

City of Framingham

**RULES &
REGULATIONS
GOVERNING THE
SUBDIVISION OF
LAND IN
FRAMINGHAM**

2019

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CITY OF FRAMINGHAM
CITY CLERK'S OFFICE

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**RULES AND REGULATIONS GOVERNING
SUBDIVISION OF LAND
IN FRAMINGHAM**
—◆—

**ADOPTED: FEBRUARY 19, 1974
AMENDED: DECEMBER 1, 1998; OCTOBER 14, 1999; JANUARY 11, 2000;
MARCH 20, 2008; APRIL 3, 2017
LAST AMENDED: NOVEMBER 25, 2019**

**NOTICE PUBLISHED IN THE METROWEST DAILY NEWS
NOVEMBER 7, 2019 AND NOVEMBER 12, 2019**

**PUBLIC HEARINGS:
NOVEMBER 21, 2019 AND NOVEMBER 25, 2019**

**VOTED FOR ADOPTION
NOVEMBER 25, 2019**

**CERTIFIED BY THE CITY CLERK
DECEMBER 2, 2019**

FILED AND RECORDED WITH THE SOUTH MIDDLESEX REGISTRY OF DEEDS

FILED AND RECORDED WITH THE LAND COURT

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Reference List

Section X. Methods of Security (Covenant and Performance Guarantees)

- “A Primer on Subdivision Performance Bonds” prepared by Barbara J. Saint Andre, Esq. Kopelman & Paige Law, P.C.
- Handbook of Massachusetts Land Use and Planning Law, 3rd Edition, Mark Bobrowski, Aspen Publishers - Wolter, Kluwer Law & Business, 2011.

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Rules and Regulations Governing the Subdivision of Land in Framingham

SECTION I. GENERAL

- A. TITLE
- B. AUTHORITY
- C. SUBDIVISION/IMPROVEMENT OF LAND
- D. PURPOSE
- E. INTENT

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SECTION I. GENERAL**A. Title**

These Rules and Regulations shall govern the Subdivision of Land in Framingham as prepared and adopted by the Framingham Planning Board in accordance with Massachusetts General Laws (M.G.L.), Chapter (c.) 41, as amended. Hereinafter, these rules and regulations shall be referred to as “Regulations” and may be cited as the “Rules and Regulations Governing the Subdivision of Land in Framingham.”

B. Authority

The Planning Board shall be the sole agency responsible for the administration of these Regulations. No other board, department, and/or individual shall act on behalf of the Planning Board and/or give approval for any provision of these Regulations without the express written permission of the Planning Board.

C. Subdivision/Improvement of Land

No land shall be subdivided, improved, and/or sold in accordance with the meaning and intent of the Subdivision Control Law and further, in no way shall land be developed, constructed upon, and/or services installed or provided unless an Approval Not Required (ANR) Plan of Land was endorsed and/or Definitive Subdivision Plan was approved and endorsed by the Planning Board.

D. Purpose

These Regulations have been adopted for the purposes of protecting the convenience, health, safety, morals, and welfare of Framingham residents and community. These Regulations shall facilitate, regulate, and provide guidance for the platting of lots and streets; the installation of infrastructure and municipal services; and the insurance of sanitary conditions for all lots and open space within the subdivision that have been provided. Furthermore, these Regulations shall be exercised to ensure adequate water, sewerage, drainage, underground utilities, fire and police safety, street lighting, and/or other associated municipal equipment and services.

E. Intent

These Regulations have been adopted to ensure that subdivided land, improved, and/or sold within the meaning of the Subdivision Control Law complies with M.G.L and applicable Framingham Ordinances. Subdivisions within Framingham should be designed to provide the following:

1. Adequate, safe, and convenient access for all traffic circulation, and access for emergency apparatus. Subdivision ways shall not be constructed to conflict with other roadways, trails, sidewalks, existing driveways, and/or other pedestrian ways within adjoining ways.
2. Reduce traffic congestion by supporting Framingham’s efforts to encourage Complete Streets, pathways, sidewalks, trails, and/or alternative modes of transportation that create and promote an accessible, walkable, and bicycle friendly community.
3. Diversity of lot sizes to provide a variety of housing options that meet the needs of the

existing and future population. New subdivisions shall support and enhance the character of existing neighborhoods while being designed to establish a strong neighborhood character as well as preserving open space land to the greatest extent possible.

4. Implementation and utilization of Best Management Practice (BMP), Low Impact Development (LID), stormwater management, and energy efficient techniques to ensure sustainability and best land use practices. These BMPs, LIDs techniques, and/or energy efficiency technologies shall be considered for application to water and sewer infrastructure, stormwater, drainage, utility services, roadways, energy sources, and sidewalks/trails within all subdivisions in Framingham.
5. Safety of all residents and the community at large in the event of fire, flood, panic, natural disaster, and/or other emergencies.
6. Adequate resources and mitigation to assure that a new subdivision and/or redevelopment of an existing subdivision will not create a burden on water, sewerage, schools, transportation, parks, drainage, utility services, police and fire safety, and/or other essential resources and services.
7. Services of adequate water supply and sewage disposal to ensure public safety.
8. Protection of natural water resources and courses, flood control areas, wetland areas, animal and plant habitats, topographical features, and/or lands classified as Moderate Slopes.

