

Town of East Brookfield Planning Board



Subdivision Rules and Regulations

[REDACTED] RULES AND REGULATIONS
GOVERNING ([REDACTED]) THE SUBDIVISION OF LAND
EAST BROOKFIELD, MASSACHUSETTS

(Adopted under the Subdivision Control Law Sections 81-K to 81-GG inclusive, Chapter 41, G, L, by the Board of Selectmen acting as the Planning Board after a Public Hearing on March 20, 1967.)

PURPOSE:

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of 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 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 coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to subdivision of land: provided, however, that such board may, when appropriate, waive, as provided for in section eighty-one R, such portions of the rules and regulations as is deemed advisable." (Section 81-H of Chapter 41, G.L.)

SECTION I. AUTHORITY

Under the authority vested in the Planning Board of the Town of East Brookfield 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 East Brookfield.

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 a way which the clerk of the town 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 when the subdivision control law became effective in the city or town in which the land lies, 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 zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision." (Section 81-L of Chapter 41, G. L.)

"'Preliminary plan' shall mean a plan of proposed subdivision or re-subdivision of land drawn on tracing paper, or a print thereof, showing (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." (Section 81-L of Chapter 41, G. L.)

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 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 notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefore.

If the Planning Board determines that the plan does not require approval, it shall without a public hearing and without unnecessary delay endorse on the plan the words "Approval under the Subdivision Control Law not required."

The Planning board may add to such endorsement a statement of the reason approval is not required. The plan will be returned to the applicant, and the Planning Board shall notify the Town Clerk of its action.

If the Planning board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant and return the plan. The Planning board will also notify the Town Clerk of its action.

21 DAYS

If the Planning Board fails to act upon a plan submitted under this section; within ~~fourteen days~~ after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

C. Subdivision

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 submitted 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 to the Planning 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 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 a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed application form shall be filed with the Preliminary Plan submitted to the Planning Board.

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

2. Contents

The Preliminary Plan shall be drawn on tracing paper with pencil at a suitable scale and (three) prints shall be filed at the office of the Planning Board and one print at the office of the Board of Health. Said plan shall be identified as a Preliminary Plan and shown all the information described under the definition of the Preliminary Plan so as to form a clear basis for discussion of its problems and for preparation of the Definitive Plan.

During discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section II-B-2 Contents) and the financial arrangements (Section III-B-2 Performance Guarantee) will be developed.

3. Approval

The Planning Board may give such Preliminary Plan its approval, with or without modification. Such approval does not constitute approval of a subdivision. Notice of its action must be given by the Planning Board to the applicant and town clerk within ~~60~~⁴⁵ days of the date of submission.

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 (four) contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- b. A properly executed application form.
- c. The applicant will be responsible for the cost of advertising and notices.

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

2. Contents

The Definitive Plan shall be prepared by an engineer or surveyor and shall be clearly and legibly drawn in black uneraseable ink upon tracing cloth. The plan shall be at a scale of one inch equals forty feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet size 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:

- a. Subdivision name, boundaries, north point, date and scale.



A true copy, Attest:

Ruth L. McNeaney
Ruth L. McNeaney
Town Clerk
East Brookfield

East Brookfield Planning Board

Municipal Building

Mechanic Street

East Brookfield, Massachusetts 01515

(ADOPTED BY THE EAST BROOKFIELD PLANNING BOARD ON DECEMBER 30, 1986)

SECTION III B. 2-M DATA ON ENVIRONMENTAL IMPACT FOR DEFINITIVE SUB-DIVISION PLANS

The applicant shall also submit environmental impact data, the purpose of which is to enable the officials of the Town to determine what methods are used by the applicant to promote the environmental health of the Community and to minimize adverse effects on the natural resources of the Town. Where any potential negative impacts are identified, the statement shall describe the measures proposed to minimize environmental damage, alternatives to the proposed actions and their consequences, and any short and long term consequences which cannot be avoided. The data supplied shall include the following:

A. PHYSICAL ENVIRONMENT:

1. Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, scenic and historical features, trails and open space links, and indigenous wildlife.
2. Describe how project will affect these features.
3. Provide a complete physical description of the project, and relationship to surrounding area.

