

## ARTICLE I INTRODUCTION

### 11 Purpose

Under the authority vested in the Planning Board of the Town of Bourne by Section 81-Q of Chapter 41, G.L., said Board hereby adopts these Regulations governing the subdivision of land, in order to carry out the purposes of the Subdivision Control Law, Section 81-K to 81-GG of Chapter 41, G.L.

### 12 Applicability

No plan will be accepted for recording by either the Registry of Deeds or the Land Court unless the Plan has first been either approved as a subdivision or endorsed that it does not require such approval by the Planning Board.

Not only is making a subdivision without Planning Board approval a violation of the law, but so also within such a subdivision is installation of municipal services, granting building permits, construction of ways, or improvement or sale of lots until such time as the Planning board has endorsed its approval of a Definitive Plan for the subdivision.

### 13 Definitions

Board: When not further defined, shall refer to the Planning Board.

Collector Street: A street with anticipated traffic equivalent to that generated by 50 or more dwelling units or which serves property either used or zoned for commerce or industry.

Cranberry bog, active: Prepared land, bounded by the bog bank, on which cultivated cranberry vines are grown, if harvested within the past two years, or if assessed under Chapter 61A, G.L., or if proposed for creation, through filing of a notice of intent with the Conservation Commission.

Lane: A street with anticipated traffic equivalent to that generated by 10 or fewer dwelling units, which has no abutting property either used or zoned for commerce or industry, and which is not capable of extension.

Minor Street: A street with anticipated traffic equivalent to that generated by fewer than 50 dwelling units, which has no abutting property either used or zoned for commerce or industry, and which is not a lane.

Residential Subdivision: A subdivision which lies entirely within the Residential and Government Districts established by the Bourne Zoning Bylaw.

Subdivision: "Subdivision" shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on:

- a) a public way or a way which the Clerk of the Town of Bourne certifies is maintained and used as a public way, or
- b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or
- c) a way in existence on February 1, 1950, having, in the opinion of the Planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Bourne Zoning Bylaw for erection of a building on such lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing on February 1, 1950, into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

## ARTICLE II PLAN PROCEDURES

### 21 General

**210 General.** No plan shall be endorsed as not requiring approval under the Subdivision Control Law and no subdivision plan shall be approved unless each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, Chapter 41, G.L., Sections 81-K through 81-GG.

**211 Time and Place of Plan Submissions.** Plans, applications and other items to be submitted to the Planning Board under the Subdivision Control Law will be accepted at the Office of the Planning Board during regular office hours. Any plan intended for review at a meeting of the Board shall be filed no later than 4:30 PM on the Tuesday preceding the day of said meeting. The day of the meeting will be considered the date of submission for Plans Believed Not To Require Approval (Section 22), for preliminary subdivision plans (Section 24), and for definitive subdivision plans (Section 26), except that if a definitive plan is sent by registered mail to the Planning board, care of the Town Clerk, the date of mailing shall be the date of submission of the plan.

### 22 Plans Believed Not to Involve Subdivision

**221 Submission.** Any person applying for endorsement that a plan does not require approval under the Subdivision Control Law shall submit the seven (6) prints of the plan and an Application Form A to the Planning Board, and one copy of the plan and original Form A application and applicable fee to the Town Clerk.

**222 Required Information.** Such plan shall show all of the following:

- a) Any existing structures on the land shown on the plan and dimensions of proposed yards;
- b) Any existing structures on any remaining adjoining land owned by the applicant;
- c) Remaining frontage of any adjoining land in the same ownership;
- d) Present owner of the land shown on the plan, and all abutting owners;
- e) Location of any easement or way, public or private, across the land, with a designation as to the use of the same.

In addition, it is requested that identification be made of any active cranberry bogs within 300 feet of the lots being created, and that if any portion of any building lot is to lie within such distance, that the following be annotated on the plan:

"Because of the consequences of cranberry bog operation, including chemical use and storage and use of noise-producing equipment, development of these lots may be subject to zoning and Board of Health restrictions."

- 223 Standards of Access Adequacy.** Streets within a subdivision shall be considered to provide adequate access if and only if complying with the standards established in this Regulation. Ways providing access to the streets within a subdivision or providing access to lots said not to be within a subdivision shall normally be considered adequate only if there is assurance that prior to construction on any lots, access will be in compliance with the following:

	<b>Development potentially served</b>		
	<b>10 or fewer dwelling units</b>	<b>11-49 dwelling units</b>	<b>More units or business</b>
Min. right-of-way width	40 feet	50 feet	50 feet
Surface type	3" Bit Cone	3" Bit Cone	3" Bit Cone
Surface width	20 feet	24 feet	30 feet
Sight distance minimum	125 feet	225 feet	400 feet
Maximum grade	12%	10%	6%

- a) **Obligations.** The Board may require, as a condition of its approval of a subdivision plan, that the developer dedicate or acquire and dedicate a strip of land for the purpose of widening access ways to a width as required above, and that he either make physical improvements within such way or compensate the Town for the cost of such improvements in order to meet the standards specified above.

**224 Determination.**

- a) If the Board determines that the plan does not require approval, it shall forthwith, without a public hearing, endorse on the plan the words "Planning Board Approval Under the Subdivision Control Law Not required". The endorsed plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action, both within 21 days of submittal of the plan.

- b) If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within 21 days of submittal of the plan so notify both the applicant and the Town Clerk, and return the plan to the applicant.
- c) If the Board does not act and notify the Town Clerk and the applicant within 21 days of submission, it shall be deemed to have determined that approval is not required.

### **23 Pre-Submission Review of a Subdivision**

Prior to investing in extensive professional design efforts for subdivision plans, it will often prove useful to review the proposed development of a parcel of land with the Planning Board, in order that general approaches, possible use of Open Space Community provisions, and potential problems can be freely explored. Pencil sketches, which need not be professionally prepared, will assist the discussion and might show some but not all of the information shown on a Preliminary Plan. In some cases, this pre-submission review may eliminate need for a Preliminary Plan.

