other areas subject to flooding), Coastal Wetlands Protection Act (Section 105 of Chapter 130 M.G.L.) and (Chapter 782 of Acts of 1972) (Section 40A of Chapter 131 M.G.L.) - An Act Further Protecting the Inland Wetlands and Flood Plains of the Commonwealth - if any wetlands, flood plains, coastal waters or inland waters are included in the proposed subdivision.

The attention of the applicant is directed to the Federal Emergency Management Agency (FEMA). Any subdivision of 50 lots or 5 acres, whichever is less, shall include base flood elevation data. When flood plain elevations have not been established for a Flood Zone "A", a registered professional engineer must conduct a study of the area to determine the exact flood plain elevation for each affected lot.

The attention of the applicant is directed to the requirement of the Massachusetts Highway Department that a permit be obtained before any work is performed within the State Highway Layout. Their permit will require a specific geometric design for street connections.

The attention of the applicant is directed to the United States Environmental Protection Agency (EPA) and Massachusetts Department of Environmental Protection (DEP) Storm Water Program. Subdivisions which disturb five (5) acres or more and having storm water discharge must provide a copy of the National Pollutant Discharge Elimination Systems (NPDES) Storm Water Discharge Permit and relevant information used in applying for said permit.

#### 2.500 Review by Other Departments and Agencies

Once the Preliminary Plan has been properly submitted to the Planning Department and to the Board of Health, the plan will be distributed by the Planning Department within five (5) working days of receipt of this application to the following City Departments: Water, Sewer Commission, Environmental, Engineering, Department of Public Works and Fire (public safety).

Failure of the other municipal agencies to submit written comments with recommendations within thirty (30) days shall mean they have no problem with the plan. The Preliminary Plan shall be placed on the following month's Reviewer's Meeting agenda for review and comment by the department heads.

The results of these technical reviews will be summarized by the Planning Director and presented to the applicant and Planning Board at a regularly scheduled Planning Board meeting. The applicant is expected and encouraged to attend said meeting.

### 2.600 Approval

Within forty-five (45) days after submission, the Board shall approve, disapprove, or approve with modifications the preliminary plan, noting in the certificate its action and any changes that should be made.

## **SECTION 3.000 DEFINITIVE PLAN**

### 3.100 Application

Any person who wishes to record at the Registry of Deeds or file with the Land Court, a plan which requires approval under the Subdivision Control Law shall submit the following:

Note: If all the lots shown on the plan front on a existing public way and the applicant is requesting a reduction from the required frontage, only submissions 3.101 to 3.105 are required. The plan shall show the information that is required for a Form "A" plan along with the City Clerk's certification and Title Block as shown in Form J.

- 3.101 The original drawing of the definitive plan in ink on tracing cloth or Mylar and eight prints thereof, dark line on white background to be filed with the City Clerk.
- 3.102 A check for \$3.00/Linear foot of roadway plus \$50.00/lot plus \$350.00 against the cost of legal advertising.
- 3.103 A properly executed application on Form C (to be filed with the City Clerk with a time stamped copy to the Planning Board).
- 3.104 A copy of the definitive plan shall be filed with the Board of Health by the applicant and verification of this submittal shall be filed with the Planning Board.
- 3.105 A list of abutters certified by the assessors office shall be submitted to the Planning Board.
- 3.106 To ensure that utility design is consistent with company specifications it is suggested that the following utilities are given copies of the subdivision plan:
  - Local Electric Company
  - Local Gas Company
  - Local Cable Television
  - Local Telephone Company
- 3.107 Estimates of the cost of performing the various items of required work to complete the subdivision shall be furnished on a separate sheet and filed with the Planning Board.
- 3.108 A traverse table showing coordinates, bearings, distances and curve data for all points, lines and curve data for all points, lines and curves shall be submitted to the Planning Board.
- 3.109 A proposed schedule of construction activities for the development shall be filed with the Planning Board.
- 3.110 Environmental Impact evaluation shall be submitted in a narrative form , accompanied by such plans, calculation and exhibits as may be appropriate. It shall review the impact of the proposed subdivision on traffic, drainage, erosion, surface and ground water quality, air quality, noise and lights, vegetation, wildlife and other natural resources; and shall describe the anticipated intensity of use or occupancy. If several alternative methods of subdividing are possible, the evaluation shall compare

their anticipated impact on the environment in order to show that the design selected minimizes the adverse and maximizes the beneficial environmental impacts.

- 3.111 In addition to the hard copies of the plans, the plans shall be submitted to the Planning Department on 3.5" floppy disk in AutoCAD format (DWG).

### 3.200 Form and Contents

The Definitive Plan shall be prepared by a Massachusetts Registered Professional Engineer and/or a Massachusetts Registered Land Surveyor as required by law, and shall be clearly and legibly drawn in black india ink on tracing cloth or Mylar. The plan shall be at a scale of one inch equals forty feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall not exceed 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. Each page of the plan shall contain, in the lower right hand corner, a title block and provisions for recording Planning Board actions (see form J). The definitive plan shall be suitable for recording at the Bristol County Registry of Deeds and shall contain at least the following.

- 3.201 Subdivision name, boundaries, north point, date, scale, locus plan and legend and the title "Definitive Plan".
- 3.202 Names and address of record owner, applicant and engineer.
- 3.203 Names of all abutters, as determined from the most recent local tax list including assessor plat and lot numbers.
- 3.204 Existing and proposed lines of street, ways, easements, and public or common area within the subdivision. (The names of proposed streets shall be shown in pencil until they have been approved by the City Clerk.)
- 3.205 Location, names, and present widths of adjacent streets and whether public or private.
- 3.206 Width and location of existing and proposed roadways and sidewalks within and adjacent to the subdivision.
- 3.207 Proposed lots shall be designated numerically as parcels (Parcel 1, Parcel 2, etc.).
- 3.208 Boundary lines, areas, and dimensions of all proposed lots, with all lots designated numerically and in sequence. Lots not conforming to the Zoning Ordinances shall bear the following notation: "Parcel \_\_\_\_\_ shall not be used as a separate building lot."
- 3.209 Sufficient data to determine readily the location, bearing, or length of every street line, lot line, easement, zoning district, and boundary line and to reproduce same on the ground. The perimeter survey shall have a closure of 1: 15,000 or better.
- 3.210 Location of all permanent monuments properly identified as to whether existing or proposed.
- 3.211 Location of proposed permanent monuments at changes in direction of the proposed street right-of-way lines including points of curvature or where designated by the board.
- 3.212 Major features of the property and within 100' of the property such as existing walls, fences, trails, buildings, wooded areas, outcropping, wetlands, and natural waterways shall be shown.
- 3.213 Existing and proposed topography with two (2) foot contour intervals related to an existing permanent bench mark for any areas to be altered. All elevations shall refer to mean sea level.
- 3.214 The inscriptions as displayed on form "J" shall be shown on the plan.
- 3.215 Zoning District Boundaries including Watershed Protection Districts and Flood Plain Zones.
- 3.216 Lot dimensions shall comply with the minimum standards of the Zoning Regulations.
- 3.217 Proposed utilities within and adjacent to the subdivision shall be shown.
- 3.218 Proposed storm drainage system, including adjacent natural waterways. Size and locations of existing and proposed storm drains, piping, waterways and drainage ponds. All hydraulic design criteria is to be approved by the Board. Profiles and typical sections of existing and proposed waterways within and adjacent to the proposed subdivision shall be shown. Elevations of high water marks for all waterways shall be shown.

3.219 When, in the opinion of the Board, existing soil conditions are unsuitable for the construction of roadways or buildings thereon, soil borings or other means suitable to the Board to determine the

depth of unsuitable material shall be taken and the location of hard bottom shall be shown on the profiles.

- 3.220 Prior to a final approval of the Board, the applicant and design engineer may be required to attend a site inspection with the Board. In order to facilitate inspection and review of the subdivision, temporary staking and/or marking along the approximate center line of all proposed roads in the subdivision may be required for the site inspection.