Rules and Regulations Governing the Subdivision of Land in Framingham

SECTION II. DEFINITIONS AND ACRONYMS

A. DEFINITIONS

B. ACRONYMS

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SECTION II. DEFINITIONS AND ACRONYMS**A. Definitions**

The following definitions shall be applicable and controlling inclusive of those definitions contained within M.G.L. c. 41, Section 81L, as amended. In any one or more instances wherein the definition in these Regulations shall appear to be more comprehensive, or a contrary intention clearly appears, the definitions herein shall prevail.

Abutter: All owners of land within 300 feet (500 feet on a street designated as a Scenic Way) of the boundaries of the land included in such plan, as they appear on the most recent Framingham Assessor's tax records.

Accepted Street: the acceptance of a subdivision road or way that has weathered for a minimum of two years, been constructed to the standards of the City, has petitioned the Mayor, and has received a favorable vote of the City Council and approval of the Mayor to be an accepted public way.

Agricultural Preservation Restriction (APR): A restriction and agreement in perpetuity with owners of an Active Farm Parcel, in accordance with M.G.L. c. 184, § 31. An APR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Agricultural Resources, a conservation commission and/or a land trust. Owners of Active Farms may voluntarily enter into these agreements by selling the APR for a negotiated price based on the appraised value of the restriction.

Applicant: The owner(s) of land and such duly authorized agent(s), representative(s), assign(s), and/or attorney(s). In each instance where an Applicant is in addition to the owner(s), such representative shall file with the Planning Board sufficient written evidence of authority to act by or on behalf of the owner(s), such as a certificate of corporate vote, power of attorney, a list of officers, and/or such other evidence as the Planning Board may reasonably require. All owners of land within a subdivision must be co-Applicants.

- **Applicant/Developer:** (Alternative reference found within these Regulations) a person who intends to create and/or construct a subdivision, of a road or way, with two or more lots within the meaning and purposes of this Subdivision Control Law.

Approved Plan: see Endorsed Plan definition

Architect: A person licensed by the Board of Registration of Architects to practice as a professional architect in the Commonwealth of Massachusetts.

Best Management Practice (BMP): The use of structural, nonstructural, or vegetative measures designed to reduce erosion, control the movement of sedimentation, decrease peak storm material discharge, and/or improve the quality of stormwater runoff as well as maintain natural hydrology as described in the Massachusetts Department of Environmental Protection's Stormwater Management Handbook and any other applicable local regulations.

Board of Health: The Board of Health of Framingham.

Community Notice Sign: A notice of no less than 8.5" x 11" in a bright yellow or green color that has been posted by the owner and/or Applicant in a conspicuous location on the subject

property at the street frontage. The sign shall inform the public of the specific nature of the plans for the property and posted a minimum of one day prior to an application submittal to the Planning Board.

- **Approval Not Required Notice:** A community notice is required for an Approval Not Required Plan only when an additional buildable lot will be created. A Community Notice shall be posted for each new buildable lot created.

Complete Streets: The planning, scoping, design, implementation, operation, and maintenance of roads in order to reasonably address the safety and accessibility needs of users of all ages and abilities. Complete Streets considers the needs of motorists, pedestrians, transit users and vehicles, bicyclists, and commercial and emergency vehicles moving along and across roads, intersections, and crossings in a manner that is sensitive to the local context and recognizes that the needs vary in urban, suburban, and rural neighborhoods.

Conformance Review Team (CRT): An informal working group consisting of representatives of the various municipal departments to review the construction phase of projects. The CRT meets on a regular basis to provide comments, concerns, recommendations, and construction review requirements for approved development projects. The CRT shall include the Department of Inspectional Services (Building Department), Conservation Commission, Planning Board, the Board of Health, the Department of Public Works (DPW), the Fire Department, the Police Department, and/or their designees.

Conservation Restriction (CR): A restriction and agreement in perpetuity for the protection of Open Space, in accordance with M.G.L. c. 184, Section 31. A CR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Conservation Services, the Framingham Conservation Commission and/or a land trust.

Construction Peer Review Consultant: person who is not a Framingham employee who shall assist the Planning Board, Department of Public Works (DPW), and the Department of Inspectional Services (Building Department), in the review of a project that has been reviewed and approved and is the construction phase to ensure compliance with all constructions standards, relevant laws, and/or regulations. Such consultants shall be selected and retained by the Planning Board and/or Zoning Board of Appeals (ZBA), with the actual and reasonable cost for their services to be paid by the Applicant.

Covenant: a non-monetary form of security that is executed and recorded prevents the conveyance of, or building on, a subdivision lot until:

- The road or way, and municipal services that are necessary to serve the lot has been complete; or
- The Applicant has provided an adequate, appropriate, and sufficient alternative Method of Security for such completion.

Cul-de-sac: A dead-end street having a turnaround at the end for the reversal of traffic movement.

Dead-End Street, Road, or Way: A street that provides only one vehicular access route to the general street network. Or a street system whose overall layout provides only one vehicular

access route to the general street network.

Definitive Plan: A plan of a proposed subdivision or re subdivision of land as required by Section 81-0 of the Subdivision Control Law and which shall be prepared in accordance with Section VI of these Rules and Regulations.