### **24 Preliminary Plan of a Subdivision**

**241 General.** A Preliminary Plan **MUST** be submitted for any proposed non-residential subdivision, and **MAY** be submitted for any proposed residential subdivision. The submission of such a Preliminary Plan will enable the subdivider, the Planning board, the Board of Health, other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before costly engineering drawings for a Definitive Plan are prepared. The financial responsibilities pertaining to Performance Guarantees for the proposed subdivision (Section 266) can be explained and preliminary calculations worked out. Though the submission of a Preliminary Plan is not mandatory, it is strongly recommended that a Preliminary Plan be filed in each case except those where pre-submission review has adequately clarified all issues

**242 Application Procedure.** An applicant for approval of a Preliminary Plan shall submit for the Planning Board six (6) prints of the Preliminary Plan, a completed Form B application, plus a copy of the plan and a copy of Form B and applicable fee for the Town Clerk and a copy of the plan and a copy of Form B for the Board of Health.

243 **Contents.** The Preliminary Plan shall be drawn on tracing paper or cloth at 1" = 40' scale or other scale acceptable to the Planning Board. The plan shall include the following information:

- a) the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";
- b) the names of the record owner and the applicant and the name of the designer, engineer or surveyor;
- c) the names of all abutters as determined from the most recent local tax list;
- d) the existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner;
- e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner;
- f) the approximate boundary lines of proposed lots, with approximate areas and dimensions;
- g) the names, approximate location and widths of adjacent streets;
- h) and the topography of the land in a general manner.

In addition, it is requested that the following be submitted:

- i) a locus plan of the subdivision at 1" = 800', showing proposed roads and their relation to the surrounding area, and the Zoning District in effect in the area;
- j) in the case of a subdivision covering less than all of the land owned by the subdivider in the area of the subdivision, a plan showing in a general manner the proposed overall development of all of said land; and
- k) preliminary findings, in a general way, regarding Environmental Information, if required by Section 264.
- l) Identification of any active cranberry bogs within 300 feet of the lots being created.

244 **Approval or Disapproval of a Preliminary Plan.** Within 45 days after submission of a Preliminary Plan, the Board shall notify by certified mail the applicant and the Town Clerk either that the plan has been approve, or that the plan has been approved with modifications suggested by the Board or agreed upon by the person submitting the plan, or that the plan has been disapproved. In the case of disapproval, the Board shall state in detail its reasons therefor.

## **25 Field Trip**

After the regular Planning Board meeting at which a subdivision plan is first discussed, the Planning Board may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative. In order to facilitate field inspection and review of the site of the proposed subdivision, temporary staking along the centerline of all proposed roads in the subdivision will be required in time for such field trip, or if impractical, the Planning Board shall permit a suitable alternative procedure.

## **26 Definitive Plan of a Subdivision**

**261 Application Procedure.** Any person who desires approval of a Definitive Plan of a subdivision shall:

- a) Submit five copies of each of the following for the Planning Board, plus one copy of each and applicable fee for the Town Clerk, for the Board of Health, and for the Conservation Commission:
  1. The Definitive Plan. (See Section 262 for contents). The original drawing of the Definitive Plan will only be needed if and when signing of the plan takes place.
  2. On a separate sheet but at the same scale as the Definitive Plan, existing and proposed topography at two foot contour intervals, with graphic drainage analysis including distinction between upland and wetland; indication of annual high water mark; location of existing structures including fences and walls; if encountered, the location of the boundaries of Special Flood Hazard Zones as designated on the current FIA Flood Insurance Rate Maps on file with the Town Clerk, the Planning Board, the Building Inspector, and the Board of Health; and in a heavy line, where the base flood elevations, if any, defined on the FIA maps will occur following site development.
  3. A locus plan of the subdivision at 1"=800', showing proposed roads and their relation to the surrounding area, and the Zoning District in effect in the area.
  4. Street plans and profiles of every proposed street. (See Section 263 for contents)
  5. Street cross sections for each class of street within the subdivision, drawn at 1"=4', showing location of all elements within the street right-of-way, and typical cross sections of any altered drainage courses or off-street paths.

6. A properly executed application Form C.
- b) Submit the following for the Planning Board:
1. If requested by the Board, drainage calculations, traverse notes, evidence of ownership, language of any easements, covenants or deed restrictions applying or proposed to apply to the area being subdivided, rights and easements obtained for utilities or drainage outside of the subdivision, description of erosion control methods to be employed, and cross sections of proposed streets at critical locations showing existing and proposed grade for the width of the right-of-way plus 25 feet on each side.
  2. If necessary in order to determine compliance with the requirements or intent of this Regulation, the Board may require further engineering or environmental analyses to be prepared at the expense of the applicant, employing professionals approved by the Board.
  3. The Environmental Information Report, if required (See Section 264).
  4. A list of names and mailing addresses for all abutters as they appear on the most recent local tax list, including property owners on the opposite side of any streets abutting the subdivision, certified as to accuracy by the Assessor's Department. The applicant is responsible for preparing notices to abutters by Certified Mail Return Receipt Requested, with adequate postage affixed, delivering them to the Planning Board agent not less than ten (10) days before the date of the hearing. The notices shall be verified by the Planning Board before being mailed by the Planning Board's agent. Return receipts are to be addressed to the Planning Board for further verification.
  5. If desired by the applicant, one copy of a development schedule indicating, for each lot, the maximum number of proposed dwelling units and the proposed earliest date of dwelling unit construction.