### 3.300 Utility and Street Plan

The definitive plan will show at least the following utilities and street information.

- 3.301 Proposed street right-of-way lines with sufficient data including lengths of curves, tangents, radii, or bearings needed to determine their exact location.
- 3.302 A center line with twenty-five (25) foot stations.
- 3.303 Existing and proposed topography with two (2) foot contour intervals related to an existing permanent bench mark for any areas to be altered. All elevations shall refer to Mean Sea Level.
- 3.304 Within the proposed street right-of-way lines and 100 feet beyond said lines, major features, water bodies, stonewalls, residences, outcroppings and buildings shall be shown.
- 3.305 The type, size and location of existing and proposed sanitary sewer, storm drainage and water including mains and their appurtenances (i.e. hydrants, valves, services, manholes, catch basins etc.).
- 3.306 Where utilities are not located within the or adjacent to the proposed streets, additional details showing the type, location, and size of such existing or proposed utilities and easement locations shall be shown.
- 3.307 Gutter profiles at intersections, around cul-de-sacs, and at other locations as required by the Board.
- 3.308 Directly above or below the street plan, a profile of the proposed roadway which shall include at least the following:
- a. The title: "Profile of (proposed street name)."
  - b. A horizontal scale of 1"=40' and a vertical scale of 1" = 4'.
  - c. The existing roadway centerline grades in fine dashed lines.
  - d. The proposed roadway centerline grades in heavy, solid line.
  - e. Proposed grade elevation shown at the beginning and end of the roadway and at twenty-five (25) foot station intervals.
  - f. Propose grade elevation and stationing shall be shown at the beginning and end of all vertical curves.
  - g. Rates of gradient in percent and grade breaks.
  - h. The location of any intersecting roadways both private and public.
  - i. The type, location and size of existing and proposed utilities within the street.
- 3.309 A specific cross section referenced to the plan of proposed streets scaled from a typical section of each roadway. The street and utility plan shall identify where each cross section has been taken. Cross sections are required where there are substantial variations in topography and where the right-of-way width varies. The cross section shall show the following:
- a. Title: Specific Cross Section Number \_\_\_\_\_ of (proposed street.)"
  - b. A suitable scale that clearly shows all parts and dimensions of each specific cross section.
  - c. The location and widths of the street right-of-way, roadway, curbs, sidewalks and shoulders.
  - d. The treatment of the proposed roadway and shoulders, gravel base, pavement, depth of loam and specific information as to thickness of each layer and the material to be used.
  - e. The crown of roadway, pitch of sidewalks, grade of slopes, etc.

- f. The design, dimensions and type of proposed curbing.
- g. The typical location of street lights, utility poles, underground utilities, fire hydrants, etc. within the right-of-way, even if these particular items do not fall within the actual cross section location on the plan.

- 3.310 Construction details for any bridges, guardrails, head walls, manholes, or other appurtenances necessary for the completion of the required improvements.
- 3.311 The Roadway shall be designed and constructed in accordance with the standard cross section (see appendix) unless the Board waives or modifies this requirement because of the nature of the street and the traffic that it is expected to accommodate.
- 3.312 Boring, percolation and water table tests as required for leaching catch basins, retention and detention ponds. In addition information shall be provided on the plan stating showing the data and date of testing, the water level elevation, percolation rate, and the name of the Board of Health inspector who witnessed the test.
- 3.313 If a detention or retention basin, pond or area is proposed for the subdivision the plan shall include profiles, typical sections, the types of materials to be used in its construction, proposed capacity and proposed depth. In addition, no less than two percolations and water table tests shall be conducted by the applicant in the vicinity of the proposed basin during the established wet season or by approved soil evaluations.

#### 3.400 Review by other Departments and Boards

Once the Definitive Pan has been properly submitted to the Planning Board, the plan will be submitted to and reviewed by the following:

- 3.401 The Planning Staff for compliance with these Subdivision Rules and Regulations, particularly the design standards for a Definitive Subdivision Plan, and compliance with M.G.L., Chapter 41, Section 81-M.
- 3.402 The Board of Health for its recommendation whether the Plan for health reasons should be approved, approved with modifications, or disapproved in accordance with M.G.L., Chapter 41, Section 81-U.
- 3.403 The Division of Engineering for design review of proposed streets, utilities and drainage system.
- 3.404 The Conservation Commission for review as to the effect of the proposed subdivision on wetlands.
- 3.405 The Fall River Water Department for design of review of the public water supply distribution system.
- 3.406 The Fire Chief and Police Chief for review of fire protection, E911 requirements, street names and public safety.
- 3.407 At the option of the Planning Board any specialized professional for review of issues raised in determining compliance with these rules and regulations and the subdivision control law. If the Board feels that professional review is required the cost shall be paid by the applicant.
- 3.408 The Planning Board at the expense of the applicant may hire a consultant to review the plans and inspect the construction of the subdivision.

Failure of the Board of Health to report, in writing, within forty-five (45) days after the date of submittal shall be deemed approval of the plan by said Board.

#### 3.500 Lots

All lots shown on the plan shall comply with the area, frontage and all other requirements of the Zoning Ordinances of the City of Fall River.



### 3.600 Open Spaces

Before approval of a plan the 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 or air. The park or parks shall not be unreasonable in the area in relation to the land being subdivided and to the prospective uses of such land. The Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks without its written approval for a period of not more than three (3) years.

### 3.700 Protection of Natural Features

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

### 3.800 Public Hearing

Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held at the petitioners expense by the Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Board by advertisement in a newspaper of general circulation in the City of Fall River once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

### 3.900 Decision of the Planning Board

The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be sent by delivery or registered mail to the applicant and filed with the City Clerk. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing up the definitive plan by the majority of the Planning Board but not until the statutory twenty day appeal period has elapsed following the filing of the certification of the action of the Planning Board and the City Clerk that no appeal has been filed or that a degree has been issued by the court. After the definitive plan has been approved and endorsed, the applicant shall furnish the Planning Board with one Mylar copy, for complete set of prints and one copy on 3 1/2" floppy disk in AutoCAD format.

The Planning Board must act on the plan within ninety (90) days (if the submitted Definitive Plan evolved from a Preliminary Plan acted upon by the Planning Board) or one hundred and thirty-five (135) days (if the submitted Definitive Plan did not evolve from a Preliminary Plan acted upon the Planning Board). Except that an extension of the time limit is permitted, if agreed upon by the Planning Board and applicant, in writing.

Final approval of a Definitive Plan does not constitute a laying out or acceptance by the City of streets within the subdivision as public ways.

## **SECTION 4.000 SUBSEQUENT ACTION OF THE DEFINITIVE PLAN**

### 4.100 Performance Guarantee

Before endorsement of its approval of a plan, the Planning Board shall require that the construction of ways and the installation of Municipal services be secured by one, or in part by one and in part by another, of the methods described in the following clauses a,b,c and d which method or combinations of methods may be selected and from time to time varied by the applicant.

- a. By a proper bond, sufficient in the opinion of the Planning 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, and the Planning Board may require that the applicant specify the time within which such construction shall be completed
- b. 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 for lots in the subdivision shown on the plan, and the Planning Board may require that the applicant specify the time within which such construction shall be completed.
- c. By a covenant, executed and duly recorded by the owner of record, running with the land, hereby such ways and services 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 mortgage premises by foreclosure or otherwise and succeeding owner of such premises or part thereof may sell and such lot, subject to that portion of the covenant which provides that no such 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 a covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed.
- d. By delivery to the Planning Board of an agreement executed after the recording of the first mortgage covering the premises shown on the plan or 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 Planning Board and otherwise due to 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 work, and shall further provide that in the event the work is not completed with the time set forth by the applicant, and funds remaining undisclosed shall be available for completion.

Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Corporation Counsel and as to sureties by the City Treasurer, prior to acceptance by the Planning Board and prior to the endorsement of the definitive subdivision plan.

