

Chapter 305, SUBDIVISION REGULATIONS

[**HISTORY:** Adopted by the Planning Board of the Town of Falmouth 10-22-1991.
Amendments noted where applicable.]

GENERAL REFERENCES

Planning Board -- See Ch. 21, Art. I.
Building construction -- See Ch. 95.
Numbering of buildings -- See Ch. 99.
Sewers -- See Ch. 180.
Street names -- See Ch. 199, Art. I.
Zoning -- See Ch. 240.
Special permits and site plan review -- See Ch. 300.
Health regulations -- See Division 4.
Wetlands regulations -- See Division 4.

ARTICLE I, Authority; History

§ 305-1. Statutory authority.

These rules and regulations governing the subdivision of land in the Town of Falmouth have been adopted pursuant to MGL C. 41, § 81Q, and are published to assist land owners, developers and landscape architects in complying with the provisions of the Subdivision Control Law (MGL C. 41, §§ 81K-81GG). Reference should be made to that statute, to the Zoning Act (MGL C. 40A) and to the Zoning Bylaw (Chapter 240) of the Town of Falmouth for applicable provisions not set out in these regulations. For the purpose of these regulations, a "subdivision" is the division of a tract of land into two (2) or more lots, as defined in MGL C. 41, § 81L, of the Subdivision Control Law.

§ 305-2. Historical information.

Regulation of subdivisions was started in Falmouth when the town voted to adopt MGL C. 41, § 73, providing for a Board of Survey (1924 May Sp. 19). A Planning Board had been established a year earlier, but the Board of Survey continued to function until 1947 when the town adopted MGL C. 41, §§ 81A-81J (1947 AN 97) which transferred subdivision control to the Planning Board. The first subdivision regulations were adopted in 1950; revisions were made in 1953, 1955, 1956, 1958, 1962, 1964, 1971, 1977, 1979, 1982 and 1988. The present text reproduced herein was adopted on October 22, 1991.

ARTICLE II, General Provisions

§ 305-3. Definitions.

For the purposes of these regulations, the following terms shall have the meaning hereinafter assigned to them:

APPLICANT -- The person who applies for the approval of a proposed subdivision or construction of a way. An "applicant" must be the owner of record of all the land included in the proposed subdivision. An agent or his assigns may act for an owner provided that written evidence of such fact is submitted. A list of the stockholders and officers and a certified copy of the corporate resolution conferring authority to execute and deliver documents binding upon the corporation shall be submitted by every corporate applicant.

BOARD -- The Planning Board of the Town of Falmouth.

COASTAL BANK -- The first major break in slope above the one-hundred-year-storm event contour on elevated land forms which have a slope greater than fifteen degrees (15°).

DEFINITIVE PLAN -- A final plan of a subdivision or division of land, drawn in ink on tracing cloth or polyester film, suitable and intended to be recorded, and prints thereof.

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

NONRESIDENTIAL ZONE -- Any business, industrial, marine or public use zoning district in Chapter 240, Zoning.

PRELIMINARY PLAN -- A preliminary plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or prints thereof, not intended to be recorded.

PROFILE -- A complete and accurate representation of the finished vertical profile of a road or roads to be constructed within a subdivision, drawn on plan/profile tracing paper and prints thereof; on the plan portion, there shall be a plan of the road, with center line stationing corresponding to the stationing on the "profile."

RECORD AS-BUILT PLAN -- A plan/profile with sections, drawn on tracing paper with prints thereof, showing the actual location and elevation of all improvements installed on the site.

RECORDED -- Recorded in the Barnstable County Registry of Deeds, except that, as affecting registered land, it shall mean filed with the recorder of the Land Court.

RESIDENTIAL ZONE -- Any agricultural or residential zoning district in Chapter 240, Zoning.

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

STREET, MINOR -- A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots and which will not be used for through traffic.

NOTE: For the purposes of determining street type, the Board shall calculate ten (10) trips per day for a single- or two-family dwelling and six (6) trips per day for each unit in a multifamily structure.

§ 305-4. Plans believed not to require approval.

A. Any person wishing to record in the Registry of Deeds or to file with the Land Court a plan of land which does not require Board approval under the Subdivision Control Law shall submit, as provided in § 305-6 of these regulations, a recordable plan drawn by a registered land surveyor, in ink, in accordance with the requirements of § 305-12, including Subsections E(1) through E(12)(a), where applicable, together with three (3) prints thereof and a copy of Application Form A (example enclosed)EN and shall submit such evidence, as may be required by the Board, to show that such plan does not require Board approval.

B. To validate such submission, any such person shall send to the Town Clerk an additional Application Form A.

C. If the Board shall determine that such a plan does require subdivision review and approval, it shall, within twenty-one (21) days of the date of submission, so inform the applicant and the Town Clerk in writing, as provided by Section 81P of the Subdivision Control Law, and return the plan to the applicant.

D. If the Board determines that the plan does not require such approval, it shall, without a public hearing, endorse thereon the words "Approval under the Subdivision Control Law not Required" and have the plan signed. Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of Chapter 240, Zoning, of the Code of the Town of Falmouth.

E. If the Board fails to act upon a plan submitted under this section, or fails to notify the Town Clerk and the applicant of its action within twenty-one (21) days after the date of submission, it shall be deemed to have been determined that approval under the Subdivision Control Law is not required, and the Town Clerk shall issue a certificate to that effect.

§ 305-5. Approval of definitive plan required; compliance with zoning required.

A. No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the town, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been approved by the Board and such approval endorsed on the plan.

B. No plan of a subdivision shall be approved unless all of the lots shown on the plan comply with the minimum area, frontage, width and other requirements of Chapter 240, Zoning, of the Code of the Town of Falmouth.

§ 305-6. Submission of all requests.

A. A plan shall be submitted under this section when delivered at a meeting of the Planning Board or when sent by registered mail to the Planning Board, care of the Town Clerk. The date

of submission of the plan shall be deemed to be the date the application is delivered to the Planning Board, or if mailed, the postmark date of mailing shall be the date of submission.

B. If a plan is delivered at a meeting of the Planning Board, a copy of the application shall also be delivered or sent by registered mail to the Town Clerk to serve as notice that such plan has been submitted to the Planning Board.

C. To be complete and properly submitted, each application must have all the required documentation and the required filing fee.

D. Plans which have been properly submitted will be reviewed by the Planning Board on the first and third Tuesdays of each month, at which time the owner or the owner's agent shall be present. If review is scheduled for another meeting, the applicant will be notified.

§ 305-7. Fee schedule.

The fee schedule shall be as follows:

Type Fee

Approval-not-required plan \$ 25.00

Preliminary plan 100.00

Public hearing 17.40

Definitive plan 200.00

Public hearing 17.40

Certified mail 2.00

Inspection, per center-line foot 0.50

Request for release 75.00

ARTICLE III, Preliminary Plan

§ 305-8. General.