B. SURFACE WATER AND SOILS:

1. Describe location, extent and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project.
2. Describe the methods to be used during construction to control erosion and sedimentation; i.e. use of sediment basins and type of mulching, matting, or temporary vegetation; describe approximate size and location of land to be cleared at any given time and length of time of exposure; covering of soil stockpiles; and other control methods used. Evaluate effectiveness of proposed methods on the site and on the surrounding areas.



A true copy, Attest:

Ruth L. McNeaney

Ruth L. McNeaney, Town Clerk
East Brookfield

East Brookfield Planning Board

Municipal Building
Mechanic Street
East Brookfield, Massachusetts 01515

3. Describe the permanent methods to be used to control erosion and sedimentation. Include description of:

- a. any areas subject to flooding or ponding;
- b. proposed surface drainage system;
- c. proposed land grading and permanent vegetative cover;
- d. methods to be used to protect existing vegetation;
- e. the relationship of the development to the topography;
- f. any proposed alterations of shore lines, marshes or seasonal wet areas;
- g. any existing or proposed flood control or wetland easements;
- h. estimated increase of peak run-off caused by altered surface conditions, and methods to be used to return water to the soils.

4. Completely describe sewage disposal methods. Evaluate impact of disposal methods on surface water, soils and vegetation.

C. SUB-SURFACE CONDITIONS:

1. Describe any limitations on proposed project caused by sub-surface soil and water conditions, and methods to be used to overcome them.
2. Describe procedures and findings of percolation tests conducted on the site.
3. Evaluate impact of sewage disposal methods on quality of sub-surface water.



A true copy, Attest:

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* D. TOWN SERVICES:

1. Describe estimated traffic flow at peak periods and proposed circulation pattern and effect on town streets.
2. Describe effect of project on police and fire protection services.
3. describe effect of project on public works department services.
4. Describe effect of project on education services.
5. Describe the effect of the project on the town water supply and distribution system.
6. Describe the impact of the development on the sanitary landfill.

* E. GENERAL IMPACT:

1. Provide a tabulation of proposed buildings by type, size, ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, parking and other paved vehicular areas, and usable open space.
2. Describe type of construction and building materials used.
3. State proximity to transportation, shopping and educational facilities.
4. Describe proposed recreational facilities and whether recreational facilities and open space are available to all East Brookfield residents.
5. Summarize briefly environmental impact on entire town with supporting reasons.

*This date, insofar as unrelated to regulation of ways, drainage and utilities, will be used by the Planning Board under its municipal planning function; and not as a basis for denying approval of a subdivision plan.

3. Review by Board of Health as to Suitability of the Land

At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health (one) contact prints of the Definitive Plan, dark line of white background. The Board of Health shall within forty-five days after filing of the plan, report to the Planning Board in writing, approval or disapproval of said 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 reasons therefore in such report, and where possible, shall make recommendations for the adjustment thereof. Every lot (so located that it cannot be served by a connection to the municipal sewer system) shall be provided with a cesspool or septic tank and drainfield satisfactory to the Board of Health.

4. 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 and place of which and of the subject matter, sufficient for identification, shall be given by the planning board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of East Brookfield, once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing or by posting such notice in the Post office, Podunk Chapel and Selectmen's Room for a period of not less than fourteen days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

5. Performance Guarantee

Before endorsement of its approval of a Definitive Plan of a subdivision, by the Planning Board, the subdivider shall agree to complete the required improvements (construction of ways and its installation of municipal services) specified in Section V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant:

a. approval with bonds or surety

The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under "b" hereof. 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. approval with covenant

The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specifies in Section V, not covered by bond or deposit under "a" hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

6. Reduction of Bond or Surety

The penal sum of any such bond, or the amount of any deposit held under clause "a" above, may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.