The developer may change the method of securing the required construction for all or part of a subdivision from a covenant to a bond or other security. The developer may request, with the written concurrence of the surety company, if any, reduction in the penal sum of the bond or other security or an extension of time within which the work specified in a covenant or required to be performed under a bond or other security may be completed, and the Board may, at its option, grant such reduction or extension and notify the City Clerk, the developer and the surety, if any, of such reduction or execution. In no event shall the amount of the Performance Guarantee be reduced below \$10,000 until all improvements have been completed and final inspections have been made. Board actions with respect to the approval or disapproval of a subdivision plan, acceptance of a covenant, release of lots or extension of time shall be by a certificate of action executed by a majority of the Board for recording the Registry of Deeds or filing with the recorder of the Land Court.

Before the Planning Board will release a surety bond or deposit, or in the case of a covenant, issue a certificate of performance, the applicant shall obtain and submit to the Planning Board written evidence that the required work has been completed to the satisfaction of the City Clerk.

4.101 Each request for a change or reduction in the Performance Guarantee shall be in writing, with a fee of \$100.00 to cover the cost of the estimate and/or document review.

#### 4.200 Street Maintenance

The subdivider or his successors in title shall maintain all streets and municipal services and utilities in satisfactory condition, and to provide traffic services including snow and ice control, until the streets are accepted by the City.

#### 4.300 Conveyance of Utilities and Easements and Dedication of Streets

Prior to the release of a bond or other security, or to the issuance of a certificate of performance, releasing the developer from the conditions of a covenant or any other instrument intended to secure the performance of required work, the developer shall, without cost to the City, convey or transfer title or rights as follows:

#### 4.400 Conveyance of Travel Easements

Convey to the City of Fall River the right to use streets and any travel easements in the subdivision for the purpose of public travel, installation of utilities and all other purposes for which streets are or may be used in Fall River. This shall include the right to enter said streets and to sweep, remove snow, maintain, reconstruct, and repair them; including all acts necessarily or customarily incidental thereto; but shall not be construed to relieve the developers and their successors in title to any portion of a street in a subdivision from the responsibility of maintaining said street in good repair until it is accepted by the City.

#### 4.500 Conveyance of Drainage

Convey to the City of Fall River the right and easement to construct, extend, operate, remove, replace, repair and forever maintain all surface and subsurface drains and their appurtenances, such as inlets, catch basins, manholes, wingwalls, ditches, swales, detention and retention ponds, paved sluice ways, in and under streets and easements, and where necessary indicate such easements on the subdivision plans at least five feet from the centerline of drain on one side and fifteen feet on the other. This shall not be construed to relieve the developer and his successors in title from the responsibility of maintaining all drains in good repair until the streets and appurtenant drainage easements are accepted by the City.

#### 4.600 Conveyance of Water System

Convey to the City of Fall River Water Department the right and easement to construct, extend, operate, remove, replace, repair and forever, maintain all water mains, valves, pipes, hydrants and other appurtenances in and under streets and easements, indicating where necessary such easements on the definitive subdivision plan as extending at least five feet from the centerline of the water pipe on one side and fifteen feet on the other. This shall not be construed to relieve the developer and his successors in title from the responsibility of maintaining all water supply piping and appurtenances in good repair until the streets and appurtenant easements are accepted by the City.

#### 4.700 As Built Plans

The applicant shall provide at no cost to the City a layout of each street in the subdivision, as built. The Planning Board shall hold a portion of the performance guarantee to cover the cost of work which is necessary to satisfy this requirement. A copy of this plan shall be submitted on 3 1/2" floppy disk in AutoCAD format. The plan, including 5 prints, shall also be drawn in black india ink upon tracing cloth or mylar and shall show the following:

##### 4.701 General As-built Plan

- a. Street lines and grades.
- b. Lot frontage dimensions.
- c. Bearings of lot lines which intersect with street lines.
- d. Horizontal and vertical location of storm drainage system, sanitary, water, electrical, telephone, gas cable and all other utilities. This shall include service connections from the main to the street line or to the limit of easements.
  1. Sewer connections shall be measured from the center of the nearest manhole.
  2. Line of ground surface; size, material and type of pipe; length between manholes; invert and surface elevation at each manhole; and grade of sewer between each two (2) adjacent manholes (All manholes shall be numbered on the profile in accordance with the Definitive Plan).
  3. Location of special features such as inverted siphons, concrete encasements, elevated sewers, etc.
  4. All known existing structures and utilities, both above and below ground, which might interfere with future operation and maintenance of the sewer, particularly water mains and water supply structures (i.e. wells, clear wells, basins), gas mains, storm drains, and telephone and power conduits.
  5. Special detail drawings, made to a scale to clearly show the nature of the construction, shall be furnished to show the following particulars:
    - a. All stream crossings and sewer outlets, with elevations of the stream bed and normal and extreme high and low water levels.
    - b. Details of all special sewer joints and cross-sections.
    - c. Details of all sewer appurtenances such as manholes, inspection chambers, inverted siphons, regulators, tidegates, service connections, single ejectors, pumping stations and force mains.
  6. Water stops and gate valves shall be located.
- e. Grades of gravity features, including rim and invert elevations.
- f. Location of edge of traveled ways.

- g. Location and type of monuments.

- h. All data necessary to reproduce any and all lines on the ground.
- I. Subdivision Name and Title Block in bottom left corner.
- j. Locus plan.
- k. Street addresses for all lots.
- l. Easements must be clearly shown. A copy of the recorded easement shall be submitted with the plan and the and the book and page numbers of the recorded easements shall be on the plan.

There shall be no more than one (1) street on each sheet without the expressed consent of the Board. As-Built plans shall be prepared and stamped by a professional land surveyor currently registered in the Commonwealth of Massachusetts, as required by law.

4.701 Water As-built Plan: The engineer shall prepare on a separate sheet a detailed as-built plan of all water related items. This plan shall be prepared in accordance with the water department.

4.702 Legal Description: Included with the as-built plans will be a meets and bounds description of the street as it will be presented to the City Council for acceptance at a City Council Meeting.

## **SECTION 5.000 ADMINISTRATION**

### 5.100 Variation

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.

### 5.200 Reference

For matters not covered by these Rules and Regulations, reference is made to Sections 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws, and acts in amendment thereof, in addition thereto or in substitution thereof.

### 5.300 One Dwelling Per Lot

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

### 5.400 Subdivision Completion

Road construction shall be completed within two (2) years of the approval of the definitive plan. The Planning Board may grant extensions to this time limit if in the opinion of the Planning Board it would be in the best interest of the public to do so.

### 5.500 Acceptance

No road shall be accepted by the City until the procedures outlined in M.G.L. Chapter 82, Sections 21,22 and 23 have been completed.

### 5.600 Separability

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

### 5.700 Street Names

All roads shall be named and such names shall be subject to the approval of the City Council. Names shall be sufficiently different in sound and spelling from other road names in the City so as not to cause confusion. A road which is a continuation of another road shall bear the same name. In general, street names shall conform with the following classifications:

Street, Avenue, or Road - Major or Collector Street.

Drive or Lane - Local Residential Street (accept as follows).

Court or Place - Dead-end Street (permanent)

Circle - A street, both ends of which intersect another street at different locations.

## **SECTION 6.000 DESIGN STANDARDS**

### 6.100 Streets

All subdivisions shall be designed and laid out to meet the requirements of public safety, including precautions against possible natural disasters, of traffic safety and convenience, of adequate storm water drainage and sewage disposal, and with due regard for the rights, health

and welfare of the inhabitants of the City of Fall River, including the future residents of the proposed subdivision. Subdivision design shall adhere to the principles of correct land use, sound planning and good engineering practices.