A. In the case of a subdivision showing lots in a residential zone, a preliminary plan of a subdivision may be submitted by the applicant to the Board and to the Board of Health for discussion and approval, modification or disapproval by each Board. The submission of such a preliminary plan will enable the applicant, Planning Board, Board of Health, Conservation Commission and others to discuss and clarify the problems of a subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case.

B. In the case of a nonresidential subdivision, any person, before submitting his definitive plan for approval, shall submit to the Planning Board and the Board of Health for discussion and approval, modification or disapproval by each Board a preliminary plan and shall give notice to the Town Clerk by delivery or registered mail, postage prepaid, that he has submitted such plan.

C. A completed Application Form B (example enclosed), EN together with five (5) copies of the preliminary plan and three (3) copies reduced in size to eleven by fourteen (11 x 14) inches, shall be submitted to the Board in the manner specified in § 305-6. One (1) copy of the preliminary plan, together with an application form, shall be submitted to the Board of Health in the manner specified in § 305-6.

D. The applicant shall file a completed Application Form B with the Town Clerk, by delivery or by registered mail.

E. The applicant or his agent must be present at the meeting of the Board at which the plan is to be reviewed.

§ 305-9. Contents.

The preliminary plan may be drawn on tracing paper with pencil. The plan shall be at a scale of at least one (1) inch equals one hundred (100) feet and shall show the following information:

A. Subdivision name, boundaries, North point, date, scale, locus, legend and the title "Preliminary Plan."

B. Names and addresses of record owner, applicant and designer, engineer or surveyor.

C. Location and names of all abutters, as determined from the most recent tax list.

D. The names, approximate locations and widths of all adjacent streets or ways, whether public or private, within three hundred (300) feet of the proposed subdivision.

E. The proposed system of roadways and drainage, including existing natural waterways, in a general manner.

F. Proposed lot lines, with approximate areas and dimensions.

G. Proposed recreation areas and easements.

H. The topography of the land and immediate vicinity shown in two-foot contours based on the Sea Level Datum of 1929, the National Geodetic Vertical Datum. The surveyor who prepares the plan shall certify on the plan that the contours were drawn from elevations measured on the ground or taken by photogrammetric methods. The bench marks used shall be identified.

I. Site features, such as buildings, ponds, streams, coastal banks, wetlands and areas subject to seasonal flooding.

J. The size and shape of the applicant's remaining land, if less than all of the applicant's land is being subdivided. [Such information may be shown as an insert, on a scale of not less than one (1) inch equals two hundred (200) feet].

§ 305-10. Approval.

A. At the time of consideration of the preliminary plan, the Board will also consider the probable nature and extent of road and other improvements, if any, to be required in connection with the approval of the subsequent definitive plan and will advise the applicant of such requirements. Before approval of a preliminary plan, a public hearing shall be held by the Board. Notice of the hearing shall be given by advertisement in a local newspaper twice in the week prior to the date of the hearing.

B. Within forty-five (45) days after the date of submission of a preliminary plan, the Board shall notify the applicant and the Town Clerk by certified mail either that the plan has been approved or approved with modifications or that the plan has been disapproved and, in such case, the Board shall state in detail its reasons for disapproval.

ARTICLE IV, Definitive Plan

§ 305-11. General.

A. Any person wishing to record a plan which requires approval under the provisions of the Subdivision Control Law shall submit to the Board in a manner provided in § 305-6 of these regulations a plan drawn in ink on tracing cloth or polyester film and six (6) prints thereof and three (3) copies reduced in size to eleven by fourteen (11 x 14) inches, together with a copy of Form C (example enclosed), EN which shall be signed by the applicant and the property owner, if not the applicant. The application shall include a statement of all easements and restrictions to which the land is subject, any appurtenant rights to such land over the land of others, together with copies of the relevant instruments creating such easements, restrictions or appurtenant rights. After such plan is so filed, it shall not be returned to the applicant or altered in any way without the permission of the Board, or such plan shall be considered to have been withdrawn. The applicant shall file a completed copy of Form C with the Town Clerk, by delivery or by registered mail, to serve as notice that he has submitted a definitive plan to the Board.

B. The applicant shall also file a completed copy of Form C and one (1) copy of the definitive plan with the Board of Health in the manner specified in § 305-6. If the plan is for an open space residential development, see Article V of these regulations. Application for a special permit shall accompany the definitive plan and application, in accordance with Articles XXV and XXXXII of Chapter 240, Zoning.

C. Any person submitting a definitive plan shall also file with the Board the following items:

- (1) Four (4) copies of the topographical plan as defined in § 305-12E(16) hereof.
- (2) Four (4) copies of the profile plan and cross-section drawing as defined in § 305-12E(14) hereof.
- (3) Two (2) copies of the traverse tables for the perimeter survey.
- (4) Two (2) copies of the drainage design analysis as defined in § 305-24F(8) hereof.
- (5) Two (2) copies of the written approval of the respective utility companies and town departments for the location of all utilities shown on the plans to be filed within the sixty-day period after submission of the definitive plan. NOTE: This is actually a condition of approval to be relocated elsewhere in these regulations.
- (6) Two (2) copies of the surveyor's certificate that the center-line stationing stakes of all the roads within the subdivision have been set and marked and the center line cleared so that it may be walked without difficulty.
- (7) Ten (10) copies of the impact statement, as defined in § 305-14 hereof, when required.

§ 305-12. Contents.

A. The definitive plan shall be prepared by a land surveyor registered in the Commonwealth of Massachusetts. The plan shall be clearly and legibly drawn on good quality tracing cloth or on polyester film. The size shall be eighteen by twenty-four (18 x 24) inches or twenty-four by thirty-six (24 x 36) inches in overall dimensions, with a three-fourths-inch margin on all sides. The surveyor shall affix his stamp adjacent to the title. If multiple sheets are used, the first one shall be an index sheet showing the entire subdivision, with the remaining sheets numbered consecutively.

B. The plans shall be drawn in black India waterproof ink, except that the names of the streets may be drawn in pencil until checked for duplication.

C. The horizontal scale to be used shall be forty (40) feet to an inch for small lots in RC Districts, fifty (50) feet to an inch for medium size lots in RB Districts and eighty (80) feet to an inch for large size lots in RA Districts.

D. The definitive plan shall evolve from field surveys that meet the most recent Land Court standards of accuracy. The surveyor shall certify that the work meets this requirement and submit two (2) copies of his traverse tables.