7. Release of Performance Guarantee

Upon the completion of improvements required under Section V, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider, may orally request and agree on terms of release with said Planning Board, and shall send by registered mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given and has been completed in accordance to the requirements contained under Section V, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. 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 clerk of the city or town the details wherein said construction and installation fails to comply with the requirements contained under Section V. Failure of the Planning Board to act on such application within forty-five 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 forty-five day 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, duly acknowledged, which may be recorded.

8. Certificate of Approval

The action of the Planning 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 Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Approval, if granted, shall be endorsed on an original drawing of the Definitive Plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Planning Board with (four) prints thereof.

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 Planning Board, they will provide safe vehicular travel. 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. The proposed streets shall conform, so far as practicable, to the Master or Study Plan as adopted in whole or in part by the Planning Board.
- c. Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- e. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet should be avoided.
- f. The minimum centerline radii of curved streets shall be one hundred (100) feet. Greater radii may be required for principal streets.
- 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 sixty (60) degrees.
- h. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than thirty (30) feet.

2. Width

- a. The minimum width of street right-of-way shall be fifty (50) feet. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular travel.

3. Grade

- a. 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.

4. Dead-end Street

- a. Dead-end streets shall not be longer than five

hundred (500) feet, unless, in the option of the Planning 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 an outside roadway diameter of at least one hundred (100) feet, and a property line diameter of at least one hundred fifteen (115) feet.

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 twelve (12) feet wide.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning 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 Planning 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 Planning 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. All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan with at least the top twenty-four (24) inches consisting of well compacted binding gravel to a width of at least twenty-five (25) feet, to be located, insofar as practicable, centrally within the street right-of-way.
4. The road should be type I consisting of 4" of base and 3" of top. There shall be bounds every 500' both sides of the road consisting of 4' cement posts, 1' to be exposed above the grade finish.
5. Curbing will be required when needed to channel storm waters, control traffic, prevent deterioration of the pavement edge or other similar purposes.

B. Utilities

1. Adequate disposal of surface water shall be provided. Catch basins shall be built in conformity with specifications of the Highway Department on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets.
2. Water pipes and related equipment, such as hydrants and main shutoff valves, shall be constructed to serve all lots on each street in the subdivision in conformity with specifications of the Water Commissioners and the Board of Engineers of the Fire Department.

C. Sidewalks

1. Sidewalks of not less than five (5) feet in width shall be constructed on (both) side (s) of the street in conformity with specifications of the Highway Department when, in the opinion of the Planning Board such sidewalks are necessary.

D. Monuments

1. 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 Planning Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the Highway Department and shall be set according to such

specifications. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

E. Street Signs

Street signs shall be erected at the intersection of all streets. Such signs shall conform to the standard specifications of the Highway Department.

F. Trees

Trees shall be planted at the edge of the right-of-way, inside the line of the street. Such trees shall conform to the specifications of the Conservation Commission.

G. Clearing Up

Clearing up operations shall be conducted to remove all material not intended for preservation on the promises.

SECTION VI. ADMINISTRATION

A. Variation

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

B. Reference

For matters not covered by these rules and regulations, reference is made to Section 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws.

C. One Dwelling Per Lot

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

**EAST BROOKFIELD PLANNING BOARD
REGULATIONS GOVERNING FEES
AND
FEE SCHEDULES**

Adopted January 21, 2004

Section VI

D Fees and Expenses

1.0 Introduction

On January 21, 2004, the East Brookfield Planning Board held a public hearing per MGL Ch.40A, §9 and pursuant to MGL Ch.41, §81Q, to consider amending it's Subdivision Rules and Regulations governing fees and expenses. At the close of the public hearing, the Planning Board voted to adopt said amendment as follows. This document constitutes the current fee schedule and rules governing the imposition of fees on the various types of applications that come before the Planning Board.