**262 Definitive Plan Contents.** The Definitive Plan shall be prepared by a Registered Land Surveyor and, if required, registered Civil Engineer, in form acceptable to the Barnstable County Registry of Deeds. It shall contain the following:

- a) Subdivision name, boundaries, north point, legend, date, scale, and zoning district;
- b) Name and address of record owner and of subdivider; stamp and signature of Registered Land Surveyor and any other professionals engaged in the design;

- c) Location and names of all abutters as they appear on the most recent tax list, including property owners on the opposite side of any streets abutting the subdivision.
- d) Existing and proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision. (The proposed names of streets shall be shown in pencil until they have been approved by the Board of Selectmen.)
- e) Sufficient data to readily determine the location, direction, and length of every street, way, easement, lot and boundary line, and to establish those lines on the ground. The areas of all lots shall be shown , and all lots shall be numbered.
- f) Road centerline stationing, referenced to the Street Plans and Profiles.
- g) Lot numbers shall be shown enclosed in a circle and street numbers enclosed in a square. Lot shape factor (see Zoning Bylaw Section 2480) shall be calculated and shown either on each lot or in a tabular summary.
- h) Location of all permanent monuments, properly identified as to whether existing or proposed; location of temporary stakes to enable the Planning Board to find and appraise features of the subdivision plan in the field.
- i) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision, and designation whether public or private.
- j) Existing and proposed watercourses, ponds, and wetlands.
- k) Suitable space to record the action of the Board and the Town Clerk's certification.
- l) Identification of any active cranberry bogs within 300 feet of the lots being created and, if any portion of any building lot is to lie within such distance, the following shall be annotated on the plan:

"Because of the consequences of cranberry bog operation, including chemical use and storage and use of noise-producing equipment, development of these lots may be subject to zoning and Board of Health restrictions."

263 **Street Plans and Profiles.** For each street there shall be a separate plan at 1" = 40', and profile at 1" = 40' horizontal, 1" = 4' vertical, showing the following data:

- a) Exterior lines of the way, with sufficient data to determine their location, direction and length
- b) Existing centerline profile to be shown as a fine, continuous line. Existing centerline profile for intersecting streets to be shown for at least 100 feet each side of the intersection of street center lines. Proposed right sideline shall be shown as a dashed black line, left sideline as black dots. Elevations shall be based on U.S.G.S. datum.
- c) Proposed centerline profile to be heavy continuous line, with elevations, based on U.S.G.S. datum, shown every 50 feet (every 25 feet on vertical curves).
- d) Road centerline stationing.
- e) All drainage facilities, the profiles indicating proposed pipe sizes, slopes, and rim and invert elevations and the street plans showing pipe sizes.
- f) Plan location and size of existing and proposed water mains, hydrants, and main gate valves.
- g) Location of existing and proposed cable utilities and their appurtenances and proposed street lights.
- h) Location of the following, unless waived by the Board: existing and proposed street paving, sidewalks, berms, gutters, and fire alarm boxes.

264 **Environmental Information Report.** A comparative Environmental Report shall be submitted for any subdivision creating frontage potentially allowing more than twenty dwelling units, and in other cases where the Board determines it appropriate in light of special circumstances. The scope of such Report, including development alternatives to be compared and consequences to be studied, shall be as agreed to by the Planning Board but will normally be required to include at least one major alternative to the plan proposed, with as much of the following information as determined by the Planning board to be necessary for plan evaluation. The analysis shall be prepared by an interdisciplinary team to include a Civil Engineer and an Architect or Landscape Architect, unless otherwise agreed to by the Planning Board. The report shall indicate differences among alternatives regarding:

- a) impact upon ground and surface water quality and level including estimated phosphate and nitrate loading on ground water and surface water from septic tanks, lawn fertilizer, and other activities within the development. For subdivisions located in whole or in part within Water Resource Districts as established in the Zoning Bylaw, this shall include analysis of open and closed drainage system alternatives, examining effects upon the basin water budget and upon the future contaminant levels;
- b) material effects upon important wildlife habitats, outstanding botanical features, and scenic or historic environs;
- c) capability of soils, vegetative cover, and proposed erosion control efforts to support proposed development without danger of erosion, silting, or other instability;
- d) relationship to the requirements of Sections 40 and 40A, Ch. 131, G.L. (The Wetlands Protection Act):
- e) impact upon the existing water supply system and well capacity of the Town;
- f) access adequacy and safety, including consideration of sight distances at points of egress, change in volume/capacity ratios, and any special hazards on serving roads.

**265 Plan Processing**

- a) Board of Health Review. The Board of Health shall report to the Planning Board in writing its approval or disapproval of the plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reason therefor in such report, and where possible, shall make recommendations for the adjustment thereof. Approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which specific findings were made shall not be built upon without prior consent of the Board of Health. The Board shall endorse on the plan the lots or land to which said conditions apply.
- b) Review by Other Town Agencies. The Planning Board shall distribute copies of the Definitive Plan and Street Plans and Profiles to the Highway Surveyor and Conservation Commission for comments.

- c) Public Hearing. Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of the time, place, and subject matter, sufficient for identification, shall be given by the Planning board by advertisement in a newspaper of general circulation in the Town of Bourne once in each of two successive weeks, with the first publication appearing not less than 14 days before the day of the hearing. The Planning Board shall mail a copy of such advertisement to the applicant and to all abutters included on such plan, including property owners on the opposite side of any streets abutting the subdivision, as appearing on the most recent local tax list.
  
- d) Approval, Modification, or Disapproval. Following its public hearing, the Planning Board shall approve, modify and approve, or disapprove the plan. The action of the Board shall be by vote, a copy of which shall be certified and filed with the Town Clerk and a copy sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action.

Notice of such action, or of an agreed extension of the time for such action, must be provided by the Planning Board to the Town Clerk within 90 days following the date of submission of the plan if it follows action on (or failure to timefully act on) a Preliminary Plan, or 135 days following the date of submission in cases where no Preliminary Plan was submitted.

Criteria for action by the Board shall be the following:

1. Completeness and technical adequacy of all submissions.
  
2. Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environmental degradation.
  
3. Conformity with the Requirements of Section III.
  
4. Determination, based upon the Environmental Information Report (where submitted), that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.
  