E. The definitive plan shall contain the following information:

- (1) The title in the lower right corner, where possible, stating the name of the plan, date and scale, the names and addresses of the owner, applicant and the surveyor who prepared the plan. The North point shall be prominently displayed.
- (2) A locus map in the upper right hand corner of the plan, showing the location of the subdivision at a scale of one (1) inch equals two thousand (2,000) feet.
- (3) Names of all abutters as determined from the most recent local tax list, except that plans of registered land shall meet the Land Court requirements for abutters' names.
- (4) Lines of existing and proposed streets, ways, lots, easements and recreation areas within the subdivision.
- (5) Areas of all lots, easements or parcels into which the land is to be divided, with the lot numbers in sequence, except that as to registered land, only the lot numbers approved by the Land Court are to be used. Existing and proposed lot contours shall also be shown.
- (6) Sufficient data to determine the location, direction and length of every street line, lot line and boundary line and to establish these lines on the ground.
- (7) Location of any existing buildings situated within twenty-five (25) feet of the property to be subdivided; location of any private wells within one hundred (100) feet of the property being subdivided.
- (8) Site features such as buildings, ponds, streams, coastal banks, marshland, swampland, floodplain and other natural drainage courses.
- (9) Location of all permanent monuments properly identified as to whether existing or proposed.

(10) Location, names and widths of streets or ways within three hundred (300) feet of the subdivision.

(11) If less than all of the applicant's land is being subdivided, the size and shape of the remaining land shall be shown as an insert on the plan, at a scale of one (1) inch equals two hundred (200) feet.

(12) There shall be a table prepared and displayed in a convenient place on the plan showing the following:

- (a) Zoning district(s) in which the land is located.
- (b) The total area of the entire subdivision.
- (c) The number of building lots within the subdivision and the total area of all such lots.
- (d) The total area of all ways within the subdivision.
- (e) The total area of any wetland within the subdivision.
- (f) The total area of open space within the subdivision (all land not included in ways or building lots).
- (g) The total number of linear feet, measured along the center line, of all roadways and culs-de-sac proposed on the plan.
- (h) The total number of bounds to be set.

(13) There shall be provided on the plans a suitable space for the following endorsements:

- (a) Approval endorsement.
- (b) Performance guaranty.
- (c) Town Clerk's certificate of no appeal.
- (d) Where applicable, approval for open space residential development.

(14) Profile plan and cross-section drawings.

(a) Profile plans and cross-section drawings shall be submitted on separate sheets and shall be prepared, signed and sealed by a professional engineer registered in the Commonwealth of Massachusetts. The plan and profile drawing shall show, on the top portion of the sheet, a plan of the road or portion of the road, showing the center line stationing corresponding to the profile plotted on the bottom part of the sheet. The center line shall follow the proposed pavement completing the loop around all culs-de-sac. The scale of the plan of the road shall be one (1) inch equals forty (40) feet. The location and elevation of the permanent bench marks, together with the temporary bench marks set, shall be shown on the plan section.

(b) The plan section shall show the proposed pavement area, the size and location of existing and proposed drainage works, water mains, hydrants, gate valves, sewers with rates of slope, gas mains, electric and telephone cables, television, cables, fire alarm wires and boxes, streetlighting standards and easements needed for drainage lines and leaching areas.

(c) The profile section shall be drawn with a vertical scale of one (1) inch equals four (4) feet and a horizontal scale of one (1) inch equals forty (40) feet. The profile shall show the existing

grades along the center line as a fine solid line; the proposed grades as a heavy red solid line, with the elevations indicated every fifty (50) feet on straight grades and every twenty-five (25) feet on vertical curves, so as to accurately construct the proposed road. When required, the right side line shall be shown as a fine long dash line and the left side line as a fine short dash line. The profile section shall show all proposed drainage and sewer structures, with sizes, invert elevations and slope. Vertical curves will be required whenever the algebraic difference in grade between center-line tangents is two percent (2%) or more.

(d) Typical cross sections of major or minor roadways shall show the width of layout; width and pitch of pavement, including berms, shoulders, grass strips, sidewalks and side slopes; the location of streetlight standards, hydrants, gas and water mains, sewer line, storm drains, catch basins, electric and telephone cables; the depth of road pavement, base courses and sidewalks. A typical cross section of a leaching catch basin and a drainage manhole shall be shown. Also sections shall be drawn for all proposed drainage leaching trenches or leaching areas. One-half-inch and one-fourth-inch scales shall be used.

(15) Planned residential development. See Article V.

(16) Topographical plan submitted on separate sheets. The topographical plan may be drawn on tracing paper with prints thereof, at a scale of eighty (80) feet or one hundred (100) feet to the inch. The plan shall show the definitive street lines, lot lines and all easement lines, together with the existing and proposed topography of the land in two-foot contours based on mean sea level, and all natural features found in § 305-12E(8) within and adjacent to the subdivision. The plan shall bear the surveyor's certificate that the topography was measured on the ground or taken by photogrammetric methods. The bench marks used shall be identified.

§ 305-13. Review by Board of Health.

At the time of filing of the definitive plan, the applicant shall file a copy with the Board of Health, together with such information in the nature of percolation tests as the Board of Health may require. The Board of Health may report to the Planning Board, in writing, approval or disapproval of said plan, and in the event of disapproval shall make specific findings as to which, if any, of the lots shown on said plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible, shall make recommendations for the adjustment thereof. The Board of Health shall send a copy of such report, if any, to the applicant. Any approval of the plan by the Board shall be given only on condition that the lots specified in such report shall not be built upon without prior consent, in writing, by the Board of Health, and such conditions shall be endorsed on the definitive plan.

§ 305-14. Environmental impact statement.

A. For the purpose of protecting the safety, convenience and welfare of the inhabitants of the town, and to maintain the quality of surface waters and public and private water supplies, before

approval of any subdivision over five (5) lots, the Board shall require that the applicant submit an environmental and economic impact statement.

B. The environmental and economic impact statement shall contain appropriate supporting data, setting forth the probable impact or effect of the proposed subdivision on the neighborhood and the town generally, if any, when it may be built. In compiling such impact statement, the applicant shall consult with the various town departments having knowledge and authority in the various subjects cited below, such as the Department of Public Works, Health Agent, Assessors, Finance Committee, School Department, Fire and Police Department, Conservation Commission, etc.

C. Such impact statement shall cover at least the subject areas listed hereunder, for comparison with local, state and federal performance standards and such other subject areas as the Board may, in particular cases, deem necessary.

(1) Determination of nutrient loading shall be required.

(a) If a portion of all of the proposed development lies within the watershed or zone of contribution of a freshwater or coastal pond or embayment; or if a portion or all of the development lies within the watershed or zone of contribution of a public water supply well(s) [either existing or proposed].

(b) When required, the environmental and economic impact statement shall determine the nutrient loading of the proposed subdivision and compare it to the carrying capacity of receiving waters, setting forth the probable impact or effect of the proposed subdivision on the receiving waters (ground or surface) over a period of time assuming the subdivision is completed and all lots built upon.

(c) Determination of nutrient loading shall be done using available loading estimates from county, state or federal performance standards and shall include, at a minimum:

[1] The existing condition of the water body or water supply, including physical characteristics and water chemistry.

[2] The expected change in the condition of the water body or water supply as a result of the proposed development.

[3] The comparison, on a per-acre basis, of the total nutrient loading from the proposed development with:

[a] The existing and potential loading from all other developments and acreage within the recharge area of the water supply or water body.