- 6.101 The proposed streets shall conform to any Master or Study Plan or any part thereof adopted in whole or in part by the Planning Board.
- 6.102 If adjoining property is not subdivided but is, in the opinion of the Planning Board, suitable for ultimate development, provision shall be required for proper projection of streets into such property by containing appropriate streets within the subdivision to the exterior boundary thereof.
- 6.103 Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips will be in the public interests.
- 6.104 Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect at less than sixty (60) degrees.
- 6.105 Street lines at all intersections shall be rounded with a curve at each corner having a radius of not less than twenty-five (25) feet. However, when the intersection of two streets varies more than ten (10) degrees from a right angle may be less and at the obtuse angle may be greater than twenty-five feet to extent approved or required by the Planning Board.
- 6.106 A leveling area shall be provided having a minus one percent (-1%) grade for a distance of fifty (50) feet measured from the nearest exterior line of the intersecting street, to the point of vertical curvature.

6.107 Streets in a subdivision shall connect and be accessible from a public way or a private way both of which must be deemed adequate in the opinion of the Planning Board to provide access. If the streets in the subdivision connect to a private way, the applicant must have the proper rights to a



private way. The Planning Board shall be satisfied that adequate access for emergency vehicles is provided to all of the lots within the subdivision.

- 6.108 Three-way intersections, especially within the subdivision, will be encouraged in order to slow traffic and minimize the possibility of collisions. Four-way intersections are to be avoided. Street jogs shall have minimum centerline offsets from the larger classified street as shown in table 1.
- 6.109 Where in the opinion of the Planning Board through streets are not needed for a safe and convenient circulation pattern, dead-end streets may be used, but the total length of a dead-end street shall be such as to provide a minimum street frontage for not more than a total of twenty lots meeting the minimum frontage requirements of the Fall River Zoning By-Law. The Board may waive this limitation where in the Board’s opinion greater length is justified by topography or other local conditions.

Section 6.200 Classification

- a. Minor Street - A street which is used solely for access to abutting lots, and serves as legal frontage and access to residential units.
- b. Minor City Street - A minor street providing access to lots with area of 10,000 s.f. or less.
- c. Principal Street - A street which will in the opinion of the Board is being used or will be used as a thoroughfare between different municipalities or will carry a heavy volume of traffic (example Routes 6, 118, 103).
- d. Commercial and Industrial Streets – A street which will be used for commercial and industrial type uses.

TABLE 1  
STREET DESIGN STANDARDS

	Minor Street	Minor City Street	Principal Commercial & Industrial Street
Maximum Cul-de-sac grade	4%	4%	4%
Minimum grade	1%	1%	1%
Maximum grade	9%	9%	7%
Right-of-way width	50’	50’	60’
Right-of-way intersection radii	25’	25’	30’
Street centerline offsets	300’	300’	300’
Centerline radii	150’	150’	300’
Reverse curves intermediate tangent	50’	50’	75’
Curve to intersection intermediate tangent	100’	100’	100’
Pavement width	26’	28’	32’
Pavement radii	37’	39’	44’
Minimum Stopping Site Distance	Crest		200’ k=28
	Sag		200’ k=35
Pavement Thickness	Binder	2.5”	5”
	Top Course	1.5”	2”

6.201 Turnarounds

All dead-end streets shall be provided with a turnaround at the closed end. Dead-end streets shall be at least fifty (50) feet in length before a turnaround. A Dead-end street shall have a circular turnaround at its

terminus with a minimum outside pavement radius of forty (45) feet for minor street, (50) feet for minor city streets.

This table is for design speed of 30 miles per hour. For higher design speed requirements refer to the Massachusetts Department of Public Works Highway Design Manual.

#### 6.202 Curbing

Curbing for residential minor streets shall be Cape Cod Berm. For minor city streets and residential principal streets, cluster subdivisions and commercial developments the curbing shall be vertical granite curbing.

Granite (vertical) or concrete (precast) curbing with a curb inlet shall be used as a header for all catch basins in areas where increased flow of street water is anticipated or as required by the Board.

A maximum curb cut of sixteen (16) feet per lot shall be provided for a residential driveway unless waived by the Planning Board. Curb openings for driveways shall be graded in such a way as to prevent normal runoff water from entering the driveway from the street right-of-way. Curb cuts shall also be provided where sidewalks connect to the street so that handicapped access in accordance with the Americans with Disabilities Act (ADA) is provided.

#### 6.203 Shoulders

The area beyond the curb or sidewalk shall be graded in accordance with the typical cross section, loamed and seeded. Lights and street signs shall be placed at least five (5) feet beyond the edge of the curbing so that an obstacle-free shoulder of five (5) feet is provided along the entire roadway.

#### 6.204 Guardrails

Guardrails shall be required by the Planning Board where, in the opinion of the Planning Board, there are hazards such as drop-offs, steep grades (greater than 50 percent), or water bodies beyond the shoulder.

#### 6.205 Sidewalks

Concrete sidewalks of not less than four (4) feet in width shall be constructed on both sides of Residential Minor City Streets and Principal Streets and Minor Streets that will be used for commercial development. If in the opinion of the Planning Board sidewalks are necessary for safe pedestrian travel the board may require them on any street.

Sidewalks shall be required on one side of the street for residential subdivisions that contain more than sixteen (16) lots or have a roadway length or potential length of more than 1,200 linear feet. Sidewalks will also be required for smaller subdivisions when in the opinion of the Planning Board the area is subject to a high concentration of pedestrian travel, such as near schools, highways or business areas.

#### 6.206 Street Signs

Permanent street signs with the approval street name as shown on the Definitive Plan shall be installed at every intersection in accordance with the Manual on Uniform Traffic Control Devices. Streets will be labeled as "Private Way" until it has been accepted by the City. Any other regulatory or warning signs required by the Planning Board, such as "Keep Right", "Stop" or "One Way" shall also be installed.

Temporary street signs, meeting the approval of the Planning Board, for material, size and location, may be utilized until construction permits final installation. Signs shall be installed prior to the issuance of any building permits.

#### 6.207 Monuments

6" x 6" Reinforced concrete or granite bounds not less than four feet in length, shall be set on the exterior street lines at all angle points, at the beginning and end of all curves, and at all intersections. Such bounds shall be set with their tops flush with the finish grade, unless the Planning Board directs otherwise.

#### 6.208 Drainage

##### a. General

Storm drains, culverts, catch basins and related facilities shall be designed to permit the impeded flow of all natural water courses, to ensure adequate drainage at all low points long streets, to control erosion, to prevent water from flowing onto abutting property and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area being drained. Lots shall be prepared and graded consistent with drainage within the subdivision and in such a manner that development of a lot shall not cause detrimental drainage on another lot, on adjacent ways, and on areas outside the subdivision.

Adequate disposal of surface water shall be provided. Catch basins shall be built in conformity with the current specifications of the Planning Board on both sides of the roadway on continuous grades such that surface water will not need to run along the edge of pavement for a distance of not more than four hundred (400) feet, at low points and sags in the roadway, and near the corners of the roadways at intersecting streets.

##### b. Stormwater Facilities

Water collected by the drainage system shall be detained onsite and filtered through man-made Detention and Filtration Systems before discharge into any waterbody, wetland area, or the general environment. Unless waived by the Planning Board, drainage water must flow for a distance of fifty (50) feet from the drainage system outfall pipe through detention and filtration facilities before being discharged. Detention and filtration systems include detention and retention basins, check swales, swales, and other such facilities.

Every subdivision and its utilities and drainage shall be located and designed to be consistent with the need to minimize flood damage.

Design of such detention and filtration systems shall be consistent with the requirement that peak runoff and stream flows at the boundaries of the development in a twenty-five (25) year frequency storm shall be no higher following development than prior to development. Calculations and plans showing the effects of a 100 year storm shall also be submitted.

All detention and filtration systems shall be designed so that the bottom of any such facility is elevated at least 2' above the ground water. Ground water elevation tests, as witnessed by the Board of Health for a septic system, shall be undertaken in the area of the basin to determine such ground water elevation. The minimum separation between the water table and the base of the system may be waived by the Board, if in the opinion of the Board the separation cannot be met and it is in the City's best interest to do so.