1.1 *Purpose*

These regulations and fee schedules have been adopted to produce a schedule of fees which, reflects the costs of technical and legal review of applications to the Planning Board; and to promote informed decision-making by the Planning Board.

1.2 *General*

The Planning Board shall impose reasonable fees for the review of applications that come before it with the following fee schedule.

1.3 *Applicability*

The Planning Board shall assess an Application Fee to cover the cost of processing all Planning Board applications. Such Application Fees shall be made payable to the town of East Brookfield and be received by the Planning Board who in turn will submit it to the Town Treasurer. This Application Fee applies to all applications except those exempted in Section 1.10 below. Application Fees are to be submitted as part of the initial applications. An application filed without the inclusion of these fees shall be determined to be incomplete and no review work shall commence until the fee has been paid in full.

1.4 Refunds of Application Fees

Once the review process has been started, there shall be no refunding of Application Fees, including the case of withdrawal of the application by the Applicant. For this reason, it is important that Applicants consult with the Planning Board office prior to formal application to insure that the appropriate permits and review are being sought.

1.5 Modification of Application

For those applications that are assessed Application Fees calculated in part by the number of lots or units being sought, which during the review process undergo a change in design resulting in a change in the number of lots or units being sought, the following rules shall apply:

- a.) If the number of lots or units being sought increases over the number previously sought, the Applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots or units. No review of these additional lots or units shall take place until this additional fee is paid to the Planning Board office, and failure to make this payment after requesting additional lots shall be grounds for denial of the application.
- b.) If the number of lots or units being sought decreases from the number originally sought, a refund of that portion of the application fee predicted on those lots or units shall be granted only if, in the judgment of the Planning Board, no review of those lots or units has taken place or no incremental expense has been incurred by the Board in the review process which would not have been incurred in the absence of the lots or units to be deleted. Such judgment by the Planning Board shall require a motion carried by a majority of elected or appointed Board members and the Board's judgment in such matters shall be deemed final.

1.6 Schedule of Application Fees:

The following is the schedule of fees for all types of applications that come before the Planning Board. This schedule supersedes all previous schedules as they appeared in the East Brookfield Zoning Bylaws, the Rules and Regulations for the Subdivision of Land, and any listings which may have been compiled from time to time for the benefit of Applicants.

Type of Application	Application Fee
ANR Plans	\$50 per lot
Preliminary Subdivision Plans	\$200, plus \$50 per lot for every lot.
Definitive Subdivision Plan	\$500 plus \$30 per for every lot
Modification of a Definitive Subdivision Plan	\$250
Roadway Inspection	\$2 per linear foot of roadway
Site Plan Review	\$200
Request to Release Lots from Covenant or Reduce Amount of Performance Guarantee	\$25
Major and Complex Projects	See Section 1.9

1.7 Legal Advertising and Abutter Notification Expenses

In addition to the Application Fees in Section 1.6, the Applicant shall be responsible for the cost of legal advertisement and notification of abutters and parties in interest, as applicable to a particular application.

1.8 Multiple Applications

When more than one type of application is being sought at the same time (for the same project), only the highest of the applicable Application Fees shall be collected, and not the sum of those fees.

1.9 Major and Complex Projects

Additional Application fees may also be assessed for "Major and Complex" Projects. For the purposes of assessing a fee under this subsection, a major and complex project is a project for which the Town is likely to incur substantial administrative expense during review, approval, and construction of the project due to factors such as the novelty and technical complexity of the project; the potential for adverse impacts; the need for close scrutiny of the project; and the size and scope of the project. Such fee shall be determined on a case by case and shall be based upon the Town's estimated administrative expenses.

1.10 Exemptions and Waivers of Application Fees:

- a.) Applications submitted by the Town of East Brookfield, other Town Departments, or any of the Town Water and Sewer Districts are exempt from Application Fees, except that the Planning Board may require reimbursement of legal advertisement and abutter notification fees.
- b.) The Planning Board may waive or reduce any fee under these provisions, if in the opinion of the Board, unusual circumstances regarding the subject project or the Applicant result in an application fee not envisioned or intended with the adoption of these regulations and fees schedules.