[b] The loading rate which would be expected to produce critical eutrophic levels in a water body or in the case of water supply, the loading rate which would produced nitrate-nitrogen levels in excess of five (5) parts per million in the groundwater.

[4] The proposal of measures to reduce nutrient loading if Subsection C(1)(c)[3] above indicates that the per-acre loading rate from the proposed development will equal or exceed the critical loading rate when combined with existing and potential development within the water's recharge area.

(d) In determining total nutrient loading of a development and critical eutrophic levels, the following standards shall be used:

[1] Loading per person: five (5) pounds nitrogen per person per year; twenty-five hundredths (0.25) pounds phosphorus per person per year for sewage disposal systems within three hundred (300) feet of the shoreline; persons per dwelling unit = three and zero-tenths (3.0).

[2] Loading from lawn fertilizers: three (3) pounds nitrogen per one thousand (1,000) square feet per year. Each lot shall be assumed to have five thousand (5,000) square feet of lawn, and sixty percent (60%) of the nutrients are assumed to reach groundwater.

[3] Loading from road runoff: nineteen (19) pounds nitrogen per linear mile of street measured at the center line.

[4] Critical eutrophic levels: freshwater concentration, total phosphorus = two-hundredths (0.02) milligram per liter; saltwater concentration for total nitrogen, see Chapter 240, Zoning, Article XXI.

[5] Critical level in groundwater = five (5) parts per million of nitrate-nitrogen.

(2) Availability of town water. How much new additional water volume will be required by the proposed subdivision? Is there adequate main capacity to provide the projected added water volume to the proposed subdivision without detriment to other users, from the standpoint of pressure, fire-flows from hydrants, etc.? If not, what improvements to the supply system outside of the subdivision will be needed, how soon and at what projected cost to the town?

(3) In locations where there is not town water, will the density of dwellings in the future lower the water table significantly in the area as a result of increased use, at the expense of or detriment to existing homes?

(4) Environmental effects of on-site sewage disposal. What is the permeability of the underlying soil? Will individual or collective sewage disposal systems endanger in the foreseeable future, wells for potable water of dwellings either within or without the proposed subdivision, or will any such disposal systems thus endanger any public water supply source or any marsh, swamp, bog, pond, stream or other body of water by introducing therein excessive nutrients, dangerous chemical substances or pathological organisms?

(5) If the subdivision has access to a public sewerage system, is the capacity of such system (pipe sizes, treatment works, etc.) adequate to handle the additional load created by the subdivision? If not, what improvements to such public sewerage system will be needed, how soon and at what projected cost to the town?

(6) What is the estimated taxable value of the lots and buildings to be constructed within the proposed subdivision?

(7) How many persons may be expected to inhabit the proposed subdivision? Of these, how many may be expected to be of school age [five (5) to sixteen (16) years of age]? What requirements for additional transportation, classroom space, etc., is this likely to put upon the school system, how soon and at what projected cost to the town?

(8) Will the drainage runoff from the systems of roads within the proposed subdivision be likely to damage adjoining property, overload or silt up or contaminate in any way any marsh, swamp, bog, pond, stream or other body of water or endanger any public or private potable water supply? Will any proposed filling, cutting or other alteration of the topography or any devegetating operations within the subdivision tend to alter existing natural drainage patterns so as to create problems within or outside of the subdivision?

- (9) Are the access roads, public or private, by which the proposed subdivision may be reached adequate in width, grades and type of construction to carry, without danger, congestion or confusion, the additional traffic that may be generated by the proposed subdivision?
- (10) What are the estimated additional new service requirements, in time and/or cost, that the proposed subdivision may place upon the town for solid waste disposal and snow removal?
- (11) What additional burden will the proposed subdivision place upon the public safety services (fire and police) and at what probable cost to the town in terms of additional hours (manpower) or additional facilities (vehicles or buildings)?
- (12) Will the proposed subdivision have any probable detrimental effect on the ecology of the local area, such as:
- (a) Increased runoff of rainfall and/or melting snow resulting in lessened recharge of the groundwater table.
 - (b) Disruption of the biological environment so as to endanger or destroy desirable species of trees and other vegetation and encourage proliferation of undesirable species (i.e., ragweed, etc.).
 - (c) Disruption of the biological environment so as to upset an existing balance between animal or insect pests and their natural bird, animal or insect predators, resulting in damage or danger to either persons, crops or useful and desirable forms of vegetation?
- D. The Planning Board may if it deems necessary, require a review of the environmental impact statement by a consultant of its choosing with the cost to the applicant.

§ 305-15. Public hearing.

- A. Before approval of a definitive plan, a public hearing shall be held by the Board in the manner prescribed by Section 81T of the Subdivision Control Law. Notice of the hearing shall be given to the applicant and to all owners of real estate abutting upon the land included in such plan, or lying within one hundred (100) feet of any part of the land of the applicant included in the proposed plan, all as appearing on the most recent tax list.
- B. The Board shall arrange for the publication and mailing of the notices of the hearing at the expense of the applicant.
- C. The Board will not consider any definitive plan submitted to it unless the applicant or his authorized agent is present at the hearing.

§ 305-16. Approval.

- A. In the case of residential and nonresidential subdivisions in which a preliminary plan has been duly submitted and acted upon or in which forty-five (45) days has elapsed since submission, the Board, after the hearing, shall vote to approve, modify and approve or disapprove the definitive plan within ninety (90) days after the date of submission of said plan and shall give notice of the vote to the Town Clerk and to the applicant. If an extension of time is requested in writing by the applicant, approval may be granted by the Board. The Board shall forthwith file the notice of approval of an extension of time with the Town Clerk.
- B. In the case of a subdivision showing lots in a residential zone in which no preliminary plan has been submitted upon or in which forty-five (45) days has not elapsed since submission

of a preliminary plan and a definitive plan is submitted, the Planning Board, after a public hearing, shall approve, modify and approve or disapprove the definitive plan within one hundred thirty-five (135) days after submission of said definitive plan.

C. In case of approval of the plan by the Board, after expiration of twenty (20) days without notice of appeal to the Superior Court, or if appeal has been taken, after the entry of a final decree of the Court sustaining the approval of such plan, the Board shall endorse its approval on the plan, if the performance guaranty has been signed and submitted. Final approval of the definitive plan shall not constitute the laying out or acceptance by the town of streets within a subdivision.

§ 305-17. Performance guaranty.

Before endorsement of its approval of a plan, the Board shall require that the construction of ways and the installation of municipal services, as specified in Article VII of these rules and regulations, be secured by one, or in part by one and in part by the other, of the following methods, as set forth in Section 81U of the Subdivision Control Law, which method may be selected and from time to time varied by the applicant:

A. By a proper bond or deposit of money or negotiable securities, sufficient in the opinion of the Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan, and the Board shall require that the time be specified within which such construction and installation shall be completed.