Efforts must be made to limit runoff from the site and to ensure that relatively clean storm water is recharged into the ground water evenly throughout the subdivision.

Catch basins and drain pipes shall be designed to handle the runoff for a twenty-five (25) year storm frequency.

The minimum velocity in any pipe or culvert carrying the design storm flow shall be two feet per second. The minimum slope of the drain pipes shall .5% and not have a slope greater than 10%. Drain pipes shall have at least 16" cover to finish grade for class III reinforced concrete pipes. With the exception of pipes used for subdrains, storm drain pipes shall have a minimum diameter of 12".

All manmade embankment areas shall be completely cleared of organic matter. Manmade embankments shall consist of clean inorganic fill, properly compacted with maximum side slopes of three (3) feet horizontal and one (1) foot vertical then loamed (4" minimum) and Hydro seeded with grass. The interior side of the manmade embankments from the bottom of the basin to its top cannot exceed six (6) feet in height. All embankments whether manmade or existing shall be composed of a material which does not allow seepage. The engineer is encouraged to design basins and embankments which utilize existing topographic features.

Adequate physical access for maintenance purposes shall be provided in and around drainage facilities.

Fencing shall be required for all drainage ponds, a minimum of 4' high with a minimum twelve 12' gate for access.

c. Drains

Drainage shall be designed to collect water from roofs, subdrains, conductors, etc., drainage shall not be discharged or flow over or upon any street.

6.209 Water Facilities

a. Specifications for Water Service Materials

All subdivisions installing water lines, connecting to existing lines or otherwise modifying existing lines shall conform to the following specifications as established by the City's Water

Department:

1. Water Mains: Smallest size allowed shall be an eight (8) inch ductile iron cement lined Class 52.

North of south line on streets running east to west having a fifty (50) foot layout with a minimum cover of four (4) feet.

Water mains shall be installed 14 feet west of each line on streets running north to south having a forty (40) foot layout or 18 feet west of east line on streets with fifty (50) foot layout with a minimum cover of four (4) feet.

2. Hydrants: A. P. Smith H205, Darling B62B and Mueller Super Centurion models; hydrants must be open to the right. Fire hydrants shall be no greater than three hundred (300) feet apart.
3. Gate Valves: All valves must open to the right. Acceptable models are Metropolitan Type--double disc. Resilient Seated Gate Valve--Waterous, U. S. Pipe, and Mueller Resilient seated Wedge.
4. Water Service Tubing: Minimum size tubing allowed is one (1) inch thru two (2) inch only. Must be 200psi with the OD of copper tubing.
5. Corporations, Stops and Couplings: Compression type manufactured by Ford or Mueller.
6. Service Boxes: Erie type service boxes with brass hexagon nut on cap. Box to elevate 4.5 feet to 5.5 feet with a 5/8 inch by 24 inch rod. Service boxes shall be installed one (1) foot inside of the curb.
7. Gate Boxes: Shall be two-pieces with "Water" marked on covers. Gates are to be set up on property lines at intersections.

b. Service Connections

Service connections for water from the main structures in the street to the exterior lines thereof shall be installed for each lot shown on the plan, whether or not there is a building thereon. Any deviation of this requirements necessitated by the unusual topography or technical difficulties must have the specific approval from the Superintendent of the Fall River Water District.

c. Guarantee and Inspections

Fees shall be charged to the developer for all initial inspections and subsequent reinspections of the water service. The developer shall guarantee the workmanship

and materials for a minimum of two years from the date the work is inspected and accepted by the Water Department.



d. Testing and Chlorination

Before water is turned on in the water supply system of a subdivision, the entire system, including pipes and all appurtenances, shall be flushed, chlorinated and pressure tested to the satisfaction of the Fall River Water District.

6.210 Sewer

All subdivisions installing sewer lines, connecting to existing lines or otherwise modifying existing lines shall conform to the following specifications as established by the Fall River Sewer Commission.

6.211 Utilities

a. Installation

All electrical, telephone, gas, cable television and other utility mains including service connections shall be constructed and installed within the subdivision as necessary to provide all lots therein adequate supply for domestic electric, communications and fire protection use.

b. Specifications

Such utility systems shall be laid out to the satisfaction of the respective utilities and the Planning Board. The installation of these systems, including the methods of construction and the quality of materials used, shall conform to the then current Standard Specifications of the utilities, other applicable codes, and Laws of the Commonwealth.

c. Street Lighting

The applicant shall ascertain the intention of the Planning Board with respect to street lighting and arrange for provision in the preliminary planning of the utility. All costs of installation shall be paid by the developer. Normally lights will be required at intersection curves and turnarounds as a minimum.

d. Underground Installations

All electrical, telephone, gas, cable television and other utility mains, wires and service connections shall be placed underground in all residential subdivisions, unless the Planning Board determines that such placement is not feasible or is not in the best interest of the City of Fall River. All underground installations shall be complete as specified prior to street paving.

e. Service Easements

Easements for services across lots or centered on the rear or side lot lines shall be provided where necessary and shall be at least twenty (20) feet wide.

Access

The Planning Board will require proper access to all utilities including drainage ponds and swales. Easements shall not be built upon and adequate access must be provided.

6.212 Fire Suppression Water Systems

If the subdivision is not serviced by city water the Subsurface Water Storage Tanks for Fire Protection shall be installed. This requirement may be waived by the Planning Board if the applicant agrees as a condition of the approval to install sprinkler systems in all residential or commercial structures. Sprinkler systems shall be designed and installed in accordance with the Rules and Regulations of the Fall River Fire Department.

Tanks shall be designed for unlimited lifetime. The completed tanks shall be installed, tested and operational prior to the issuance of any building permits. Said tanks will again be tested at the expense of the developer prior to the final release of the performance guarantee. All components of the installation must be of good quality, approved by an appropriate testing agency, such as UL, FM or the like, with suitable warranties from the manufacturer's which must be transferable to the City of Fall River upon acceptance of the street.

Four (4) sets of as-built plans, approved and stamped by a licensed Fire Protection Engineer, shall be submitted to the Planning Board, upon completion of the project and prior to the final release of the performance guarantee.

Tanks shall be located within five hundred (500) feet of each other and have a minimum capacity of (10,000) gallons. Design, inspection and materials shall conform to the specifications of the Fall River Fire Department.

6.213 Street Trees

Street trees shall be located every one hundred (100) feet on both sides of the proposed street. The trees shall have a minimum trunk diameter of 2" and the type of tree shall be approved by the planning board and be capable of growth without interfering with the utilities, pavement or sidewalks.

**REVISED CONSTRUCTION STANDARDS**

April 1, 1996

**SECTION 7.000 CONSTRUCTION STANDARDS AND REQUIREMENTS**

7.100 Conformance with State Specifications

- a. Unless otherwise specified, all the work and materials used in the subdivision shall conform to the requirements of the “Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges,” 1988 edition,

or any amendment thereof, addition thereto, or substitution therefor as may be issued by the Massachusetts Highway Department.

- b. Unless otherwise specified, Construction Standards shall conform to the most current revisions as published by the Massachusetts Highway Department.
- c. Wherever in the Documents referred to in paragraph a. and b. above, the following terms, or pronouns in place of them are used, the intent and meaning shall be interpreted by substitution as follows:

“Commonwealth”	City of Fall River
“Department”	City Council of the City of Fall River
“Engineer”	City Engineer of the City of Fall River

7.200 Inspections

The inspector shall be designated by the Planning Director. Unless the Planning Board at the subdividers expense has hired a consultant to inspect the subdivision, periodic inspections will be made by the city. The subdivider is responsible for the proper construction of the subdivision and shall not rely solely on the city’s inspections. Until the performance guarantee is released by the planning board and the street accepted, the subdivider is responsible to correct any deficiencies within the subdivision.

If repeat inspections are required due to incorrect or incomplete installations or construction. The Planning Board at a regular meeting and after notification to the subdivider may assess the subdivider an inspection fee of \$100.00 for each repeat inspection made. This fee shall be secured by the performance guarantee and paid within 30 days.