1.11 Review Fees

- a.) In addition to Application Fees, the Planning Board may also impose a Project Review Fee. This fee shall be imposed on those applications which, in the judgment of the Planning Board, will require the services of outside consultants for the review process due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances, bylaws and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

1.12 *Appeal of the Selection of the Consultant(s)*

The Applicant may appeal the selection of an outside consultant to the Board. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field. The Applicant must specify the specific grounds which the Applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements. The required time limits for action upon an application by the Planning Board shall be extended by duration of the administration appeal.

FORM B

APPLICATION FOR APPROVAL
OF PRELIMINARY PLAN

File one completed form with the Planning Board
and one copy with the City (or Town) Clerk in ac-
cordance with the requirements of Section III-A.

East Brookfield,
(~~City-or-Town~~), Massachusetts _____ 19

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan
of property located in the ~~City~~(or Town) of East Brookfield for
approval as a subdivision as allowed under the Subdivision Control Law and
the Rules and Regulations Governing the Subdivision of Land of the Planning
Board in the ~~City~~(or Town) of East Brookfield.

1. Name of Subdivider _____
Address _____
2. Name of Engineer or Surveyor _____
Address _____
3. Deed of property recorded in _____ Registry,
Book _____ Page _____
4. Location and Description of Property:

Signature of owner _____

Address _____

A list of the names and addresses of the abutters of this subdivision is
attached. Verification will be made by the Planning Board.

FORM C

APPLICATION FOR APPROVAL
OF DEFINITIVE PLAN

File one completed form with the Planning Board and one copy with the City (or Town) Clerk in accordance with the requirements of Section III-B.

East Brookfield,
(~~City or Town~~), Mass., _____ 19____

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the ~~City (or Town)~~ of East Brookfield for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the ~~City (or Town)~~ of East Brookfield ..

1. Name of Subdivider _____

Address _____

2. Name of Engineer or Surveyor _____

Address _____

3. Deed of property recorded in _____ Registry,

Book _____ Page _____

4. Location and Description of Property:

Signature of owner _____

Address _____

A list of the names and addresses of the abutters of this subdivision is attached. Verification will be made by the Planning Board.

FORM D
COVENANT

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

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

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

EXECUTED as a sealed instrument this day of 19

COMMONWEALTH OF MASSACHUSETTS

..... ss. 19

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

.....
Notary Public

FORM E

CERTIFICATE OF PERFORMANCE
(Covenant Approval Release)

East Brookfield,
(~~City or Town~~), Massachusetts, _____ 19__

The undersigned, being a majority of the Planning Board of the ~~City (or Town)~~ of East Brookfield, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated _____, 19__, and recorded in _____ District Deeds, Book _____, Page _____, (or registered in _____ Land Registry District as Document No. _____, and noted on Certificate of Title No. _____, in Registration Book _____, Page _____) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____ recorded with said Deeds, Plan Book _____, Plan _____, (or registered in said Land Registry District, Plan Book _____, Plan _____) and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

Majority of the
Planning Board
of the (Town) of

East Brookfield, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

19__

Then personally appeared _____, one of the above named members of the Planning Board of the ~~City (or Town)~~ of East Brookfield, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me

Notary Public
My commission expires: _____

Town of East Brookfield

APPLICATION FOR SITE PLAN REVIEW

NOTICE: The East Brookfield Planning Board meets on the third Wednesday of each month, at which time submission of this **application** may be made.

INSTRUCTIONS: Per section 8 of the East Brookfield Zoning By-Laws, an applicant for Site Plan Review shall file with the Planning Board, at a regularly scheduled meeting, ten (10) copies of the site plan and any supporting documents. The applicant shall also file a copy of the site plan with the Town Clerk.