B. By a covenant executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon, or conveyed other than as set forth in said Section 81U of the Subdivision Control Law.

C. By delivery to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the owner/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 the owner/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 owner/applicant upon completion of various stages of work and shall further provide that, in the event the work is not completed within the time set forth by the owner/applicant, any funds remaining undisbursed shall be available for completion.

§ 305-18. Release of guaranty.

A. Guaranties may be released in whole, or from time to time in part, when the required work has been satisfactorily completed in accordance with the rules and regulations of the Board. The Board shall then release the interest of the town in such bond and return the bond or the deposit to the person who furnished the same or release the covenant by the appropriate instrument, duly acknowledged, which shall be recorded.

B. Requests for all releases shall be by letter to the Board and shall enumerate each lot or parcel to be released and shall be accompanied by the engineer or surveyor's certification that the work has been done in accordance with these rules and regulations. Requests for partial releases shall be accompanied by the fee required under § 305-7 hereof.

C. Before the Board shall consider a request for final release of lots and/or funds, from covenant, bond or agreement, the following shall have been submitted:

- (1) Record as-built plan as defined in § 305-3.
- (2) Conveyance to the town of all municipal utility systems and appurtenances thereto constructed and installed in the private ways shown on the definitive plan of the subdivision.
- (3) Notice from the Fire Department that provision has been made for a fire alarm system in accordance with that Department's requirements.
- (4) Copy of the permit for installation of cables, from the Town of Falmouth Wiring Inspector.
- (5) Documented evidence of provision for ownership and maintenance of open space shown on the plan.

§ 305-19. Ownership of ways and easements.

A. The subdivider shall retain title to the fee of each street, path or easement in or appurtenant to the subdivision until conveyed and accepted by the Town of Falmouth, or a duly incorporated homeowners' association, or for at least two (2) years after completion of required improvements, whichever is lesser. Notation of this requirement shall be placed on the definitive plan.

B. Security in an amount equal to at least fifteen percent (15%) of the total cost of required road improvements shall be posted and retained by the Town of Falmouth to insure construction adequacy against hidden faults or engineering errors. This security shall not be released until the fee in each street, path or easement has been conveyed as required in § 305-18C(2) above, or until two (2) years has elapsed since the satisfactory completion of all required improvements.

ARTICLE V, Planned Residential Development

§ 305-20. General.

When, in accordance with the provisions of Chapter 240, Zoning, Articles XXV and XXXXII, an applicant wishes to submit a subdivision plan as a planned residential development, the following regulations will govern, in addition to those elsewhere in these subdivision regulations. The endorsement "Approved for Planned Residential Development" shall be given only if the subdivision complies with the subdivision regulations and with all applicable requirements of Chapter 240, Zoning. Subdivision plans for planned residential development shall only be approved upon a finding by the Planning Board that the proposed site can be appropriately

developed using a cluster site design and that important topographical features and/or natural open areas may be preserved and/or enhanced.

§ 305-21. Special permit application.

A. A definitive subdivision plan for a planned residential development shall be submitted in accordance with §§ 305-6 and Article IV of these regulations and shall be accompanied by an application for a special permit for planned residential development and other information as required in the special permit application, in accordance with Chapter 240, Zoning, Articles XXV and XXXXII. Multifamily dwelling projects may use § 240-126 of Chapter 240, Zoning, to establish density and open space without the subdivision of a lot. A site plan review shall accompany the submission of a multifamily plan, in accordance with Articles XXV and XXXIX of Chapter 240, Zoning.

B. A copy of the special permit application shall be submitted to the Town Clerk to validate submission.

§ 305-22. Joint public hearing; notice.

Whenever practical, a joint public hearing shall be held by the Board on the application for subdivision and the application for a special permit for planned residential development. Notice of the public hearing to consider the two (2) applications shall be advertised and sent to all parties of interest at the expense of the applicant, who shall supply names and addresses as appearing on the most recent tax list, for owners of land abutting the subdivision and abutters to abutters (including those directly opposite on any public or private street or way) within three hundred (300) feet of subdivision property lines.

§ 305-23. Approval.

Approval of a subdivision plan for planned residential development shall be subject to performance guaranty (§ 305-17), special permit for planned residential development (Articles XXV and XXXXII of Chapter 240, Zoning) and an agreement approved by the Planning Board, ensuring the maintenance of the open space as specifically stated in § 240-131 of Chapter 240, Zoning.

ARTICLE VI, Design Standards

§ 305-24. Streets.

A. Location.

(1) All streets shall be designed and located so as to be continuous and in alignment with existing streets, insofar as practicable, and shall compose a convenient system with connections adequate to ensure free and safe movement of vehicular traffic.

(2) Provision shall be made for the proper projection of streets to adjoining property.

- (3) Reserve strips preventing access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- (4) Minor street systems shall be designed so as to minimize through traffic by creating discontinuities and by offsetting street intersections.
- (5) The maximum number of ways converging at an intersection shall be limited to four (4), with the center lines of said streets intersecting at one (1) common point.
- (6) The intersection of center lines of streets with another street shall occur not less than three hundred (300) feet apart.

B. Width, alignment and grades.

- (1) Minor streets shall be designed using the following minimum criteria:
 - (a) Width of layout: forty-four (44) feet.
 - (b) Width of pavement, including twelve-inch berms: twenty-two (22) feet.
 - (c) Minimum center-line radii of one hundred fifty (150) feet.
 - (d) Reverse curve tangent: one hundred (100) feet.
 - (e) Grades not less than zero and eight-tenths percent (0.8%) and not more than ten percent (10%).
 - (f) Vertical curve sight distance of at least one hundred fifty (150) feet.
- (2) Curvilinear alignments shall be used to discourage traffic speeds of more than twenty-five (25) miles per hour on minor streets, but bumps shall not be used for that purpose.
- (3) Vertical curves are required whenever the algebraic difference in grade between center-line tangents is two percent (2%) or more. The minimum vertical curve length for minor streets shall be one hundred (100) feet but also no less than the length obtained by multiplying the algebraic difference in grade by the factor twenty (20) for crest and by factor twenty-five (25) for sag curve. A combination of steep grades and curves shall be avoided.
- (4) Streets shall be laid out so as to intersect as nearly as possible at right angles or radial to curves. No street shall intersect any other street at less than sixty degrees (60°).
- (5) Street lines at intersections shall be rounded with a radius of not less than twenty-five (25) feet in residential subdivisions and not less than thirty-five (35) feet in industrial and commercial subdivisions.
- (6) Grades at intersections of more than two percent (2%) for the first one hundred (100) feet, measured from the exterior line of the intersected street, will not be approved.
- (7) The grading at the intersection of streets shall be so designed as to be safe and convenient for travel and to direct the flow of surface water in a suitable manner.
- (8) If a street layout at the entrance to a subdivision abuts property not owned by the subdivider, the width of the layout shall be sixty (60) feet for the first two hundred (200) feet

from the intersecting road. The entrance road shall be located within the layout so that the extra sixteen (16) feet of width will be used to provide additional buffering from the road for the abutting property owner.