Department of Public Works: Public Works Division of the City of Framingham and departments under its jurisdiction.

Developer: Such owner(s), agent(s), or representative(s) of the owner(s) of land who seeks to develop the potentialities of the real estate by the building of structures thereon and/or developed sites, or any portion thereof in a subdivision.

Driveway: A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Endorsed (or Approved Plan) Plan: As applied to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded shall mean bearing a certification or endorsement signed by a majority of the members of the Planning Board or any other person authorized by the Planning Board to certify or endorse its approval or other action and named in a written statement to the Register of Deeds and Recorder of the Land Court, signed by a majority of the Planning Board.

Engineer: A person licensed by the Board of Registration of Professional Engineers and of Land Surveyors to practice as a professional a professional engineer in the Commonwealth of Massachusetts.

Homeowner's Trust: An association or organization which operates under or pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision is automatically a member as a condition of ownership and each such member is subject to an assessment for a pro-rated share of expense of the association, which may become a lien against the lot, condominium or other interest of the member. The Homeowner's Association is responsible for maintenance of common land and shared facilities, as set forth in the covenants, and may not be dissolved.

Land Surveyor: A person licensed by the Board of Registration of Professional Engineers and of Land Surveyors to practice as a professional land surveyor in the Commonwealth of Massachusetts.

Landscape Architect: A person licensed by the Board of Registration of Landscape Architects to practice as a professional landscape architect in the Commonwealth of Massachusetts.

Level of Service (LOS): A traffic measurement determined according to criteria set forth by the Transportation Research Board of the National Research Council.

Lot: A parcel of land, with definite boundaries ascertainable by recorded deed or recorded plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose, in one ownership and not divided by a street.

Low Impact Development (LID): A system and/or practice that uses and/or mimics natural processes that result in the infiltration, evapotranspiration, and/or use of stormwater and

precipitation in order to protect water quality while maintaining the natural hydrology of a site. Surface flows and groundwater recharge are the key aspects of LID that consider quantity as well as quality. LID is often referenced as “green infrastructure” and the management of wet weather flows that employ these processes and refers to the patchwork of natural areas that provide habitat, flood protection, cleaner air and water. Both LID and green infrastructure practices aim to preserve, restore, and create green space using soils, vegetation, and/or rainwater harvest techniques. Examples of LID and green infrastructure include but are not limited to the following: bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

Major Subdivision: Any division of land that creates six (6) or more lots; the creation of any new roadway or the addition of five hundred (500) feet or more to an existing roadway; or any activity requiring Definitive Subdivision Plan Review that is not listed under Section IV.F.1.a. herein.

Massachusetts General Laws (M.G.L.): The General Laws of the Commonwealth of Massachusetts, as amended.

Master Land Use Plan: Under the M.G.L. c. 40A, Section 81D the Planning Board shall create a master land use plan for the City. The Planning Board may further create a neighborhood master plan for individual districts of the City as advisable. Such master plan shall be a detailed statement made with the use of descriptive text, maps, illustrations, and/or other forms of communication that are designated to provide a basis for decision making regarding the long-term physical development of the City. The master plan shall be internally consistent in its policies, forecasts and standards, and shall include the following elements: Goals and Policy statements, a Land Use Plan element, a Housing element, an Economic Development element, a Natural and Cultural Resources element, an Open Space and Recreation element, Services and Facilities element, a Circulation element, and an Implementation Program element. Such master plan shall create, and may be added to or changed from time to time, by a majority vote of the Planning Board and shall be public record.

Method of Security: Prior to the issuance of a building permit for the installation of a structure the Applicant/developer shall file with the Planning Board a method of security pursuant to M.G.L. c. 41, Section 81U, as amended. Such methods of security shall include one or a combination of the following:

- i. By a proper bond;
- ii. By a deposit of money or negotiable securities;
- iii. By a covenant, executed and duly recorded by the owner of record, running with the land; and/or
- iv. By delivery to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the Applicant/developer by the lender

Minor Subdivision: Any division of land that creates five (5) or less lots that are determined to not meet the Approval Not Required (ANR) process; the addition of land to a pre-existing

subdivision that was previously approved by the Planning Board where such addition of land does not create more than four new lots; modification to a previously approved definitive subdivision where such modification was determined not to be a field change; modification to a previously approved plan that was not constructed as a definitive subdivision where such changes are to bring the previously approved definitive subdivision plan into compliance with Zoning Ordinances Section IV.E. Dimensional Regulations and/or other relevant section of the Framingham Zoning Ordinances; the connection to an existing lot that was not part of an approved definitive subdivision but will require use of the subdivision roadway as access and frontage; the re-recording of a plat and/or Definitive Subdivision Plan where a Definitive Subdivision was previously approved but failed to be constructed and/or recorded but no changes were made to the approved plan; or the modification to an approved Definitive Subdivision Plan where the only modifications to the plan are associated with the approved roadway.

