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N O Dec. 27, 1957 N O T  
 At 10 o'clock ~~xxxx~~ ~~xxxx~~ A A N  
 O F F Received and Entered with O F F I C I A L  
 C O P Y C O P Y

Norfolk Deeds

Book 3610 Page 576

Attest:

*L. Thomas Shine*  
 Register

(Second Record) Recorded Jan. 16, 1958 at 9h.A.M.

# COMMONWEALTH OF MASSACHUSETTS

## LAND COURT

TO ALL WHOM IT MAY CONCERN:

I, Emily Hurley, of Dedham, Norfolk County, Massachusetts,

hereby give notice that, on the 9th day of December 1957,  
 filed a petition in said Court to have the title to certain land therein described, registered and confirmed  
 pursuant to Chapter 185 of the General Laws. Said land is situated in Dedham  
 in the County of Norfolk and said Commonwealth, and bounded, and described  
 as follows:

Lots 1432 thru 1440 as shown on Plan #3473, Plan Book 72, recorded Norfolk

Registry of Deeds.

Northerly by Greensboro Road, 187.70 feet;

Easterly by land of Eva Swanson, 160.48 feet;

Southerly by land of John C. Hampe, 180.00 feet;

Westerly by land of your petitioner, 213.67 feet.

*✓ Emily Hurley*

Recorded Jan. 16, 1958 at 9h.A.M.

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## RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND MEADOW, MASSACHUSETTS

(Adopted under The Subdivision Control Law  
 Sections 81-K to 81-GG inclusive, Chapter 41, G. L.)

PURPOSE (Section 81-M of Chapter 41 G. L.)

"The subdivision control law has been enacted for the purpose  
 of protecting the safety, convenience and welfare of the inhabitants  
 of the cities and towns in which it is, or may hereafter be, put in  
 effect by regulating the laying out and construction of ways in  
 subdivisions providing access to the several lots therein, but which

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have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for co-ordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions."

#### SECTION I. AUTHORITY

Under the authority vested in the Planning Board of the Town of Medway by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Medway. Such rules and regulations shall be effective on and after the 19th day of Dec. 1957.

#### SECTION II. GENERAL

##### A. Definitions

"Subdivision" shall mean the division of a tract of land into two or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or 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 (b) a way shown on a plan theretofore approved in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable

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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."

"Board" shall mean the Planning Board of the Town of Medway.

##### B. Plan Believed Not to Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and application Form A (see Appendix) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application.

If the Board determines that the plan does not require approval, it shall, without a public hearing, and within fourteen days of submission, endorse on the plan the words "Planning Board approval under Subdivision Control Law not required." Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action. Two copies of said plans shall be left with the Planning Board.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within fourteen days of submission of said plan so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.

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### C. Subdivision

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

## SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

### A. Preliminary Plan

#### 1. General

A Preliminary Plan of a subdivision may be submitted by the subdivider for discussion and tentative approval by the Board. The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case.

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#### 2. Contents

The Preliminary Plan may be drawn on tracing paper with pencil at a suitable scale and (two) prints shall be filed at the office of the Board. Said Preliminary Plan should show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Such information will include major site features such as existing stone walls, fences, buildings, large trees, rock ridges and outcroppings, swamps and water bodies, and existing topography as required, together with the information required by items "A" to "D", inclusive, of the Contents of Definitive Plan (Section III-B-2). During discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section III-B-2 Contents) and the financial arrangements (Section III-B-3 Performance Guarantee) will be developed.

#### 3. Tentative Approval

The Planning Board may give such Preliminary Plan its tentative approval, with or without modification. Such tentative approval does not constitute approval of a subdivision but does facilitate the procedure in securing final approval of the Definitive Plan.

### B. Definitive Plan

#### 1. General

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

a. An original drawing of the Definitive Plan and (three) contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.

b. A properly executed application Form B (see Appendix).

c. A deposit of \$25.00 to cover the cost of advertising notices.

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

#### 2. Contents

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

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- OFFICIAL  
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OFFICIAL
- COPY  
COPY  
COPY
- a. Subdivision name, boundaries, north arrow, date and scale.
  - b. Name and address of record owner, subdivider and engineer or surveyor.
  - c. Names of all abutters as they appear in the most recent tax list.
  - d. Existing and proposed lines of streets, ways, lots, easements and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board.
  - e. Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines of the ground.
  - f. Location of all permanent monuments properly identified as to whether existing or proposed.
  - g. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
  - h. Suitable space to record the action of the Board and the signatures of the members of the Board.
  - i. Existing and proposed topography at a suitable contour interval as required by the Board.
  - j. Profiles on the exterior lines of proposed streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals four feet, or such other scales acceptable to the Board. All elevations shall refer to the town datum.
  - k. Proposed layout of storm drainage, water supply and sewage disposal systems.