FILING FEE: \$200.00

DATE: _____

The undersigned requests the Planning Board to approve **Site Plan application** to allow the following activity:

On the property located at:

Zoning Dist: _____ Assessor's Map # _____ Parcel # _____

Registry Deed Reference: Book _____ Page _____

Applicable Chapter and Section of Zoning by-law:

Applicant: _____

Mailing Address: _____

Applicant's Phone # _____

Property Owner: _____

Mailing Address: _____

Engineer/Surveyor: _____

Address: _____

Registration # _____

Applicant's Signature

Owner's Signature (or agent)



East Brookfield Planning Board

Municipal Building

Mechanic Street

East Brookfield, Massachusetts 01515

FORM E CONSTRUCTION COST ESTIMATE

SUBDIVISION NAME: _____ APPROVED: _____

STREET NAME(S) AND STA. _____

DEVELOPER: _____ PROJECT ENGINEER: _____

TOTAL SUBDIVISION SURETY: _____ 10% MINIMUM _____

CONSTRUCTION ITEM	QTY	UNIT	UNIT \$\$	EST. COST
1. Clear and Grub				
50' ROW	_____	lf	\$3.39	_____
60' ROW	_____	lf	\$4.06	_____
2. Construct to Sub-Grade				
50' ROW	_____	lf	\$26.22	_____
60' ROW	_____	lf	\$31.39	_____
3. 12" Gravel Base				
24' Roadway	_____	lf	\$12.62	_____
30' Roadway	_____	lf	\$15.77	_____
36' Roadway	_____	lf	\$18.92	_____
4. Bituminous Concrete Base Course				
2 1/2" base, 24' Width	_____	lf	\$10.88	_____
2 1/2" base, 30' Width	_____	lf	\$13.40	_____
3 1/2" base, 30' Width	_____	lf	\$18.11	_____
3 1/2" base, 36' Width	_____	lf	\$21.51	_____
4b. Bituminous Concrete Surface Course				
1 1/2", 24' Width	_____	Lf	\$6.05	_____
1 1/2", 26' Width	_____	Lf	\$6.56	_____
1 1/2", 30' Width	_____	Lf	\$7.57	_____
5. Curbing				
Granite (straight)	_____	lf	\$31.50	_____
Granite (curved)	_____	lf	\$18.60	_____
6. Catch Basins	_____	ea	\$2,776.00	_____
7. Manholes	_____	ea	\$2,776.00	_____
8. Drain Pipe				
6" PVC or CMP	_____	lf	\$22.28	_____
12" RCP	_____	lf	\$32.96	_____
18" RCP	_____	lf	\$41.91	_____
24" RCP	_____	lf	\$59.85	_____
36" RCP	_____	lf	\$95.85	_____

Date Prepared: _____

Page Sub-Total: _____

CONSTRUCTION ITEM	QTY	UNIT	UNIT \$\$	EST. COST
9. Water Pipe				
8" Diameter	_____	lf	\$28.36	_____
12" Diameter	_____	lf	\$36.91	_____
10. Hydrants	_____	ea	\$3,245.00	_____
11. Gate Valves	_____	ea	\$610.00	_____
12. Service Connections to Property Line	_____	ea	\$340.50	_____
13. Sidewalks				
Two sides	_____	lf	\$17.26	_____
Other	_____	lf		_____
14. Top Soil & Seeding for Grass Plot & Grass Plot & Side Slopes	_____	lf	\$6.78	_____
15. Shade Trees	_____	ea	\$338.15	_____
16. Street Lights	_____	ea	\$500.00	_____
17. Underground Wiring (trench only)	_____	lf	\$3.01	_____
18. Survey Bounds	_____	ea	\$156.00	_____
19. Street Sign	_____	ea	\$100.00	_____
20. Soil Erosion & Sediment Control				
Silt Fences	_____	lf	\$0.92	_____
Haybales	_____	lf	\$2.61	_____
Check Dams	_____	ea	\$50.00	_____
21. Incidental Items				
Headwall	_____	ea	\$2,175.00	_____
Culvert	_____	lf	\$267.00	_____
Guard Rail	_____	lf	\$23.50	_____
Rip Rap	_____	sy	\$5.75	_____
Retaining Wall	_____	lf	\$130.61	_____
Flared End	_____	ea	\$35.50	_____
Retention/Detention Basin	_____	Ls/ea	\$15,000.00	_____
Wetland Replication	_____	Ls/ea	\$1,550.00	_____
As-Built Plans	_____	Lf	\$2.70	_____