Moderate Slope: defined and measured by the procedure as prescribed herein as all areas of the entire lot prior to subdivision of the land into individual parcels with slopes natural and unaltered greater than or equal to fifteen (15) percent over a horizontal distance of one hundred (100) feet, as measured perpendicular to the contour line as prescribed herein. For Lots lacking a horizontal distance of one hundred (100) feet, the Slope shall be calculated as an elevation change across a horizontal distance of fifty (50) feet as measured perpendicular to the contour line. Contours shall be at two (2) foot intervals based on the most recent National Geodetic Vertical Datum (NGVD). Plans shall note the collection source of the contour data. Final slope shall be reviewed and confirmed by the City Engineer and/or by the City's professional consultant.

Municipal Services: Public services and infrastructure furnished by Framingham, including but not limited to, indoor and outdoor recreational facilities, police, fire, schools, public works, inspectional services, finance, water systems, sanitary sewerage systems, disposal plants, communication services, and fire alarm systems.

Owner: The owner of record as shown by the current records of the Middlesex South District Registry of Deeds or the Middlesex South Registry District of the Land Court.

Parcel: an area of land held as one ownership, with definite boundaries, other than a Lot.

Peer Review Consultant: A person who is not a Framingham employee who shall assist the Planning Board, in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such consultants shall be selected and retained by the Planning Board, with the actual and reasonable cost for their services to be paid by the Applicant.

Performance Bond: a deposit of money in the form of a cash deposit with the Municipal Treasurer, a Bond, or Letter of Surety in accordance with M.G.L. c. 41. Section 81U, as amended. Such Performance Bond shall be in a negotiable security and determined by the Planning Board to be an adequate and sufficient amount.

Performance Bond Agreement: Upon the Applicant providing a Performance Bond with the Planning Board, the Planning Board shall provide the Applicant with a Performance Bond

Agreement (Appendix C – Form 15)

Plan, Definitive: A detailed plan of a proposed subdivision, showing sufficient information to for a clear basis for discussion and clarification for the construction of a road, way, infrastructure and/or improvements within fifty (50) feet of the right-of-way. Said plan shall be prepared in accordance with Section VII. and such improvements shall be in compliance with Section IX. of these Regulations

Plan, Preliminary: A plan of a proposed subdivision, showing sufficient information that is a clear basis for discussion and clarification of its general content and for the preparation of a definitive plan. Said plan shall be prepared in accordance with Section VI. of these Regulations.

Planning Board: The Framingham Planning Board

Recorded: documentation and/or plan recorded in the Middlesex South District Registry of Deeds, except that, as affecting registered land, it shall mean filed with the recorder of the Middlesex South Registry District of the Land Court

Registry of Deeds: The Middlesex South District Registry of Deeds including when appropriate, the recorder of the Middlesex South Registry District of the Land Court

Regulations: Rules and Regulations Governing the Subdivision of Land in Framingham, adopted pursuant to M.G.L. c. 41, as amended.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, sidewalk, pedestrian path, water main, sanitary or stormwater main, or for another special purpose.

Road or way: That portion of a street which is designed and prepared for vehicular travel.

Rules and Regulations Governing the Subdivision of Land in the Framingham: Prepared and adopted by the Framingham Planning Board in accordance with Massachusetts General Laws (M.G.L.), Chapter (c.) 41, as amended. Referred to as “Regulations” and may be cited as the “Rules and Regulations Governing the Subdivision of Land in the Framingham.”

Scenic Road: A street, road, or way that has been designated at the recommendation or request of the Planning Board, Conservation Commission, and/or Historical Commission of Framingham pursuant to M.G.L. c. 40, Section 15C, as amended.

Street: A way that meets one of the following criteria: (a) a public way or a way which the City Clerk certifies is maintained and used as a public way, or (b) a fully constructed 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 of Framingham, 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.

Street Acceptance Procedures: upon completion and weathering of two (2) years a subdivision road or way that has been constructed to the standards of the City may petition the Mayor for the road or way to be accepted as an accepted public street.

Street Width: The entire width of a street right of way, extending from property line to property line.

Structure: Any combination of materials assembled at a fixed location providing support or shelter, such as a building, framework, tent, shed, or mast for radio antennas, but excluding sidewalks and paved areas on streets, driveways, parking areas, and patios.

Stub Street: A portion of a street for which a future extension has been proposed and approved.

Subdivision: The division of a tract of land into two or more lots, including re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or shall relate to the land 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 these Rules and Regulations and 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 which has been certified by the City Clerk as having been accepted, approved, maintained, and used as a public way in the City, or
- b. a way shown on a plan previously 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, 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 required by the Zoning Ordinances of the City for the erection of a building or buildings on such lot. Conveyances or other instruments of record, changing the size and/or 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 when the subdivision control law went into effect in the City, into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

Subdivision Control Law: Massachusetts General Laws, Chapter 41, Sections 81-K to 81-GG, as amended.

Technical Report: a report provided to the Applicant after a Technical Review Team (TRT) meeting. Such report shall include but not limited to TRT minutes, TRT attendance sheet, TRT comment letters, review of project based on the Framingham Zoning Ordinances and/or Subdivision Rules and Regulations.

Technical Review Team (TRT): An informal working group consisting of representatives of the various municipal departments to review pre-application projects. The TRT meets on a regular basis to provide comments, concerns, recommendations, and a permit/license determination for pre- application projects prior to the submittal of a formal application. The TRT shall include the Building Commissioner, Conservation Commission, Planning Board, Zoning Board of Appeals (ZBA), the Board of Health, Planning & Economic Development, the Department of Public Works (DPW), the Disability Commission, the Fire Department, the Police Department, and/or their designees.