### 3. Performance Guarantee

- a. Final approval with bonds or surety.  
Before approval of a Definitive Plan of a subdivision, the subdivider shall either file a performance bond or deposit money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V, or follow the procedure outlined in "b" below. Such bond or security if filed or deposited shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Selectmen, and shall be contingent on the completion of such improvements within two years of the date of the bond.
- b. Final approval with conditions.  
Instead of filing a bond or depositing surety, the subdivider may request approval of his Definitive Plan on condition that no lot in the subdivision shall be sold and no building shall be erected thereon until the improvements specified in Section V are constructed and installed so as to serve the lots adequately. Such conditions shall be endorsed upon the plan or contained in

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a separate vote or agreement which shall be referred to on the plan and recorded in the Registry of Deeds. When the subdivider has completed the required improvements specified in Section V for any lots in a subdivision, he may request a Release of Conditions for said lots. If the improvements have been completed to the satisfaction of the Board, the Board will then execute and deliver to the subdivider such Release, which shall be in form for recording in the Registry of Deeds. Thereafter the conditions relating to such lots and so released shall terminate.

4. Review by Board of Health as to Suitability of the Land  
The Planning Board shall within ten days after submission of a plan to it consult with the Board of Health. If the Board of Health is in doubt as to whether any of the land in the subdivision can be used as building sites without injury to the public health, it shall so notify the Planning Board in writing within thirty

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days. Any approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which such ~~approval~~ exists shall not be built upon without prior consent of the Board of Health, and shall endorse on the plan such condition, specifying the lots or land to which said condition applies.

#### 5. Public Hearing

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Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Board at the expense of the applicant at least ten days prior thereto by advertisement two times in a newspaper of general circulation in the Town of Medway. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.

#### 6. Certificate of Approval

The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with one print thereof. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the town of streets within a subdivision.

### SECTION IV. DESIGN STANDARDS

#### A. Streets

##### 1. Location and alignment.

- a. All streets in the subdivision shall be designed so that in the opinion of the Board, they will provide safe vehicular travel.

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Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.

- b. Provision satisfactory to the Board shall be made for continuity and alignment with existing streets as far as practicable for the proper projection of streets; or for access to adjoining property which is not yet subdivided.
- c. Reserve strips prohibiting 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.
- d. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
- e. The minimum centerline radii of curved streets shall be one hundred (100) feet. Greater radii may be required for principal streets.
- f. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty degrees.
- g. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than twenty (20) feet.

##### 2. Width

- a. The minimum width of street rights-of-way shall be fifty (50) feet provided that the Board in its discretion may approve a width of not less than forty feet. Greater width shall be required by the Board when deemed necessary for present and future vehicular travel.

### 3. Grade

- a. <sup>N O T</sup>Grades of streets shall be not less than 0.5%. Grades shall not be more than 6.0% for principal streets nor more than 12.0% for secondary streets. <sup>N O T</sup>  
C O P Y C O P Y

### 4. Dead-end Streets

a. Dead-end streets shall not be longer than one hundred (100) feet unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.

b. Dead-end streets shall be provided at the closed end with a turn-around having a roadway center line diameter of at least 100 feet, and a property line diameter of at least 150 feet.

### 5. Street names

No street shall be given a name already borne by an existing street in the Town of Madway.

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## B. Easements

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 12 feet wide.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

## C. Open Spaces

Before approval of a plan the Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval for a period of three (3) years.

## D. Protection of Natural Features

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

## SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

### A. Street and Roadway

1. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.
2. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
3. The center of said traveled way shall coincide with the center of the full right of way insofar as possible, and in no event shall it vary by more than four feet in either direction. Said way shall be bordered by shoulders.
4. Each street shall be brought to a finish grade as indicated on the final plan and profile, to a width of not less than twenty-six (26) feet, with the top 12 inches of said traveled way consisting of good binding gravel or better, applied in two layers of not less than six inches each, with each layer wet and rolled with a roller having a compaction weight of not less than 220 pounds per square inch.

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5. The completed gravel surface shall be treated for the full width of the roadway with one application of asphalt or tar as specified by the Medway Highway Department at the rate of one (1) gallon per square yard or area of roadway. After being subjected to traffic for a period of at least thirty days, a second application at the rate of one quarter (1/4) gallon per square yard shall be used as a seal coat. The initial and seal applications shall each be covered with sand evenly distributed. Each application must be under the supervision and approval of the Highway Supervisor of the Town of Medway.

1. Suitable provisions must be made in the plan for a drainage system for the disposal of all surface water. In no case shall less than 12 inch pipe be used for surface water drainage. Manholes shall be provided not over 400 feet apart and at every change in direction, and the drain between manholes shall be laid in straight lines. Maximum spacing of catch basins shall be 300 feet unless otherwise approved by the Planning Board. Catch basins shall not be less than 4 feet in diameter at a point  $2\frac{1}{2}$  feet below the bottom of the frame, and shall not be less than 3 feet in depth, measuring from the invert on the outlet pipe.

Sidewalks of not less than four feet in width shall be constructed on both sides of the street in conformity with specifications of the Highway Department when, in the opinion of the Board, such sidewalks are necessary.

Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall be 6" x 6" x 42" with finished top and drill hole in the center. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

### A. 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.

For matters not covered by these rules and regulations, reference is made to Sections 81-K to 81-GG, inclusive.