5. Conformity with all applicable zoning requirements.

- e) Endorsement. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board (or by the signature of the person officially authorized by the Board), only after all of the following:
1. The 20-day appeal period following filing of the certificate of Board action with the Town Clerk has elapsed;
  2. The Town Clerk has notified the Board that no appeal has been filed;
  3. The Board has received an acceptable performance guarantee (See Section 266).

Following endorsement of the Plan by the Board, the applicant shall provide the Board with a reproducible copy and three contact prints of the Definitive Plan, and of the Street Plan and Profiles; a copy of the Definitive Plan a recorded, noting book, page number, and date of recording; and a copy of final covenants and restrictions as recorded for its files. The Board shall supply the applicant with a completed Form D-1.

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

- f) Development Schedule. The applicant may request Planning Board approval of a development schedule covenant (Form K) in order to exempt lots from certain requirements of Section 2600, Development Scheduling, of the Bourne Zoning Bylaw. Planning Board approval shall be granted, provided that the schedule:
1. identifies for each lot the date of exemption;
  2. exempts not more than 20% of the potential dwelling units in the subdivision within the first two years following Definitive Plan endorsement;
  3. adds to the exempted category each year thereafter not more than 10% of the total number of potential dwelling units in the subdivision.
  4. Identifies for each lot the maximum number of proposed dwelling units, and
  5. Establishes a development sequence, which in the opinion of the Planning Board, is not arbitrary or unreasonable.  
The Development Schedule shall be recorded with the Definitive Plan.

## 266 Performance Guarantee

- a) Form of Guarantee. Before endorsement of its approval of a Definitive Plan, the Planning Board shall require that the construction of ways and the installation of municipal services, as specified in these subdivision regulations, be secured by one, or in part by one and in part by another, of the methods described in the following clauses (1), (2), (3) and (4) which method or combination of methods may be selected and from time to time varied by the applicant. Such guarantee shall also provide, among other things, that no structure shall be occupied until streets or ways serving such structures have been surfaced with at least the 2" binder course. The Planning Board shall determine whether the performance guarantee is sufficient to secure performance.
1. 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 shall require that the applicant specify the time within which such construction shall be completed (See section 266 b) or such other period as may be approved by the Planning Board prior to acceptance of the bond.
  2. By a deposit of money or negotiable securities, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan, and the Planning Board shall require that the applicant specify the time within which such construction shall be completed. (See section 266 b) Such bonds shall be approved as to form and manner of execution by Town Counsel and as to sureties by the Town Treasurer; shall be in an amount determined by the Planning Board to be sufficient for the Town to complete the improvements; and shall be deposited with the Town Treasurer.
  3. 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 Section 81U of the Subdivision Control Law. (See section 266 c paragraph 2) Covenanting not to sell or build upon any lots until completion of the improvements, which covenant must be referred to on the Plan and registered or recorded with it;
  4. By delivering to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds 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. (See section 266 b)

- b) The penal sum of any such bond held under clause (a, 1) or any deposit held under clause (a, 2) or any amount of funds retained pursuant to an agreement under clause (a, 4) shall bear a direct and reasonable relationship to the expected cost including the effects of inflation, necessary to complete the subject work. Subject work includes all public ways work as on the definitive plan (including utilities, storm water management requirements, open space provisions and land areas cleared for development) within the subdivision as a whole, or portion of the subdivision if, in the opinion of the Planning Board, the portion of the development to be guaranteed does not rely upon further construction or jeopardize the integrity of the project in its entirety. (See section 266 c paragraph 2)
- c) Release of Guarantee:

Requests for all covenant releases shall be by registered mail to the Planning Board and the Town Clerk. Lot(s) or parcel(s) requested to be released shall be enumerated and accompanied by engineer certification and/or inspection reports and/or letters the Planning Board may request or require, accurately describing all complete and incomplete subject work to date. Similarly, engineer certification and/or inspection reports and/or letters the Planning Board may request or require, accurately describing all complete and incomplete subject work to date shall accompany all requests for release of bond, deposit, or lender retention of funds.

The Board may grant release from covenants upon a portion or all of the subdivision to reflect substitution of a bond, deposit, or lender retention of funds only if such alternative to a covenant assures completion of a reasonable system for circulation (including meeting requirements of Section 325 Dead-End Streets) and utilities (including water main looping and satisfying storm water management requirements of Section 352 to fully service the portion of the development to be released without reliance upon further construction beyond that for which the alternative security assures performance. Similarly, any reduction in bond or deposit amounts shall be made only upon determination that the improvements for which release is to be granted together with others earlier completed constitute a reasonable system for circulation and utilities.

Before the Board shall consider a request for full release of funds, bond or agreement, the following shall have been submitted to the Board: (1) Board authorized verification of the integrity of road pavement and drainage following a full winter in place, and until trees and other vegetation have been established, and, in accordance with Section 267(c), until the fee has been conveyed to the Town or three years have elapsed since completion of the improvements. (2) Evidence of a properly recorded as-built plan. (3) Documented evidence for provision for ownership and maintenance of open space shown on the plan. (4) Evidence that all conditions for plan approval set by the Board have been completed.

If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the Town Clerk the details wherein said construction and installation fails to comply with the requirements of these regulations.

If the Planning Board fails to act on such application within 45 days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said 45 days period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town clerk shall issue a certificate to such effect, fully acknowledged, which may be recorded.

Release of the performance guarantee does not constitute laying out or acceptance by the Town of the streets in the subdivision.

## **267 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 to the Town or for at least three years after completion of improvements, whichever is the lesser. Notation that this is to be done shall be placed on the Definitive Plan.
- b) However, this provision may be waived by the Planning Board for subdivisions where the public interest is served by retention of private ways, and means of securing such retention and their maintenance have been agreed upon.
- c) Security in an amount equal to at least 15% of the total cost of street construction shall be retained to ensure construction adequacy against hidden faults and shall not be released until the fee has been conveyed as indicated above, or until three years have lapsed since completion of improvements.