The subdivider shall notify the City Engineer and Planning Director in writing at least 24 hours prior to the time at which each one of the following required inspections (see appendix Form K) should take place. The inspector at the time of inspection shall sign copies of the Form K, one will be filed with the Planning Board, one with the developer and one with the inspector. No work will be approved that has been covered before the required inspection.

- a. Prior to the initial start of construction
- b. Upon completion of the clearing, grubbing and excavation but prior to placement of any suitable fill to reach subgrade.
- c. Upon the completion of the installation of the underground utilities and drainage but prior to any backfilling.
- d. The subgrade prior to the installation of the gravel base.
- e. The gravel base course for streets and sidewalks shall be approved in two stages. The first stage shall be at the completion of the bank run gravel and the second stage shall be at the completion of the crushed gravel.
- f. Notification shall be required prior to the start of each application of bituminous concrete, pouring of concrete in sidewalks and prior to the placement of curbing.
- g. Notification is also required when materials and other items of work are ready for inspection such as the installation of bounds, loam and seeding, and general cleanup.

7.300 Safety Requirements

The subdivider shall provide safe and convenient access to all parts of the subdivision that require inspection.

The subdivider shall fully comply with the rules and regulations promulgated by OSHA, Dig Safe and all other federal and state agencies, whether mentioned or not.

All work related to the subdivision shall be performed so as to avoid hazard, damage or inconvenience to the public, and adjoining property owners adequate measure as approved by the Planning Board shall be provided for the control of siltation and erosion, surface water, dust, noise and traffic.

#### 7.400 Grade Stakes

The subdivider shall provide and maintain grade stakes placed 2' off the edge of pavement at all twenty-five (25) foot stations, prior to placing any suitable fill on the subgrade or placing the gravel base.

#### 7.500 Clearing the Grubbing

The entire area within the exterior layout lines of all streets in the subdivision shall be cleared of all stumps, brush, roots, boulders, and other objectionable materials and all trees not intended for the preservation; followed by the removal of all loam and other yielding material; then excavated as necessary, and graded in accordance with the Definitive Plan.

#### 7.600 Subgrade

- a. Where objectionable materials are encountered to a greater depth than anticipated, the subdivider shall cause to have removed said materials.
- b. The subgrade shall be thoroughly compacted prior to any filling, grading, or placement of any fill material.
- c. The Planning Board will require a minimum of two test per road or one test every 300 feet (which ever is greater) for gradation and compaction of the subgrade to ensure compliance with the Massachusetts highway Department Standards. Test locations shall be approved by the Planning Board's designated inspector. Costs for sample gathering and testing shall be the responsibility of the developer.

#### 7.700 Drainage and Utility Installation

When a pipe is to be laid in an unstable material, as determined by the Planning Board, it will be required that the unsuitable material be removed and replaced with a bedding of gravel or crushed stone to the specifications of the Planning Board or designated inspector.

In locations where high ground water is encountered or where in the opinion of the Planning Board it may be encountered, or in wet spongy areas, sub-drains shall be required. The Planning Board, during construction or after approval of a subdivision, upon visual inspection of the field conditions, may require additional sub-drains to be installed as per their specifications.

#### 7.800 Backfill of Trenches

- a. Back fill in trenches within the right-of-way limits shall be placed

in layers not exceeding (12) inches in thickness and shall be thoroughly moistened and tamped with mechanical tamper to the satisfaction of the Planning Board. Trench jetting may be used as an alternative if approved by the Planning Board.

- b. All materials used for backfilling of road subbase shall be subject to the inspection and approval of the Planning Board. At no time will frozen material be used for backfilling.
- c. Bedding materials and methods for each particular utility line shall be as determined by the affected utility. A minimum of twelve (12) inches of select material with no stones larger than one and one-half (1 ½) inches shall be placed over and on the sides of each utility line.
- d. All utility trenches shall be backfilled a minimum of thirty (30) days prior to placement of the gravel base unless waived by the Planning Board.

7.900 Color Coded Marking Tape

- a. A color coded and magnetic detectable marking tape shall be placed a minimum of eighteen (18) inches and a maximum of thirty (30) inches below the final grade above all underground utility installations except storm drains and sanitary sewers running in straight lines between catch basins and manholes which identify the underground installation.
- b. Tape shall be durable non-degradable plastic with metal strip not less than two (2) inches wide by four thousandths (0.004) inches thick and in the following colors for the particular underground utility:

Red-	Electric
Yellow-	Gas and Oil
Green-	Sewer
Orange-	Communications
Blue-	Water

**SECTION 8.000 SERVICE CONNECTIONS**

The service connection for each respective utility shall be marked at the property line for each and every lot. Marker posts will be oak or pressure treated wood a minimum of 2" x 2", driven a minimum of twelve (12) inches into the ground, and exposed a minimum of twenty-four (24) inches above the surrounding ground. Marker posts shall be painted according to the color coding of the utility and shall be in place for final inspection.

8.100 Gravel

- a. Gravel shall be placed in maximum one (1) foot compacted lifts.
- b. Gravel Borrow shall be in accordance with MHD M1.03.0 type b shall be a minimum of eight (8) inches compacted under streets and sidewalks.
- c. Processed crushed gravel for subbase shall be in accordance with MHD M1.03.1 and shall be a minimum of four (4) inches compacted under streets.
- d. The Planning Board will require a minimum of two tests per road or one test every 300 feet (which ever is greater) for gradation and compaction of the gravel to ensure compliance with the Massachusetts Highway Department Standards. Test locations

shall be approved by the Planning Board's designated inspector. Costs for sample gathering and testing shall be the responsibility of the developer.



### 8.200 Bituminous Concrete

- a. Bituminous concrete shall be placed between April 1, and November 15 as weather conditions permit unless waived by the Planning Board. Air and ground temperature will be 35 F and rising for mix placement. In no case shall paving be permitted on frozen or water soaked surfaces.
- b. All materials shall be supplied from currently State approved batch or drum mix plants. Only State approved mix designs shall be used.
- c. A delivery ticket from an automatic printer system shall be supplied to the city inspector for each load of bituminous concrete or portion thereof delivered to the subdivision and placed.
- d. There shall be a minimum one (1) year waiting period between placement of the two (2) inch binder and one and one half (1½") inch top course of bituminous concrete. A tack coat shall be applied to the binder course just prior to top course placement.

### 8.300 Sidewalks

A minimum of eight (8) inches of gravel borrow type b shall be under sidewalks.

Sidewalks shall be constructed of 4000 psi concrete with ¾ inch aggregate, 610 pounds per cubic yard cement and 7% air entrained content. Depth of concrete shall be four (4) inches minimum except at driveways where it shall be six (6) inches minimum.

# City of Fall River Planning Board

## FORM A

### APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and one copy with the City Clerk in accordance with the requirements of Section 1.000.

To the Planning Board:

The undersigned, believed that the accompanying plan of his property in the City of Fall River does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan, entitled:

\_\_\_\_\_ dated \_\_\_\_\_,  
for determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
Owner's Address: \_\_\_\_\_
2. Applicant's Name: \_\_\_\_\_  
Applicant's Address: \_\_\_\_\_
3. Name of Land Surveyor: \_\_\_\_\_  
Surveyor's Address: \_\_\_\_\_  
Surveyor's Telephone Number: \_\_\_\_\_
4. Deed of property recorded in \_\_\_\_\_ Registry  
Book & Page \_\_\_\_\_
5. Assessors Plat & Lot(s) \_\_\_\_\_
6. Location and Description of property:

Designated contact person if Planning Staff has questions concerning this application:

\_\_\_\_\_ Telephone No. \_\_\_\_\_

# City of Fall River Planning Board

## FORM B

### APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

File one completed form with the Planning Board and one copy with the City Clerk in accordance with the requirements of Section 2.000.