C. Street cross section. The grading of the shoulders and slopes and the location of the pavement, utilities and drainage structures shall conform to the typical sections shown on the drawings filed as part of the definitive plan.

D. Dead-end streets.

(1) For the purposes of these subdivision rules and regulations, a "dead-end street" is defined as any street or system of streets which has only a single access to an existing street system with two (2) or more points of access. Any such street or system of streets shall be considered a dead end regardless of size or internal circulation patterns.

(2) Dead-end streets shall not be longer than five hundred (500) feet unless, in the opinion of the Board, a greater length is desirable due to topography or other local conditions. Fire hydrants shall not be more than five hundred (500) feet apart.

(3) Dead-end streets shall be provided at the closed end with a turnaround having an outside street line radius of at least sixty (60) feet. The width of the paved loop shall not be diminished and the grade shall not exceed three percent (3%). T-turnarounds shall consist of an eighteen-foot minimum width of pavement approximately at right angles to the street, at least eighty (80) feet in length, with maximum grade of four percent (4%) and minimum curb radii of twenty-five (25) feet.

E. Adequate access from a public way. When the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width at least as great as that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for purpose of way and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the applicant.

F. Drainage.

(1) The Falmouth Department of Public Works considers road drainage designs which rely entirely on standard-type leaching basins to be inadequate.

(2) Adequate areas of land must be set aside at all significant low points to receive the stormwater. These street drainage catchment areas, along with any drainage easements required, shall be shown on the definitive plan so as to become part of the permanent record.

- (3) Storm drainage facilities shall be designed to accommodate the runoff from the entire watershed area, whether inside or outside the subdivision, under conditions of total potential development permitted under Chapter 240, Zoning.
- (4) When the subdivision creates a need for drainage improvements outside the subdivision, the applicant shall be required to secure the necessary easement and provide such improvements.
- (5) Storm drainage installations, including catch basins, pipelines, leaching basins, culverts, manholes, outlet head walls with rip-rap aprons and paved waterways, shall be required to permit unimpeded flow of all natural watercourses, to ensure adequate drainage of all low points along streets, to control erosion of slopes and shoulders and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained. To the maximum extent feasible, stormwater shall be recharged rather than piped to surface waters, and no drainage structure should be installed within one hundred (100) feet of any natural water body or wetland.
- (6) Natural drainage courses, swales properly stabilized with plant materials and drainage catchment areas shall be utilized to dispose of water on the site through natural percolation. To obtain maximum percolation of runoff, it is necessary in all drainage areas to retain and leave undisturbed as much existing vegetation as possible, particularly large trees and shrubs. Use of natural areas for drainage is preferred. However, if such natural drainage areas are insufficient or nonexistent, drainage areas shall be constructed only under the supervision of the Falmouth Department of Public Works. Newly constructed drainage areas shall be planted with shrubs and trees suitable for moist soils. All drainage areas shall be tested for the rate of percolation.
- (7) The surface water may be directed to the catchment areas by pipes of not less than ten (10) inches diameter from catch basins or by the use of paved Type I asphalt waterways. Storm drains shall be designed to ensure a rate of flow of not less than three (3) nor more than eight (8) cubic feet per second under design conditions.
- (8) A design analysis by a registered professional engineer shall be submitted with each definitive plan and shall include consideration of the entire watershed and the calculations used in designing the drainage system, including area calculations, intensity of rainfall, coefficient of runoff, time of concentration, discharge, coefficients of roughness and quantity and velocity of flow under design conditions.
- (9) The following standards shall be used in designing drainage facilities for new subdivision roads: storm intensity, two and five-tenths (2.5) inches rainfall per hour (twenty-five-year storm); storm duration, one (1) hour; road areas to be considered one hundred percent (100%) impervious, with all other land area within the watershed considered to be forty percent (40%) impervious.
- (10) When the land is in a watershed protection area, hydrographic tests may be required to determine the direction of underground water flow.
- (11) When land is in a floodplain district, see Article VIII of these regulations.

§ 305-25. Easements.

- A. Easements for municipal services, utilities and drainage facilities, within or outside of the street layout, shall be provided where necessary. Easements shall be at least twenty (20) feet wide and centered on lot lines where practical.
- B. Slope easements shall be provided where cut or fill slopes cannot be contained within the street layout.
- C. Sight easements shall be provided where clearing and grading at street intersections is necessary to prevent blind corners and to permit permanent maintenance of visibility.
- D. Easements may be required for the continuation of pedestrian traffic, underground utilities and bikeways.
- E. Easements for all municipal utility services shall be granted to the town when the performance bond or covenant is executed for the maintenance, repair and extension of municipal utility services within all the private ways shown on the approved definitive plan.

§ 305-26. Open spaces.

The Board may require in proper cases that the plan show a park or parks suitably located for playground or recreation purposes. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. Deeding of open spaces to lot owners is preferred. The applicant shall furnish the Board with a certified copy of any easement or restrictions of record relating to or affecting such parks, playgrounds and recreation areas and the continued maintenance thereof.

§ 305-27. Protection of natural features.

- A. Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic or archaeological sites and similar community assets, which if preserved, will add attractiveness and value to the property.
- B. Existing contours shall be preserved insofar as it is practical to do so. No change shall be made in the contour of the land that adversely affects the land abutting the proposed subdivision.
- C. To be more attractive and economical, subdivisions should closely adhere to the topography of the land, with the streets designed so as to minimize the necessity for excessive cut or fill.

§ 305-28. Fire alarm system.

One (1) fire alarm box shall be provided in all subdivisions with twelve (12) or more lots.

§ 305-29. Fire hydrants.

Hydrants shall be provided every five hundred (500) linear feet of street. They shall be of a style approved both by the Fire Chief and Department of Public Works.

§ 305-30. Sidewalks, grass plots and street trees.

Sidewalks, grass plots and street trees shall be required in every subdivision. (See Standard Cross Sections, Schedules A and B.)

§ 305-31. Utilities.

All public utilities, including town water service, shall be required in all subdivisions and shall be placed underground at the time of initial construction.

§ 305-32. Walkways and bikeways.

Pedestrian walkways and/or bikeways may be required by the Planning Board to provide access to schools, playgrounds, parks, public transportation, open spaces and/or other community facilities. These may or may not be part of normal sidewalk provision; however, they shall not be part of any lot, except open space lots, in the subdivision.

§ 305-33. Street signs.

Street signs shall be required for every subdivision. They shall be of a style approved by the Department of Public Works.

§ 305-34. Streetlights.

Streetlights shall be required at the entrance to the subdivision, street intersections within the subdivision and at the end of culs-de-sac over five hundred (500) feet.

ARTICLE VII, Construction Requirements

§ 305-35. Street and roadway construction.