**268 Rescission.**

- "a) Definitive Plan approval shall be conditional upon the Plan and any related covenants being recorded in the Registry of Deeds within six months of Planning Board approval, or such later time as established by vote of the Planning Board. Failure to meet the condition shall result in automatic vacation of the Planning Board's approval.
  
- "b) All improvements required of the developer, including construction of ways and installation of municipal services, shall have been completed within the time period specified in the Planning Board's Certificate of Approval Form D-1. Failure of the developer to do so shall automatically rescind approval of the Plan unless prior to the expiration of the two-year period a public hearing has been held on completion of the subdivision, with notice as provided at Section 265 c) at the expense of the applicant, and an extension of not more than two additional years on the time for completion has been approved by the Planning Board. Repetitive extensions of the time for completion shall in no event extend the time allowed for completion to more than eight years from the date of initial Planning Board approval of the Definitive Plan."

## SECTION III REQUIREMENTS

### 31 General

311 **Design Guides.** All subdivisions shall be designed and improvements made by the developer consistent with the requirements of Section III. Design and construction shall:

a) Reduce, to the extent reasonably possible, the following:

1. volume of cut and fill;
2. area over which existing vegetation is disturbed;
3. number of mature trees removed;
4. extent of waterways altered or relocated;
5. visual prominence of man-made elements not necessary for safety or orientation;
6. likelihood of encouraging building construction on hill crests
7. dwellings located within 300 feet of the bank of an active cranberry bog.

b) Increase, to the extent possible, the following:

1. use of collector streets to avoid traffic on streets providing house frontages;
2. visual prominence of natural features of the landscape;
3. vistas and water views from public ways.

312 **Required Cross Section.** Grading, location of pavements, utilities, and other improvements shall be designed and located as indicated on the Required Cross Section (see Appendix).

313 **Specifications.** Where not otherwise specified, all materials and workmanship shall conform to the Standard Specifications of the Massachusetts Department of Public Works.

## 32 Streets

### 321 Location and Alignment

- a) All streets in the subdivision shall be designed to provide safe pedestrian and vehicular travel.
- b) Provision shall be made for the proper projection of streets and for access to adjoining property, which is not yet subdivided.
- c) Reserve strips which prohibit access to streets or adjoining property shall not be permitted, except where such strips are in the public interest.
- d) Wherever possible, street intersections shall be at least 150 feet apart. Intersections involving collector streets shall be spaced at least 400 feet apart.
- e) Street configurations shall be designed, together with reserved open space, to minimize the number of lots having frontage exclusively on collector streets.
- f) Curvilinear street systems shall be used wherever feasible.  
The minimum centerline radii of curved streets shall be the following:  
  
Lane - 60 feet  
Minor street - 100 feet  
Collector Street - 250 feet
- g) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees.
- h) Property lines at street intersections shall be rounded or cut back to provide for a radius at the edge of traveled way of not less than 30 feet at intersections with a collector street and 12 feet for intersections involving only minor streets or lanes.
- i) The location of pavements shall be centered within the street right-of-way wherever possible.
- j) Each lot shall have egress over streets with centerline profiles not lower than the base flood elevations defined on the FIA Flood Insurance Rate Maps.

### 322 Widths

- a) Right-of-way Widths. The minimum width of street rights-of-way shall be:

Lane - 40 feet  
Minor Street - 50 feet  
Collector Street - 50 feet  
Off-street path or trail - 8 feet

Greater widths may be required by the Planning Board where deemed necessary for present and future vehicular travel.

- b) Pavement Widths. The minimum width of street pavements, exclusive of curbing, shall be:

Lane - 20 feet  
Minor Street - 24 feet  
Collector Street - 30 feet

Within the right-of-way, the minimum width of pavement for driveway entrances to residential lots shall be eight feet, flaring to ten feet at the curb line.

### 323 Grade

- a) Grades of streets shall be not less than 0.5%. Except for short intervals, grades shall be not more than the following:

Lane - 12%  
Minor Street - 10%  
Collector Street - 6%

- b) On any street where the grade exceeds 6% on the approach to an intersection, a leveling area with a slope of not more than 4% shall be provided for a distance of at least 50 feet, measured from the nearest exterior line of the intersecting street.
- c) Vertical curves are required whenever the algebraic difference in grade between centerline tangents is 2.0% or more.
- d) Centerline profiles shall at all points be at least three feet above the grade of adjacent wetlands or marsh.

- e) Driveway entrances and land between the outside of the shoulder and the street layout shall be so graded as to prevent excessive surface water on the street from draining onto private land except at designated ponding areas or at appropriate drainage easements.
- f) No slopes resulting from grading of streets shall exceed one foot vertical to three feet horizontal in fill, one foot vertical to two feet horizontal in cut, or one foot horizontal to 3/4 foot vertical in ledge. Slope easements or retaining walls shall be used where cut or fill slopes cannot be contained within street sidelines.

**324 Sight Distances.** Minimum forward stopping sight distances shall be:

Lane - 125 feet  
Minor Street - 225 feet  
Collector Street - 400 feet

**325 Dead-End Streets**

- a) Avoidance of dead-end streets is preferred but not required. Dead-end streets, if any, shall not exceed 500 feet or be less than 100 feet measured from the center of the cul-de-sac to the sideline of the street with which it intersects unless the Planning Board determines that a departure from this standard is necessitated by topography or other site conditions and that the resulting configuration would not be potentially hazardous."
- b) Dead-end streets shall be provided at the closed end with either a turn-around having an outside roadway diameter of at least 100 feet and a property line diameter of at least 120 feet, or an alternative configuration accommodating the turning of a vehicle with a 30 foot wheelbase.