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan, entitled:

\_\_\_\_\_ dated \_\_\_\_\_,

of property located in the City of Fall River for approval as a Preliminary Subdivision as allowed under the Subdivision Control Law and the Planning Board's Rules and Regulations Governing the subdivision of Land in the City of Fall River.

1. Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_  
 Owner's Name: \_\_\_\_\_  
 Owner's Address: \_\_\_\_\_
2. Applicant's Name: \_\_\_\_\_  
 Applicant's Address: \_\_\_\_\_
3. Name of Land Surveyor: \_\_\_\_\_  
 Surveyor's Address: \_\_\_\_\_  
 Surveyor's Telephone Number: \_\_\_\_\_
4. Deed of property recorded in \_\_\_\_\_ Registry  
 Book & Page \_\_\_\_\_
5. Assessors Plat & Lot (s) \_\_\_\_\_
6. Location and Description of property:

Designated contact person if Planning Staff has questions concerning this application:

\_\_\_\_\_ Telephone No. \_\_\_\_\_

# City of Fall River Planning Board

## FORM C

### APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED TO BE REQUIRED

File one completed form with the Planning Board and one copy with the City Clerk in accordance with the requirements of Section 1.000.

To the Planning Board:

The undersigned, believed that the accompanying plan of his property in the City of Fall River does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan, entitled:

\_\_\_\_\_ dated \_\_\_\_\_,  
for determination and endorsement that Planning Board approval under the Subdivision Control Law is required.

1. Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
Owner's Address: \_\_\_\_\_
2. Applicant's Name: \_\_\_\_\_  
Applicant's Address: \_\_\_\_\_
3. Name of Land Surveyor: \_\_\_\_\_  
Surveyor's Address: \_\_\_\_\_  
Surveyor's Telephone Number: \_\_\_\_\_
4. Deed of property recorded in \_\_\_\_\_ Registry  
Book & Page \_\_\_\_\_
5. Assessors Plat & Lot(s) \_\_\_\_\_
6. Location and Description of property:

Designated contact person if Planning Staff has questions concerning this application:

\_\_\_\_\_ Telephone No. \_\_\_\_\_

# City of Fall River Planning Board

## FORM D-1 COVENANT

The undersigned \_\_\_\_\_

of \_\_\_\_\_ County, Massachusetts hereinafter called the "Covenantor", having submitted to the Fall River Planning Board, a definitive plan of a subdivision, entitled \_\_\_\_\_ dated \_\_\_\_\_ made by \_\_\_\_\_ does hereby covenant and agree with the said Planning Board and the successors in office of said Board, pursuant to G.L. (Ter. Ed.) C.41, Sec.81U, as amended, that:

1. The Covenantor is the owner of the record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of the ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by the mortgage deed; provided that a mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit conveyance subject to this covenant by a single deed of the entire parcel of land shown of the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned \_\_\_\_\_

\_\_\_\_\_, wife, husband, of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_ by \_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ SS. \_\_\_\_\_, 20\_\_\_\_

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

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

# City of Fall River Planning Board

## FORM D-2A Performance Secured by Bank Pass Book

Fall River, Massachusetts

Date: \_\_\_\_\_

**AGREEMENT** made this date between the City of Fall River and \_\_\_\_\_  
\_\_\_\_\_, herein after referred to as "the applicant" of \_\_\_\_\_  
\_\_\_\_\_, to secure construction of ways and the installation of municipal services in the  
subdivision of land shown on a plan entitled: \_\_\_\_\_ prepared by:  
\_\_\_\_\_, dated: \_\_\_\_\_, owned by:  
\_\_\_\_\_, land located: \_\_\_\_\_  
\_\_\_\_\_

**KNOW ALL MEN** by these presents that the applicant hereby binds and obligates himself, his, or its  
executors, administrators, devisee, heirs, successors and assigns to the City of Fall River a Massachusetts  
Municipal Corporation, acting through its Planning Board, in the sum of \_\_\_\_\_ dollars, and has secured  
this obligation by depositing with the Planning Board of said City of Fall River, Bank Pass Book to secure  
the above sum of money, said Pass Book to be used to insure the performance by the applicant of all  
covenants, conditions, agreements, terms and provision as noted on the Approved Definitive Plan. The  
applicant further agrees to:

\_\_\_\_\_  
\_\_\_\_\_

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed  
all obligations, or has elected to provide another method of securing performance as provided in M.G.L.  
Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before:  
\_\_\_\_\_, or such later date as may be specified by vote of the  
Planning Board with written concurrence of the applicant and the bank, the Bank Passbook shall be returned  
to the applicant by the City of Fall River and this agreement shall become void. In the event that the  
applicant should fail to complete the construction of ways and installation of municipal services as specified  
in this agreement within the time herein specified, the Bank Passbook may be enforced, in whole or in part,  
by the Planning Board for the benefit of the City of Fall River to the extent of the reasonable cost to the City  
of completing such construction or installation as specified in this agreement. Any unused portion of the  
Bank Passbook will be returned to the surety upon completion of the work by the City.

The City of Fall River acting by and through its Planning Board hereby agrees to accept the aforesaid Bank  
Passbook in the amount specified in this agreement as security for the performance of the project as  
aforesaid. Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing  
by all parties to this agreement.

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

\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant

\_\_\_\_\_  
Signature of Authorized  
Representative of the  
\_\_\_\_\_

\_\_\_\_\_  
Signatures of a Majority of the  
Members of the Planning Board  
of the City of Fall River

COMMONWEALTH OF MASSACHUSETTS

Bristol County, ss \_\_\_\_\_, 20\_\_\_\_

Then personally appeared \_\_\_\_\_ one of the above named members of the Planning Board of the City of Fall River, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

Bristol County, ss \_\_\_\_\_, 20\_\_\_\_

Then personally appeared, the representative of the Bank of Fall River and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

Bristol County, ss \_\_\_\_\_, 20\_\_\_\_

Then personally appeared, the applicant and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_



# City of Fall River Planning Board

## FORM D-2B Performance Secured by Irrevocable Letter of Credit

Fall River, Massachusetts

Date: \_\_\_\_\_

AGREEMENT made this date between the City of Fall River and \_\_\_\_\_  
\_\_\_\_\_, herein after referred to as "the applicant" of \_\_\_\_\_  
\_\_\_\_\_, to secure construction of ways and the installation of municipal services in the  
subdivision of land shown on a plan entitled: \_\_\_\_\_ prepared by:  
\_\_\_\_\_, dated: \_\_\_\_\_, owned by:  
\_\_\_\_\_, land located: \_\_\_\_\_  
\_\_\_\_\_

KNOW ALL MEN by these presents that the applicant hereby binds and obligates himself, his, or its  
executors, administrators, devisee, heirs, successors and assigns to the City of Fall River a Massachusetts  
Municipal Corporation, acting through its Planning Board, in the sum of \_\_\_\_\_ dollars, and has secured  
this obligation by depositing with the Planning Board of said City of Fall River, an Irrevocable Letter of  
Credit to secure the above sum of money, said Irrevocable Letter of Credit to be used to insure the  
performance by the applicant of all covenants, conditions, agreements, terms and provision as noted on the  
Approved Definitive Plan. The applicant further agrees to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed  
all obligations, or has elected to provide another method of securing performance as provided in M.G.L.  
Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before  
\_\_\_\_\_, or such later date as may be specified by vote of the Planning Board with written  
concurrence of the applicant and the bank, the Irrevocable Letter of Credit shall be returned to the applicant  
by the City of Fall River and this agreement shall become void. In the event that the applicant should fail to  
complete the construction of ways and installation of municipal services as specified in this agreement within  
the time herein specified, the Irrevocable Letter of Credit may be enforced, in whole or in part, by the  
Planning Board for the benefit of the City of Fall River to the extent of the reasonable cost to the City of  
completing such construction or installation as specified in this agreement. Any unused portion of the  
Irrevocable Letter of Credit will be returned to the surety upon completion of the work by the City.