A. All utilities shall be installed and all roadways constructed by the applicant at his own expense, in accordance with the requirements of these rules and regulations and the Massachusetts Department of Public Works Standard Specifications, latest edition as amended where applicable, and all construction and installations required by the Board shall be located and built as shown on the standard cross section, street plan and profile drawings of the approved definitive plan and according to any conditions noted thereon or attached thereto. All work shall be laid out to the line and grade by a registered engineer or surveyor. Grade stakes, two by four by eighteen (2 x 4 x 18) inches or longer, clearly marked and set at standard intervals, shall be maintained throughout all construction.

B. The full length and width of the roadway plus an additional four (4) feet on both sides, or extending out to the top or toe of slopes, shall be excavated to the subgrade of the road as shown on the profile plan, and further if necessary to firm, unyielding, suitable bearing material approved by the Department of Public Works Engineer. All excavation, fill and compaction shall be consistent with good construction practices as required by the state specifications. All trees worthy of preservation shall be protected from injury by suitable fenders, or wells if infill. "Subgrade" is defined as being the compacted surface of roadway over which the base course of gravel is to be spread.

C. Roadway subbase shall consist of at least twelve (12) inches of compacted gravel borrow, in accordance with Massachusetts Department of Public Works Standard Specifications, latest edition as amended. Minor streets shall have at least ten (10) inches of compacted gravel borrow subbase.

D. All major streets within the subdivision shall be surfaced with two (2) courses of Type I-1 bituminous concrete (native stone aggregate allowed) consisting of one (1) binder course of at least two and one-half (2 1/2) inches in thickness and one (1) surface course of at least one and one-half (1 1/2) inches in thickness. Each course shall be compacted by a roller weight of not less than two hundred eighty-five (285) pounds per inch of tread width. Berms of dense mix shall be required to be laid directly on said course together with the finish course. All minor streets within the subdivision shall be surfaced as major streets except that the binder course shall be at least two (2) inches and the surface course at least one (1) inch in thickness.

E. Granite or concrete curbing, with catch basin inlets, may be required in certain locations. Catch basin frames and grating should be set with their center line one (1) foot into the pavement to allow for the curb inlets.

F. There shall be provided on either side of the finished pavement shoulders of not less than four (4) feet in width, graded with four (4) inches of loam and seeded with an approved mixture.

G. Where the grade of the road is above or below the adjacent land, the side slopes shall be no steeper than two to one (2:1) in cuts and three to one (3:1) in fills. The slopes shall be graded with a four-inch depth of loam and seeded with an approved mixture.

H. Highway guardrail, guard fence or guard posts shall be installed where slopes or curves require such safety protection. Such devices shall be installed in accordance with the Falmouth Department of Public Works Standard Plans and Specifications.

I. The owner/applicant shall protect improvements required under these subdivision rules and regulations, including utilities, streets, curbing, sidewalks, etc., from any and all damage, until the entire subdivision is completed and released as a whole by the Board. Any damage to these utilities and improvements prior to final release by the Board shall be repaired in a manner satisfactory to the Board, and the full cost of such repair shall be borne by the applicant. Any material used which does not meet the standards as set forth in these regulations shall be replaced by the owner/applicant at his own expense. Underground utilities and appurtenances not installed in accordance with the final grades approved by the Board shall be removed and reset to proper

grade at the expense of the owner/applicant. Catch basins shall be covered with polyethylene or other suitable material until the finish course is laid and the slopes are stabilized. The owner/applicant shall take extreme care in loaming and seeding of the embankments of the roadway to ensure that the loam and the seed does not wash into the catch basins and other drainage structures.

J. No sand, gravel or stone shall be extracted in any subdivision for use outside of the subdivision unless such removal is authorized by a special permit issued by the Board of Appeals under Article XXIX of Chapter 240, Zoning.

K. The on-site disposal of trees, stumps and brush requires a permit to be issued by the State Department of Environmental Quality Engineering, under MGL C. 111, § 150A, after a public hearing and an assignment by the Falmouth Board of Health.

§ 305-36. Utilities.

A. Proper connections shall be made with existing sewers, drains and water mains. Where, in the opinion of the Board, after consultation with the appropriate town department, the capacity of any existing sewer drain or water main is inadequate to accommodate the entire subdivision, only that portion thereof which, in the Board's opinion, can be adequately accommodated shall be so connected. Where adjacent property is not subdivided, provisions shall be made for extension of the utility systems by continuing appropriate sewers, drains and water mains to the exterior boundaries of the subdivision, at such size and grade as will allow for the proper projection.

B. The applicant shall provide and install within the subdivision water mains for water service to all lots within the development regardless of whether town water is available to the subdivision at the time of installation. Installed water mains shall be designed in accordance with all current Town of Falmouth Department of Public Works specifications and shall be installed under the supervision of the Department of Public Works. All water mains, service connections, fire hydrants and other appurtenances shall be tested in accordance with the requirements of the Falmouth Department of Public Works.

C. All required utilities shall be installed underground within the road layout but outside the edge of the pavement. The locations and depths of the proposed utility lines shall be based on the requirements of the respective utility companies or town departments as shown by their written approval of the layout for such facilities submitted as part of the definitive plan, and all utilities shall be installed as shown on the street plan and profile drawing approved by the Board.

D. All sewers, surface water drains, water pipes and any other underground facilities, together with their appurtenances, shall be installed only after the subgrade of the way has been established. When land is in a floodplain district, see Article VIII of these regulations.

E. The excavating of trenches, the methods and material of backfilling, and all other matters relating to the installation of water pipes, sewer lines, storm drains and subsurface drains shall be consistent with good construction practices and shall at all times be subject to the inspection of

applicable town departments. Standard Plans and Specifications, Falmouth Department of Public Works (D.P.W.), as amended, shall be used.

F. The applicant shall install underground service connections for all required utilities to the front street line of each lot within the subdivision before the base course of gravel is spread.

G. Catch basins or leaching basins shall be located on both sides of the pavement with a cross connection at all low points or sag curves in the profile of the roadway on continuous grades at reasonable intervals and at or near the corners of the pavement at street intersections.

H. Manholes shall be located in all changes in direction, either horizontally or vertically, of a drain line or at the intersection of multiple lines, or so located that no drain line would be more than three hundred (300) feet in length without either a catch basin or manhole.

I. Headwalls with rip-rap aprons at the outlet ends of drains and culverts shall be installed where required. Tide gates at the outfall end of drain pipes shall be provided to protect the system from coastal flooding.

§ 305-37. Sidewalks.

Sidewalks shall be required for subdivisions and shall be constructed of bituminous concrete. Sidewalks shall be a minimum width of fifty-four (54) inches with a base of suitable gravel four (4) inches thick after rolling. All sidewalks shall be built with the latest specifications for bituminous concrete walks as printed by the Falmouth Department of Public Works. The surface shall be of Type I-1 bituminous concrete (native stone aggregate allowed) two (2) inches in depth laid in one (1) course. The Board may require portland cement concrete walks of greater widths where deemed in the best interest of the town. Sidewalks shall be built four (4) feet from the edge of the pavement. Handicapped curb cuts at intersections shall be provided.