Way: A right-of-way or means of access to a lot. A public way is a way which has been accepted by, and the land owned by Framingham or by other means created as a public way. Any other way (private way) is a way over land which is owned by a private party (alleys and shared streets are always private), but which is set forth by deed covenant, deed description, or other means as a private way.

Zoning By-Law: The Framingham Zoning By-Law

B. Acronyms

The following acronyms are commonly used throughout the document. This sub-section is to be used as a reference and is not a comprehensive list of all terms and/or acronyms used throughout these Regulations.

AASHTO - American Association of State Highway and Transportation Officials
ADA - Americans with Disabilities Act
AHU - Affordable Housing Unit
ANR - Approval Not Required
APR - Agricultural Preservation Restriction
BMP - Best Management Practice
BOH - Board of Health
CADD - Computer-aided Design and Drafting
CMR - Code of Massachusetts Regulations
CR - Conservation Restriction
DEP - Department of Environmental Protection
DPW - Department of Public Works
FAR - Floor Area Ratio
GIS - Geographic Information System
LED - Light-emitting diode
LID - Low Impact Development
LOS - Level of Service
MassDEP - Massachusetts Department of Environmental Protection
MassDOT - Massachusetts Department of Transportation
MassDOT PDDG - Massachusetts Highway Department Project Development & Design Guide
MCP - Massachusetts Contingency Plan
M.G.L. - Massachusetts General Law
M.P.H. - Miles per hour
MS4 - Municipal Separate Storm Sewer System
NOAA - National Oceanic and Atmospheric Administration
NHESP - National Heritage & Endangered Species Habitat
NPDES - National Pollutant Discharge System
NRCC - Northeast Regional Climate Center
Regulations - Rules and Regulations Governing the Subdivision of Land in Framingham

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Rules and Regulations Governing the Subdivision of Land in Framingham

SECTION III. ADMINISTRATION

- A. ADOPTION AND AMENDMENTS TO THESE REGULATIONS
 - B. SEVERABILITY
- C. MATTERS NOT COVERED BY THESE REGULATIONS
 - D. UPDATES AND USE OF NEW TECHNOLOGIES
 - E. ESTABLISHMENT OF FEES
 - F. APPLICATIONS AND FORMS
 - G. MINIMUM STANDARDS FOR PROJECT DEVELOPMENT
- H. COMPLIANCE WITH THE FRAMINGHAM ZONING ORDINANCES, REGULATIONS, AND PLANS
 - I. NOT MORE THAN ONE BUILDING ON A LOT
 - J. EXISTING BUILDINGS
 - K. TECHNICAL REVIEW
 - L. STAMP AND SIGNATURE OF SURVEYOR AND/OR ENGINEER
 - M. REQUEST OF WAIVERS FROM THESE REGULATIONS
 - N. CONSULTANT REVIEW FEES AND PROCEDURES
 - O. CHANGES AND/OR ALTERATIONS OF PLANS
 - P. RECORDING OF PLANS
 - Q. APPROVAL DOES NOT MAKE A STREET A PUBLIC WAY

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SECTION III. ADMINISTRATION**A. Adoption and Amendments to these Regulations**

These Regulations shall become effective upon the filing of this document with the City Clerk of Framingham. The Planning Board may from time to time amend, modify, supplement, and/or repeal all or any portion of these Regulations, in accordance with M.G.L. c. 41, Section 81Q.

B. Severability

If at any time a section and/or provision of the Regulations is declared to be unconstitutional and/or invalid and thereby amended by court action such decision shall not affect the validity of these Regulations as a whole and/or in part thereof other than the part so decided to be unconstitutional or invalid. Any challenge to the validity of these Regulations shall be in accordance with M.G.L. c. 41, Section 81BB.

C. Matters Not Covered by these Regulations

Reference shall be made to M.G.L., c. 41, Sections 81-K to 81-GG, as amended for matters not covered by these Regulations.

D. Updates and Use of New Technologies

It shall be the responsibility of the Planning Board to keep these Regulations up to date and current with advances in technology and land use. However, if an Applicant proposes to install and/or utilize new technologies and/or methods not commonly utilized and/or practiced in Framingham it shall be the responsibility of the Applicant to provide education and supporting documentation that supports such new technology. Review and approval by the Planning Board and all other applicable municipal departments shall be required prior to the application of any new technology and/or method being used within Framingham. The Planning Board at its discretion may engage peer review services who are qualified experts in the respective discipline of such proposal to provide additional review and education at the expense of the Applicant.

E. Establishment of Fees

Pursuant to the Planning Board Rules & Regulations, the Planning Board shall establish and may periodically amend a schedule of fees for all applications. Such fees for divisions of land pursuant to these Regulations shall be referenced in the Planning Board Rules & Regulations and a copy retained in the Planning Board Office. No such application shall be considered complete and "filed" unless accompanied by the required fee.