**326 Preparation and Surfacing of Roadway.** The developer must arrange for a certifying agent, either the Highway Surveyor or a Registered Professional Engineer (Civil) acceptable to the Planning Board, who will certify to the Planning Board that the following requirements have been met in actual construction. If circumstances suggest, alternative combinations of materials and depths may be proposed to the Board at the time of plan submission, accompanied by calculations employing methods outlined in Manual Series No. 1 (MS-1) of the Asphalt Institute, demonstrating compliance of that alternative with the following:

	Lane, Minor	Collector
Initial Traffic Number (ITN)	10	20
Traffic growth rate/year	2%	6%
Single-axle load limit	18K	18K
Design period	20 years	20 years

- a) Stumps, brush, roots, boulders, trees, and like material shall be removed as necessary to provide for paving, shoulders, and utility installations. No perishable matter such as stumps, trunks, or limbs of trees, or brush shall be buried within the limits of the street lines. Wherever feasible, existing vegetation shall be retained and protected.
- b) All materials not suitable for the foundation shall be removed from an area eight feet wider than the pavement width and to a depth of at least ten inches below finished grade. In that area, peat, silt, loam, or similar yielding material shall be removed to leave a firm foundation. No topsoil suitable for reuse shall be removed from the subdivision unless adequate topsoil depth of at least four inches, and there is also assurance that all streets from which topsoil is being removed will be brought to subgrade with approved materials within six months.
- c) Excavated material which is approved by the Certifying Agent may be used in those areas where fill is required. The fill shall be placed in layers not greater than eight inches deep and thoroughly compacted. All fill material placed in trenches for utilities and around underground structures shall be placed in six inch deep layers and shall be thoroughly compacted by means of pneumatic or vibratory tamps. The completed excavation and fill area shall be graded and then rolled so that the gravel foundation material may be placed. Any soft or unsuitable areas which become evident during rolling shall be filled with suitable material and the area rerolled until it has been brought to the proper grade.
- d) Roadways, shoulders, and driveways within the right-of-way shall be provided with a gravel foundation spread on a well-compacted and consolidated sub-base. Such foundation shall be placed with material and construction methods meeting Massachusetts DPW Specification 405.60. Any depressions that occur, either during or after rolling, must be filled with additional gravel and rolled until the surface is true and even.
- e) The wearing surface of roadways and driveways within the right-of-way shall be a two-course, type I-1 bituminous concrete pavement applied with a 2 3/4" compacted base course (two inches on lanes, one inch on single-family residential driveways) and a 1 1/4" compacted finish course (one inch on lanes and on single-family residential driveways), in accordance with

Massachusetts Department of Public Works Standard Specification Section 460.

- f) Manhole covers, gate boxes, gas drips and other access to underground utilities shall be set at the finish road, sidewalk, or top soil grade.

**327 Curbs**

- a) Cape Cod, molded bituminous curbs or bituminous berms satisfactory to the Board shall be installed where required in the judgment of the Board, because of grades, curves, or heavy road use.
- b) Granite or concrete curb inlets shall be provided at catchbasins where required by the Board.

**328 Loaming, Fine Grading, Fertilizing and Seeding.** All areas within the limits of the street lines without gravel foundations shall be filled to within six inches of finish grade with random borrow or excavated material. Topsoil shall be spread to grade on all unpaved areas, and the areas fertilized and seeded. All areas which fail to show a uniform growth of grass shall be reseeded until they do. Seeded areas shall be maintained and kept mowed until the street has been accepted by the Town Meeting. Bark mulch or other organic material may be used for stabilization in lieu of topsoil and grass, but only if authorized in advance by the Planning Board. Such authorization will be granted only where slope, location, and design assure that the material will not be dislodged into the drainage system, and pedestrian traffic will be rare. In no event shall such materials be placed within four feet of a paved surface or on slopes exceeding 3:1.

**33 Sidewalks**

**331 Location.** Sidewalks five feet wide are required on at least one side of all collector streets, and at other locations where, in the opinion of the Planning Board, the volume of pedestrian traffic will justify their installation.

Connections between existing trails, paths, or sidewalks should be preserved or created wherever necessary to assure safety or to provide access to public facilities. Paths, trails, or sidewalks need not follow along street layouts.

**332 Preparation and Surfacing**

- a) Preparation of the base for a sidewalk shall be accomplished by removing material to a depth of eight inches below finished, designed grade. Any soft spots of undesirable material shall be removed and replaced with gravel. The excavated area shall be filled with six inches of gravel and rolled with a roller of not less than two tons. The sidewalk shall slope toward the curb with a slope of 3/8 of an inch per foot.

- b) For sidewalks, two one-inch compacted layers of type I bituminous concrete shall be placed between forms, being rolled with a roller of not less than two tons. Alternative sidewalk paving may be installed if approved in advance.

**34 Easements**

**341** Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall normally be at least 24 feet wide.

**342** Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Board may require the subdivider to provide a stormwater or drainage easement of a minimum width of 24 feet to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

**343** Drainage easements outside of the area of the subdivision, but occasioned by it, may be required of the subdivider.

**344** Slope easements shall be provided where cut or fill slopes cannot be contained within the street right-of-way.

**35 Utilities**

**351 Water System**

a) Plan Approval. No Definitive Plan shall be approved by the Planning Board unless satisfactory evidence is presented that an adequate supply of water will be provided to each lot in the subdivision which is to be built upon and unless each lot therein falling within a Special Flood Hazard Zone as designated by the FIA, will be served by water 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 flood elevations.

b) Public Water Supply. Whenever feasible, the water supply shall be from a public water supply system. In such cases, the water supply system will be considered adequate only if it is capable on a maximum summer day of providing each proposed fire hydrant with a flow of 700 gpm at 20 psi residual pressure for single-family detached residential developments, or meeting ISO Guidelines for other developments, and only if capable of providing each proposed lot with minimum static pressure of 50 psi at street grade. Water system design, equipment, materials, and construction shall meet the specifications of the water district providing the service. Fire hydrants shall be spaced not more than 500 feet apart, located on the extension of lot sidelines wherever possible, or as otherwise approved by the Fire Chief.