§ 305-38. Monuments.

A. Stone or concrete bounds, not less than five (5) square inches by thirty (30) inches in length, shall be set at all angle points and points of curvature in the street lines. Bounds shall be set in gravel with their tops flush with the finished grade of not more than four (4) inches above the natural grade. A drilled hole three-eighths (3/8) inch in diameter and three-fourths (3/4) inch deep shall be made in the center of each bound.

B. Stone or concrete bounds, not less than five (5) square inches by thirty (30) inches in length, shall be set at all lot corners shown on the approved plan where it is possible to do so.

C. Bounds shall not be installed until all street or utility construction has been completed. The surveyor shall include in his final certification that the bounds have been placed precisely as indicated on the approved plan.

§ 305-39. Signs.

Signs bearing the name of the way as approved by the Board shall be furnished and installed at the entrance to the development and at all intersections of ways within the subdivision by the developer.

§ 305-40. Trees.

A. Trees of a suitable variety shall be provided and planted by the applicant. Trees should be balled, rather than bare stock, and have a diameter of two (2) inches (diameter breast high). The pamphlet, *Trees Suitable for Planting Near Utility Lines and Your Home*, listing trees recommended by the Falmouth Tree Warden, should be used as a guideline in selecting suitable varieties of trees. This pamphlet is available in the Board office.

B. The trees in residential subdivisions shall be planted on both sides of the right-of-way at intervals not exceeding forty (40) feet, and kept ten (10) feet from the approved street layout.

C. In commercial and industrial subdivisions there shall be planted three (3) trees for every one hundred (100) feet of frontage as directed by the Board. Planting specifications are the same as for trees in residential subdivisions.

§ 305-41. Fire alarm systems.

A. The applicant shall provide and install, within the subdivision, either as separate cables or within the telephone cables, ample pair [two (2) or more] of wires for a fire alarm signal service in accordance with Falmouth Fire Department specifications. If fire alarm cable is not available to the subdivision, then a radio-controlled alarm system shall be installed according to Fire Department specifications.

B. Where possible, subject to the approval of the Chief of the Fire Department, such signal system shall be connected to the existing or concurrently installed town fire alarm system outside the subdivision.

C. Where such connection is to be made prior to, or concurrent with, the completion of road construction and installation of utilities, the applicant shall also provide and install fire alarm signal boxes, of a type and number approved by the Fire Department.

§ 305-42. Inspections.

A. It shall be the responsibility of the applicant to notify the appropriate department at least twenty-four (24) hours before work is begun and when any work is ready for inspection. Notification shall be made in writing, giving the name and address of the contractor or contractors doing the work. The appropriate department shall perform the inspection at no cost to the applicant, except that the applicant shall be responsible for the cost of any reinspections and of any inspections required at times other than during normal working hours. The fees shall be determined by the appropriate department and paid to the Town of Falmouth. Inspections are required at the following stages of road construction:

- (1) When all excavation, fill and compaction is completed and the road brought to the subgrade shown on the profile plan. No underground utilities shall be installed until the Department of Public Works Inspector has given the applicant or his agent or the D.P.W. Water Division written permission to proceed.
- (2) When the underground drainage structures have been installed. No backfilling shall be started until the said Inspector has checked the work.
- (3) When the gravel base is fine-graded, and certified by a registered engineer or surveyor to meet the required standards. No bituminous binder course or road oil shall be laid or applied until the Inspector has given the applicant or his agent written permission to proceed.
- (4) When the binder course of bituminous concrete has been laid. No finish course shall be laid until the Inspector has given the applicant or his agent written permission to proceed.
- (5) After all road construction, drainage, utility and other required installation have been completed and all lot corner bounds and all road bounds have been set. A certification by a registered engineer or surveyor, that the work has been done in accordance with these rules and regulations, shall be filed with the Board.

B. The water main installation will normally be carried out under the supervision of the D.P.W. Water Division, with which the applicant shall work directly.

C. It is the responsibility of the applicant to engage the services of a registered engineer or surveyor to set the lines and grades for all of the work to be laid out, to inspect the construction of the roads and installation of all underground utilities to certify in writing that the work inspected conforms to the approved plans and profiles, and to prepare the final record plan showing the actual location of all installations.

§ 305-43. Streetlights.

Streetlighting shall be installed to conform to the type and style in general use in the Town of Falmouth and shall be installed in accordance with the procedures of Commonwealth Electric Company specifications.

ARTICLE VIII, Floodplain Regulations

§ 305-44. Districts.

Certain coastal areas of the Town of Falmouth have been designated as floodplain districts under the provisions of Chapter 240, Zoning, of the Code of the Town of Falmouth. These districts are those areas subject to inundation at the respective base flood elevation levels as set forth in said Chapter 240.

§ 305-45. Design standards.

A. Storm drainage. Storm drainage system designs shall be based upon coastal flooding to the base flood elevation levels. Designs shall employ tide gates, backflow valves or other devices as necessary to avoid damage from reverse circulation of floodwaters.

B. No definitive plan shall be approved by the Board unless each lot therein falling within a floodplain district will be served by water and sanitary disposal systems certified by the Board of Health to be so designed as to neither be impaired by nor contribute to contamination in the event of flooding to base elevations.

C. Underground utilities. All underground utility systems and all aboveground service connections, including power, communications and gas, shall have their aboveground appurtenances designed to avoid system interruption or damage in the event of flooding to base flood elevation levels.

§ 305-46. Definitive plan contents.

When any portion of the parcel being subdivided lies within a floodplain district, the plan shall show topography at two-foot contours. The location of the base flood elevation levels shall be indicated with a heavy line, and reference shall be made on the plan to the sheet number(s) of the Town Topographical Survey Map(s) on which the parcel is included.

ARTICLE IX, Administration

§ 305-47. Waiver of requirements.

Strict compliance with the requirements of these 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.

§ 305-48. Severability.

The provisions of these rules and regulations are severable from each other, and the invalidity of any provision or section shall not invalidate any other provision or section thereof.

§ 305-49. One dwelling per lot.

Except as otherwise provided by Chapter 240, Zoning, of the Code of the Town of Falmouth, not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to such use on any lot within a subdivision or elsewhere in the Town of Falmouth, without consent of the Board. Such consent may be conditioned upon provision of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.

§ 305-50. Issuance of building permits.

No building permit shall be issued for the erection of any building until the Building Inspector first determines that the lot on which the building is to be erected is not within a subdivision, or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded or entitled to be recorded under Section 81X of the Subdivision Control Law, and that any conditions endorsed thereon limiting the right to erect or maintain buildings on such lot have been satisfied or waived by the Board.

§ 305-51. Appeals.

Appeals may be taken from the determination of the Board to the Superior Court, in accordance with Section 81BB of the Subdivision Control Law.