F. Applications and Forms

Applications for an Approval Not Required (ANR), Preliminary Subdivision Application Package, and a Definitive Subdivision Application Package, along with forms for Covenants, Performance Bond Agreements pursuant to these Regulations may be found in the Appendix C of this document and on the Planning Board's website.

G. Minimum Standards for Project Development

The standards set forth in these Regulations shall be considered the minimum requirements for a subdivision application approval. An Applicant and/or developer should consider these minimums as a basis for best engineering practices and Best Management Practices (BMP). Therefore, an Applicant and/or developer may exceed these Regulations.

H. Compliance with the Framingham Ordinances, Regulations, and Plans

No subdivision plans shall be approved unless all of the lots shown on the subdivision plan comply with the provisions of these Regulations, the Framingham Zoning Ordinances, the Framingham General Ordinances, regulations set forth by the Board of Health and the Department of Public Works (DPW), where applicable, and other applicable plans prepared by the municipality. Except for cases where the Zoning Board of Appeals (ZBA) has granted a dimensional variance for Good Cause and/or the Planning Board has granted a non-dimensional waiver as identified in Section III.M. of these Regulations.

I. Not more than one Building on a Lot

No more than one building, shall be designed, erected, placed, converted, and/or constructed per lot within a subdivision for use, unless it is part of a permitted use within the respective zoning district, as defined in the Table of Uses (Section II.B. of the Framingham Zoning Ordinances) and/or development authorized in Section V. of the Framingham Zoning Ordinances.

J. Existing Buildings

Existing buildings may be designed as part of a subdivision and located upon their own lot through the subdivision process. If an existing building is incorporated into a subdivision plan, the Applicant shall provide adequate ways and access to such building along with adequate improvements and in the same manner as otherwise required for new lots within a subdivision.

K. Technical Review

1. Review

An Applicant is encouraged but not required to meet with the Technical Review Team (TRT) prior to the submittal of a Preliminary Subdivision Application Package or a Definitive Subdivision Application Package. The TRT meets to review the submitted draft plans and provide recommendations and development standards for the Applicant to use when finalizing the plans for submittal to the Planning Board.

2. Departmental Compliance

The Applicant /Developer may work with each respective municipal department to ensure compliance with applicable rules, regulations, and/or policies set forth by the respective department. Prior to a vote by the Planning Board, municipal departments are provided with a thirty-five (35) day comment period for Preliminary Subdivision Plans and a forty-five (45) day comment period for Definitive Subdivision Plans to ensure that all projects and plans are in compliance with the department rules, regulations, and/or policies for

such municipal services. Failure of the Board of Health and/or any other entity to provide a recommendation after the thirty-five (35) day comment period for Preliminary Subdivision Plans and a forty-five (45) day comment period for Definitive Subdivision Plans shall be deemed to be an acceptance by such municipal department of the Definitive Subdivision Plan.

L. Stamp and Signature of Surveyor and/or Engineer

All plans submitted to the Planning Board shall be stamped, dated, and signed by either a Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts. No such application shall be considered complete and “filed” unless it is accompanied with a plan that has been stamped, dated, and signed as stated above.

M. Request of Waivers from these Regulations

1. In compliance with M.G.L. c. 41, Section 81R, the Planning Board may grant a waiver from these Regulations if the Planning Board finds that such deviations are in the public interest and are consistent with the intent and purposes of these Regulations. Therefore, these Regulations may be waived by a majority vote of the Planning Board if the Planning Board determines that such waiver from the Regulations meets all the following requirements if applicable:
 - a. The requested relief allows for a better roadway and/or lot design, improved protection of natural and scenic resources and/or when such deviations are in the public interest.
 - b. The requested relief is consistent with the intent and purpose of these Regulations, the Master Land Use Plan, the Framingham Zoning Ordinances, the Framingham General Ordinances, the Framingham Housing Plan, the Open Space & Recreation Plan, the Transportation Master Plan, the Framingham Wetlands Protection Regulations, the Wastewater Master Plan, the Water Master Plan, and/or other applicable plans and regulations set forth by Framingham.
2. Each request for a waiver shall be accompanied by a statement of Good Cause explaining the need for such waiver. All waivers that are approved by the Planning Board shall be denoted on the approved subdivision plan as a plan note which clearly states the deviations approved by the Planning Board from these Regulations.
3. If a waiver is granted from the requirements of these Regulations, the Planning Board may require an alternative condition that will substantially serve the same objective as the standards and/or regulations waived.
4. Prior to granting of a waiver the Planning Board may work with the TRT, boards, departments, committees, and/or peer review consultant to ensure that such waiver is acceptable without compromising the protection of life, safety, and welfare of the Framingham community. Where a waiver is being requested from a respective department rule, regulation, and/or policy, said department must provide a letter stating approval of the requested waiver.

N. Consultant Review Fees and Procedures

In accordance with the M.G.L. c. 44, Section 53G and the Planning Board Rules and Regulations - Article 17: M.G.L. c. 44, Section 53G, Special Funds for Employing Outside Consultants. The Planning Board may require the Applicant to fund a Peer Review Consultant to assist in the review of an application and/or construction, as outlined below.