The City of Fall River acting by and through its Planning Board hereby agrees to accept the aforesaid  
Irrevocable Letter of Credit in the amount specified in this agreement as security for the performance of the  
project as aforesaid. Any amendments to this agreement and/or to the aforesaid security shall be agreed upon  
in writing by all parties to this agreement.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant

\_\_\_\_\_  
Signature of Authorized  
Representative of the  
\_\_\_\_\_

\_\_\_\_\_  
Signatures of a Majority of the  
Members of the Planning Board  
of the City of Fall River

COMMONWEALTH OF MASSACHUSETTS

Bristol County, ss \_\_\_\_\_, 20\_\_\_\_

Then personally appeared \_\_\_\_\_ one of the above named members of the Planning Board of the City of Fall River, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

Bristol County, ss \_\_\_\_\_, 20\_\_\_\_

Then personally appeared, the representative of the \_\_\_\_\_ and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

Bristol County, ss \_\_\_\_\_, 20\_\_\_\_

Then personally appeared, the applicant and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

# City of Fall River Planning Board

## FORM D-2C Performance Secured by Bond

Fall River, Massachusetts

Date \_\_\_\_\_

**AGREEMENT** made this date between the City of Fall River and \_\_\_\_\_,  
hereinafter referred to as "the applicant" of \_\_\_\_\_ to secure  
construction of ways and the installation of municipal services in the subdivision of land shown on a plan  
entitled: \_\_\_\_\_ prepared by:  
\_\_\_\_\_, dated: \_\_\_\_\_, owned by: \_\_\_\_\_  
\_\_\_\_\_, land located: \_\_\_\_\_

KNOW ALL MEN by these presents that the applicant hereby binds and obligates himself, his, or its  
executors, administrators, devisee, heirs, successors and assigns to the City of Fall River a Massachusetts  
Municipal Corporation, acting through its Planning Board, in the sum of \_\_\_\_\_ dollars, and has secured  
this obligation by depositing with the Treasurer of said City of Fall River, an instrument of transfer to the  
Planning Board of said city, duly acknowledged, and prepared in a suitable form pursuant to the provisions  
of Massachusetts General Laws for the following type of negotiable security Bond, said instrument of  
transfer shall also specify the above sum of money as a security for performance by the applicant of  
construction of the ways and installation of municipal services in the aforesaid subdivision and, where apt, a  
new certificate shall also be deposited with said Treasurer. Said certificate shall be free from encumbrances  
and shall be issued pursuant to Chapter 156-B , Section 30, M.G.L. in the name of the Planning Board of  
Fall River and shall express on its face that it is held as collateral security to insure the performance by the  
applicant of all covenants, conditions, agreements, terms and provisions as noted on the approved  
subdivision plans. The applicant further agrees to install:

\_\_\_\_\_  
\_\_\_\_\_

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed  
all obligations, or has elected to provide another method of securing performance as provided in M.G.L.  
Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before \_\_\_\_\_, or such  
later date as may be specified by vote of the Planning Board with written concurrence of the applicant, the  
interest of the city in the aforesaid security shall be returned by appropriate instrument to the applicant by  
the City of Fall River and this agreement shall become void. In the event that the applicant should fail to  
complete the construction of ways and installation of municipal services as specified in this agreement within  
the time herein specified, the security may be negotiated in whole or in part by the Planning Board for the  
benefit of the City of Fall River, to the extent of the reasonable cost to the City of completing such  
construction or installation as specified in this agreement. Any unused funds resulting from the negotiation  
of aforesaid security by the city or any securities which are not negotiated by the city will be returned to the  
applicant upon completion of the work by said city:

The City of Fall River acting by and through its Planning Board hereby agrees to accept the aforesaid negotiable security as specified in this agreement as security for the performance of the project as aforesaid.

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

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

\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant

\_\_\_\_\_  
Signature of Authorized  
Representative of the  
\_\_\_\_\_

\_\_\_\_\_  
Signatures of a Majority of the  
Members of the Planning Board  
of the City of Fall River

COMMONWEALTH OF MASSACHUSETTS

Bristol County, ss \_\_\_\_\_, 20\_\_\_\_\_

Then personally appeared \_\_\_\_\_ one of the above named members of the Planning Board of the City of Fall River, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

Bristol County, ss \_\_\_\_\_, 20\_\_\_\_\_

Then personally appeared, the representative of the \_\_\_\_\_ and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

Bristol County, ss \_\_\_\_\_, 20\_\_\_\_\_

Then personally appeared, the applicant and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

# City of Fall River Planning Board

## FORM D-2D Performance Secured by Deposit

Fall River, Massachusetts

Date: \_\_\_\_\_

**AGREEMENT** made this date between the City of Fall River and \_\_\_\_\_ ,  
hereinafter referred to as "the applicant" of \_\_\_\_\_  
\_\_\_\_\_, to secure construction of ways and the installation of municipal services in the  
subdivision of land shown on a plan entitled:

\_\_\_\_\_ prepared by:

\_\_\_\_\_, dated: \_\_\_\_\_, land located: \_\_\_\_\_

**KNOW ALL MEN** by these presents that the applicant hereby binds and obligates himself, his, or its  
executors, administrators, devisee, heirs, successors and assigns to the City of Fall River a Massachusetts  
Municipal Corporation, acting through its Planning Board, in the sum of \_\_\_\_\_, and has secured this  
obligation by depositing with the Treasurer of said City of Fall River, a deposit of money in the above sum  
to be deposited in the Planning Board Performance Account. The deposit of money is to be used to insure  
the performance by the applicant of all covenants, conditions, agreements, terms and provision as noted on  
the Approved Definitive Plan.

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed  
all obligations, or has elected to provide another method of securing performance as provided in M.G.L.  
Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before: \_\_\_\_\_, or such later  
date as may be specified by vote of the Planning Board with written concurrence of the applicant, the  
deposit of money shall be returned to the applicant by the City of Fall River and this agreement shall become  
void. In the event that the applicant should fail to complete the construction of ways and installation of  
municipal services as specified in this agreement within the time herein specified, the deposit of money may  
be enforced, in whole or in part, by the Planning Board for the benefit of the City of Fall River to the extent  
of the reasonable cost to the City of completing such construction or installation as specified in this  
agreement. Any unused portion of the deposit of money will be returned to the surety upon completion of  
the work by the City.

The City of Fall River acting by and through its Planning Board hereby agrees to accept the  
aforesaid deposit of money in the amount specified in this agreement as security for the performance of the  
project as aforesaid.

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

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

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signatures of a Majority of the  
Members of the Planning Board  
of the City of Fall River

COMMONWEALTH OF MASSACHUSETTS

Bristol County, ss \_\_\_\_\_,

Then personally appeared \_\_\_\_\_ one of the above named members of the Planning Board of the City of Fall River, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

Bristol County, ss \_\_\_\_\_,

Then personally appeared, the applicant and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

# City of Fall River Planning Board

## FORM E

### FALL RIVER PLANNING BOARD CERTIFICATE OF PERFORMANCE (Covenant Approval Release)

Fall River, Massachusetts

Date:

The undersigned, being the majority of the Planning Board of the City of Fall River, Massachusetts, hereby release lots: \_\_\_\_\_ from the restrictions of the Covenant dated: \_\_\_\_\_, and recorded in the Fall River Registry of Deeds, **Book** \_\_\_\_\_, **Page** \_\_\_\_\_, as shown on the Definitive Subdivision Plan entitled “ \_\_\_\_\_ ”, dated: \_\_\_\_\_, and recorded with said Registry of Deeds in **Book** \_\_\_\_\_, **Page** \_\_\_\_\_. The Planning Board has secured a \_\_\_\_\_ for the sum of \_\_\_\_\_ to ensure the completion of the subdivision. Said Lots are hereby released from the restrictions as to sale and building specified thereon.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Majority of the  
Planning Board of  
the City of Fall  
River

#### COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

Date:

Then personally appeared \_\_\_\_\_ one of the above named members of the Planning Board of the City of Fall River, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_