- c) Private Water Supply. Where connection to an adequate public water system is infeasible, the Planning Board shall approve a subdivision only upon its determination, following consultation with the Fire Department that reserved access to a fire pond or other provisions will adequately provide for fire safety, and upon its determination, following consultation with the Board of Health, that wells on each lot are likely to be able to provide a sustained yield of five gallons per minute with water quality meeting DEQ's "Drinking Water Regulations of Massachusetts", as amended from time to time. One test well may be required of the Applicant per ten potential lots, or the Planning Board's determination may be based upon the written statement of a hydrogeologist following his analysis of well records on nearby premises, subsurface conditions, and the effects of nearby premises, subsurface conditions, and the effects of this subdivision and other potential sources of contamination.

### **352 Storm Water Management**

- a) Storm drains, culverts, and related facilities shall be designed to permit the unimpeded flow of all natural water courses, to ensure adequate drainage at all low points along streets, to control erosion, and to intercept stormwater run-off along streets at intervals reasonably related to the extent and grade of the area being drained. To the maximum extent feasible, stormwater shall be recharged rather than piped to surface water. Peak stream flows and runoff at the boundaries of the development in a 25-year frequency storm shall be no higher following development than prior to development.
- b) Roadway design should normally aim at removing water from paved surfaces continuously rather than at infrequent catchbasins or spillways, using swales and ponding areas in preference to gutters, catchbasins, and piped sewerage.
- c) Storm sewers, retention basins, and leaching basins shall be based on a 10-year frequency storm, and culverts shall be based on a 25-year frequency storm. Storm drainage systems shall also be based upon coastal flooding to base flood elevations and shall employ tide gates, back-flow valves, or other devices as necessary to avoid damage from reverse circulation of flood waters.
- d) Drainage systems shall be designed based on a 25-year frequency storm, except that culverts shall be based on a 50-year storm, and in a 100-year storm streets shall remain passable and drainage shall not enter buildings. Calculations shall be based upon the Rational method or the SCS Modified Sol Complex method, as appropriate, or other method if approved in advance by the Planning board. Water velocities shall be between two and ten feet per second in pipes and gutters and not more than five feet per second on ground surfaces.

- e) Any catchbasins and manholes shall be at least six feet deep and four feet inside diameter, with a 30" or greater sump below pipe invert. They shall be constructed of concrete blocks or precast concrete units, with a concrete base of at least 2" thickness, precast segments or poured in place. A catchbasin to manhole configuration shall be used. Leaching catchbasins will not normally be allowed. Manhole covers and grates shall be in conformance with Massachusetts DPW Specifications, designed and placed so as to cause no hazard to bicycles.
- f) Any piping used shall be concrete unless protected corrugated aluminum is approved by the board. Minimum cover for drains shall be 24 inches. Piping with from 24 inches to 36 inches cover shall be of reinforced concrete.
- g) No storm sewer shall have less than a 12" inside diameter.
- h) Open brooks or tributary ditches which are to be altered shall be shaped to a cross section and gradient, and provided with stream bottom hardening, all acceptable to the Planning Board.
- i) Proper connections shall be made with any existing drains in adjacent streets or easements which prove adequate to accommodate the drainage flow from the subdivision. In the absence of such facilities, or the inadequacy of the same, it shall be the responsibility of the developer to extend drains from the subdivision as required to properly dispose of all drainage from said subdivision in a manner determined proper by the Board.
- j) In appropriate cases, the Planning Board may request a Drainage Design and Analysis prepared by a Registered Professional Engineer. In all cases, it shall be required that the applicant cause to be filed a Certificate signed by a Registered Professional Engineer stating that the proposed drainage system is prepared in accordance with standard engineering practice and meets or exceeds all requirements of the Subdivision Regulations of the Town of Bourne.

### **353 Sewage Disposal System**

- a) Individual or private sewerage systems will be permitted in accordance with the requirements of the Bourne Board of Health and Title V of the State Environmental Code.
- b) No definitive plan shall be approved by the Planning Board unless each lot falling within Special Flood Hazard Zones as designated by the FIA will be served by 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 flood elevations.

**354 Cable Utilities**

- a) All wiring, cables, and other appurtenances of electric power, telephone, cable TV, and fire alarm systems shall be placed under ground within the limits of the street right-of-way, except where such underground installation would cause undue hardship by reason of topography, subsoil conditions, or other site peculiarities. The Planning Board may allow all or any part of the wiring, cables, and other appurtenances to be placed above ground within appropriate easements.
- b) All cable utilities, including cable TV, shall be installed at the time of development so not to damage the final course of paving.
- c) Electric power cables shall be not less than 30" below finished grade.
- d) Underground utilities shall be located as indicated on the Required Cross Section. All underground utility systems, including power, communications, and gas, shall have their above-ground appurtenances designed to avoid system interruption or damage in the event of flooding to base flood elevations.

**355 Extension.** When required by the Board, where adjacent developable property is not actually subdivided, provision shall be made for extension of utility systems by continuing them to the exterior boundaries of the subdivision, at such size and grade and with such accessories and appurtenances as will allow for their proper projections. Abutting development shall be allowed connection to those drainage and utility systems provided that all costs of such connection are compensated.

**36 Other Requirements**

**361 Guard Rails.** Where slope or combinations of slopes and curves justify them in the opinion of the Board, guard rails for automobile protection or fences for pedestrian protection may be required.

**362 Street Signs and Numbers.** Street signs of a design, material and number approved by the Planning Board, shall be furnished and installed for each street intersection within the development. The posts for these signs and standards shall be set in concrete. The posts for these signs and standards shall be set in concrete. The developer shall erect either temporary or permanent street signs and identify each lot or home with a street number prior to any house in the subdivision being occupied.