1. The determination and assignment of a Peer Review Consultant for a project application shall be made during one (1) of the times outlined as follows:
 - a. Prior to the close of the first public hearing by the Planning Board where testimony was taken;
 - b. Prior to the second public hearing a member of the TRT determines the need for peer review consultant services; and/or
 - c. Prior to the close of the thirty five (35) day comment period the Department of Public Works (DPW) may make such determination.
2. The Planning Board and/or the DPW may require the Applicant to fund an on-site Peer Review Consultant to assist in the review of the construction phase of the project. The need for an on-site construction peer review shall be determined in one or all the following ways:
 - a. During project review by the DPW;
 - b. Prior to the Planning Board vote of the Decision; and/or
 - c. Planning Board amendment due to violation(s) by the Applicant and/or developer that have compromised Framingham's infrastructure and/or threatened the public safety and well-being of abutters within three hundred (300) feet of the project boundaries.
3. The following procedures shall be applied when retaining a Peer Review Consultant:
 - a. The Planning Board shall use best business practices to contract a Peer Review Consultant with expertise in the area of review required for the specific review using a specific detailed scope of work.
 - b. The Planning Board shall forward the determined scope of work to the Applicant for review and approval.
 - c. The Applicant and/or developer shall provide payment to the Planning Board of the required fee as stated in the scope of work. No work by the Peer Review Consultant shall commence until the Planning Board has received the appropriate fee as agreed upon.
 - d. If an instance occurs during the review of the project by the Peer Review Consultant that the funds allocated for review are found to be insufficient to meet the needs of the review then the Planning Board shall require the Peer Review Consultant to suspend work until an addendum scope can be provided to the Planning Board for the additional work to be funded. Upon receipt of the addendum scope of work, the Planning Board shall provide a copy to the Applicant for review and approval of the

addendum. If the addendum is agreed to by the Applicant, then such additional fees shall be provided to the Planning Board prior to resuming the review. If the Applicant does not agree to the addendum submitted, then the Planning Board and the Applicant shall work to resolve any issues with the Peer Review Consultant prior to work resuming by the Peer Review Consultant.

O. Changes and/or Alteration of Plans

No change, extension, material corrections, additions, substitutions, alterations, and/or modification to an approval and/or endorsement shall be made without the approval of the Planning Board, unless such change has been deemed a minor field change by the Planning Board and/or its designee. Any amendment not deemed a minor field change shall be reviewed as a Minor Definitive Subdivision under Section VII. herein and in accordance with M.G.L. c. 41, Sections 81-T and 81-W. Any change of an approved plan, including construction revisions, shall be provided to the Planning Board, and other applicable municipal departments, forty-eight (48) hours before any work is advanced.

P. Recording of Plans

All plans that have been approved or endorsed by the Planning Board in accordance with these Regulations shall be duly recorded in the Middlesex South District Registry of Deeds or the Middlesex South Registry District of the Land Court prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with M.G.L., c. 41, Section 81-BB and Sections IV. Approval Not Required (ANR) or IX. Endorsement, Recordings, and Easements of the Regulations provide the procedures for such efforts. Failure to record the decision, Plan of Land, and/or comply with the conditions of approval herein shall render the Decision null and void.

The Applicant shall submit proof of recording to the Planning Board within twenty-one (21) days after the date of such recording (Plan Number, if any, and/or the Land Court Document Number).

Q. Approval Does Not Make a Street a Public Way

Approval or endorsement of a plan by the Planning Board does not make and/or constitute any road or way shown on a subdivision plan an accepted public way. Applicants seeking an approved subdivision road or way as an accepted public way must follow the regulations found in Appendix B., Street Acceptances of these Regulations.

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Rules and Regulations Governing the Subdivision of Land in Framingham

SECTION IV. APPROVAL NOT REQUIRED (ANR)

- A. APPROVAL NOT REQUIRED (ANR) SUBMITTAL REVIEW
- B. ENDORSEMENT OF AN APPROVAL NOT REQUIRED (ANR)
- C. PLAN THOUGHT NOT TO REQUIRE APPROVAL SUBMITTAL PACKAGE
- D. APPROVAL NOT REQUIRED PLAN OF LAND REQUIREMENTS
- E. PLANNING BOARD PROCEDURE FOR THE REVIEW OF A SUBMITTED
APPROVAL NOT REQUIRED APPLICATION PACKAGE
- F. MISCELLANEOUS

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SECTION IV. APPROVAL NOT REQUIRED (ANR)**A. Approval Not Required (ANR) Submittal Review**

An Applicant/Developer who wishes to record a Plan of Land in the South Middlesex District Registry of Deeds or the Middlesex South Registry District Land Court and who believes that the Plan of Land does not require approval under the Subdivision Control Law, may apply to the Planning Board for a determination that the proposed division of land does not require subdivision approval.

B. Endorsement of an Approval Not Required (ANR)

1. For a Plan of Land to be considered for an Approval Not Required (ANR) endorsement by the Planning Board, not requiring approval under the Subdivision Control Law, the Plan of Land must meet one of the requirements as outlined below and/or in accordance with M.G.L. as follows:

- a. Each building lot created by such division of land complies with the frontage requirements in the Framingham Zoning Ordinances, Section IV.E. Dimensional Regulations, and provides adequate and vital access as intended under M.G.L. c. 41, Sections 81K - 81GG, as amended where applicable; or
- b. Such division of land involves the giving of land from one parcel of land to another parcel of land where the removed land is joined to an abutting parcel of land. This division of land requires a plan note stating "Parcel X is to be joined to Lot Y and is not be considered a separate lot;" or
- c. The division of land creates a nonconforming lot that does not comply with the Framingham Zoning Ordinances, Section IV.E. Dimensional Regulations. This division of land requires a plan note stating: "For the purposes of the Subdivision Control Law, parcel X shall not be construed as a buildable lot."