Other (Including special conditions of approval):

Sub-Total This Page
Sub-Total from Previous Page

Sub-Total

NOTE: Above unit prices are based on 2000 estimated costs.
Cost Index Multiplier of 1.0. This multiplier will change from
time to time to stay current. The multiplier is determined by
Engineering News Record data. Consult Planning Board.

Sub-Total x Cost Index Multiplier

15% Per Year Adjustment

TOTAL GUARANTEE REQUIRED

Estimate Prepared By:

Registered Professional Engineer Date:



East Brookfield Planning Board

Municipal Building

Mechanic Street

East Brookfield, Massachusetts 01515

SUBDIVISION INSPECTION CHECKLIST

CHECKLIST FOR: _____ APPROVED: _____

STREET NAME(S) AND STA. _____

DEVELOPER: _____ PROJECT ENGINEER: _____

CONSTRUCTION ITEM	STATUS	% COMPLETE	DATE	INITIALS (Both Project Engineer and Town Inspector)
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Inspection #1

1. Clear and Grub

50' ROW

60' ROW

Inspection #2

2. Drain Pipe

6" PVC or CMP

12" RCP

18" RCP

24" RCP

36" RCP

3. Manholes

4. Catch Basins

5. Headwall

6. Culvert

7. Flared End

8. Retention Basin

9. Rip Rap

Inspection #3

10. Water Pipe

8" Diameter

12" Diameter

11. Hydrants

12. Gate Valves

CONSTRUCTION ITEM	STATUS	% COMPLETE	DATE	INITIALS
<i>Inspection #4 Final Sub-Grade</i>				
13. Construct to Sub-Grade				
50' ROW				
60' ROW				
<i>Inspection #5</i>				
14. Gravel Base				
15. Bituminous Base				
<i>Inspection #6</i>				
16. Catch Basin Inlets				
<i>Inspection #7</i>				
17. Curbing				
Concrete				
Granite				
<i>Inspection #8</i>				
18. Bituminous Wearing Course				
<i>Inspection #9</i>				
19. Sidewalks				
Two sides				
Other				
<i>Inspection #10</i>				
20. Street Signs				
<u>Incidental Items</u>				
Top Soil & Seeding for				
Grass Plot & Side Slopes				
Drainage As-Built (BOH)				
Shade Trees				
Fire Alarm				
Street Lights				
Underground Wiring (trench)				
Guard Rail				
Wetland Replication				
Survey Bounds				
Special Condition Items:				
As-Built				



East Brookfield Planning Board

Municipal Building

Mechanic Street

East Brookfield, Massachusetts 01515

SUBDIVISION INSPECTION CHECKLIST

CHECKLIST FOR: _____ APPROVED: _____

STREET NAME(S) AND STA. _____

DEVELOPER: _____ PROJECT ENGINEER: _____

CONSTRUCTION ITEM	STATUS	% COMPLETE	DATE	INITIALS (Both Project Engineer and Town Inspector)
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60' ROW				
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6" PVC or CMP				
12" RCP				
18" RCP				
24" RCP				
36" RCP				
3. Manholes				
4. Catch Basins				
5. Headwall				
6. Culvert				
7. Flared End				
8. Retention Basin				
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<i>Inspection #3</i>				
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8" Diameter				
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Drainage As-Built (BOH)				
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Street Lights				
Underground Wiring (trench)				
Guard Rail				
Wetland Replication				
Survey Bounds				
Special Condition Items:				
As-Built				