### **363 Bounds**

- a) Bounds shall be installed at all street intersections, at all points of change in direction or curvature of street sidelines and at other points where necessary to define the location of all street rights-of-way. In no event shall monuments be spaced further than 1,000 feet apart. Such monuments shall be marked by a granite or concrete bound not less than 30" long and not less than five inches in least dimension.
- b) In addition, each corner of any lot created on a plan endorsed by the Planning Board subsequent to May 1, 1979 shall, prior to foundation construction, be marked by a granite or concrete bound not less than 30" long and not less than five inches in least dimension. Such bounds shall also be set indicating each point on the street sideline where the base flood elevation is encountered within Special Flood Hazard Zones as designated by the FIA.
- c) Bounds shall not be installed until all street or utility construction which might destroy or disturb their location has been completed. Prior to release of security, the Developer's land surveyor shall furnish the Board with a letter certifying that the bounds have been placed precisely as indicated on the Definitive Plan.

### **364 Natural Features**

- a) **Open Spaces.** Before approval of a plan the Planning Board may require that an area be reserved for a possible park or parks, and by appropriately endorsing the plan, the Board may require that no building be erected upon such reserved area for a period of three years without the Board's approval. Such reservation shall be made where particular natural features, abutting public land, or the potential neighborhood need for recreation space make later public acquisition appear desirable. In no event shall required reserved areas exceed 5% of the total area of the subdivision, unless so required by zoning or other regulations.
- b) **Protection of Natural Features.** Due regard shall be shown in the design and during construction to retain in a natural state all natural features and similar community assets which will add attractiveness and value to the subdivision; such features may include trees of four inch plus caliper, wetlands (as defined in Ch. 131, Section 40, Mass. G.L.), watercourses, land within 200' of a river, pond, stream, canal or ocean, slopes grater than 15%, points having the highest ground elevation within 500 feet, other scenic points, and locations with historic associations.

c) Planting.

1. Every effort shall be made to preserve and protect existing vegetation.
2. The subdivider may be required to plant trees where necessary, in view of existing vegetation, to assure amenity for the future residents of the proposed subdivision. Before the trees are planted, a plan showing their proposed location and species shall be submitted to the Planning Board for approval and shall be based on avoidance of problems from pests, disease, or root intrusion. Up to one tree of two inch caliper each 40 feet of street sideline may be required. Trees to be retained shall not have grade changed over their root areas more than six inches except with the explicit approval of the Bourne Tree Warden.

**365 Spoil Lots.** One or more lots or other designated areas in each subdivision shall be reserved for disposal of stumps, rock, and other clean but unwanted materials resulting from the development of that subdivision, unless the applicant provides written agreement providing for off-premises disposal at an approved site. Land intended for such use shall be so identified on the Subdivision Plan, and further indicated on that plan as "not a building lot". Notice that such use has been authorized by the Board of Health shall be posted on the premises until disposal is completed, all requirements of the Board of Health are complied with, at which point the land shall be restored to safe and stable slopes and grades, and vegetation shall be restored. Such restoration shall be included in the items for which bond or other security is provided, and shall be completed prior to final release of security.

**366 Reflective Markers.** Reflective markers 30" high shall be installed at the pavement edge at locations sufficient to identify that edge when snow-covered.

**37 Construction Procedures**

**361 Schedule of Work.** The work connected with the items mentioned in this Regulation shall proceed in the following order, each item to be accomplished so as not to interfere with previous work.

- a) The roadway shall be brought to subgrade.
- b) Water, gas lines, cable utilities, street lights (if any), and drains shall be placed with related equipment. All service connections shall be installed to the lot lines unless jacking across the street is feasible without breaking or weakening road pavement.
- c) Base gravel shall be placed.
- d) Surfacing shall be placed with sidewalks and curbs.

- e) Monuments and street signs shall be placed.

The work shall proceed as above with exceptions only by order of the Certifying Agent as defined as Section 326.

- 372 **Inspections.** Inspections shall be arranged for as outlined on Form H Inspection Form.
- 373 **Safety.** All precautions should be taken by the developer and his subcontractors to observe common sense safety requirements. The Planning Board designates the Building Inspector to report all unsafe activities to the Planning Board.
- 374 **Compliance.** It is the responsibility of the developer to ensure that the approved construction plans and these regulations are implemented. Use of qualified persons to furnish adequate and timely engineering supervision during construction is required. Surveillance and site visits by Town officials shall not be construed as relieving this responsibility.

Prior to release of security, a certificate by either the Highway Surveyor or a Registered Professional Engineer (Civil) and a Registered Land Surveyor acceptable to the Board must be obtained by the Developer and filed, indicating that all improvements for which security is being released have been completed consistent with the approved plans and with these regulations.

- 375 **Record Plans.** Upon completion of construction, and before release of the performance guarantee, the subdivider shall have prepared and submitted Record Plans at the same scale as the street plans, which shall indicate the actual location of all of the following:

- a) Street lines;
- b) Traveled way edges;
- c) Path locations;
- d) Permanent monuments;
- e) Location and inverts of the required utilities and drainage;
- f) Locations of any other underground utilities, such as electricity, telephone lines, and street lighting.

The accuracy of such record plans shall be certified by a registered professional Land Surveyor retained by the subdivider.

376 **Cleaning Up.** Before sale of a lot, the subdivider shall clean up any debris thereon caused by street construction or installation of utilities.

## **ARTICLE IV        ADMINISTRATION**

### **41        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.

### **42        Board of Appeals**

As designated by Section 1320 of the Bourne Zoning Bylaw the Zoning Board of Appeals shall also be the Subdivision Regulations Board of Appeals, exercising the power granted by Section 81-Z, Ch. 41 G.L.

### **43        Appeals**

Appeals may be taken to the Superior court, in accordance with Ch. 41, G.L., Section 81-BB.

### **44        Separability**

In case, for any reason, any part or parts of these Rules and Regulations should be held invalid, such invalidity shall not affect the remainder.

### **45        Effective Date**

These Rules and Regulations or nay revisions to them shall become effective following their adoption by the Planning Board, and upon transmittal of certified copies of them to the Register of Deeds and to the Recorder of the Land Court.