2. In such circumstances when a lot does not comply with zoning, the Planning Board shall require the lot to be labeled "Not A Building Lot Without Further Zoning Relief." When a lot is to be conveyed to an abutting property owner, the Planning Board shall require that the plans include a statement identifying to whom the lot will be conveyed and indicating that the lot is not a buildable lot, if applicable.

3. Existing Buildings

When a building exists on a parcel of land that was constructed before the enactment of the Subdivision Control Law within Framingham, this type of division of land shall be exempt from the requirements of Sections V, VI, VII, and VIII of these Regulations and shall meet the following requirements:

- a. The parcel of land contains a building that existed prior to the adoption of the Subdivision Control Law by Framingham; and
- b. The parcel must comply with M.G.L. c. 41, Section 81P.

4. Upon the determination of the Planning Board that the division of land does not require approval under the Subdivision Control Law, the Planning Board shall forthwith and without public hearing endorse thereon the words "Approval Under the Subdivision Control Law Not Required" and the original Mylar Plan of Land shall thereupon be returned to the Owner or Applicant/Developer. Such endorsement shall not be withheld by the Planning Board unless such plan shows a subdivision as defined in M.G.L. c. 41, Section 81P, as amended.

C. Plan Thought Not to Require Approval Submittal Package

1. Fees

The review of a project shall not commence until the required filing fee has been paid to the Planning Board.

2. Number of Documents for Review

a. An ANR Application Packages shall include the following:

- i. Form 2 – Approval Not Required (ANR) Application (Appendix A)
2 copies with original signatures (1-copy for the Planning Board Office and 1-copy for the City Clerk's Office)
- ii. Form 1 – Approval Not Required (ANR) Application Submittal, City Clerk Receipt (Appendix A)
1 paper copy
- iii. Supplemental Documentation
2 paper copies
- iv. Plans Sheets/Sets
1 - 22" x 34" full size paper copy and 6 - 11"x17" paper copies (1 - 22"x 34" full size mylar ¹ shall be provided prior to the public meeting, upon confirmation by the Planning Board that the ANR Application Package is complete)
- v. Electronic Documents
1 electronic copy of all documents

3. Application Package Documentation

An Applicant who submits a Plan of Land for determination by the Planning Board and who believes that approval under the Subdivision Control Law is not required shall file a properly executed complete ANR Application Package with the Planning Board. The ANR Application Package shall conform to the requirements of M.G.L., c. 41, Section 81P and shall include the following:

- a. Properly executed application forms for an ANR Application Package that have been signed by all Applicants, co-Applicants, and /or authorized persons. The Planning Board may require a deed or other acceptable verification of ownership.

¹ The full size mylar copy may be submitted after the review of the application by the Planning Board Office to ensure that all information and plan notes are correct on the plan.

- b. Copies of covers of Form 1 - ANR Application Submittal, City Clerk Receipt and Form 2 – Approval Not Required (ANR) Application Package that bear the City Clerk stamps.
- c. A Plan of Land for the Approval Not Required (ANR) conforming to the requirements of Section IV.D of these Regulations.
- d. Posting of a Community Notice Sign on the property where a new lot is being created (Community Notice Signs are available in the Planning Board Office). Where no new lots are created, no Community Notice Sign shall be required.
- e. A written narrative and/or summary of the proposed division of land that shall include a narrative explaining the existing conditions and the proposed division of land.
- f. Where applicable, a list of any known variances granted by the Zoning Board of Appeals (ZBA) or other decisions and permits affecting the land included in the plan, which shall include the project case number, date granted, and description of the variance, decision, or permit.

4. Plans for Review and Signature

All plans submitted for review shall bear the stamp and signature of the Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts.

D. Approval Not Required Plan of Land Requirements

The Plan of Land submitted for determination that approval is not required shall contain the following information:

1. Property address, Framingham Assessor's Parcel Identification Number, north point, date of survey, scale, plan title "Plan of Land", zoning district, zoning table that includes the existing required dimensional of the respective zoning district and the dimensions of each lot created.
2. Name of record owner(s) of land, the Applicant if different from the owner.
3. Name, date, signature, and seal of surveyor who prepared the plan, along with the name of the engineering and/or land surveying company.
4. A locus plan that shows the entire parcel of land and its relation to existing areas and roads for approximately three-hundred (300) feet from the project boundaries, or such other appropriate distance to show the abutting roadways.
5. Names of direct adjacent abutting property owners as they appear on the latest Assessor's records.
6. The name and width of the street providing frontage and access to the lots shown on the plan and the extent of the paved improvements within the right-of-way.
7. All easements shall be shown and identified on the plan.
8. Location of existing and proposed boundary lines, dimensions, and areas of all lots to

which the plan relates.

9. Names of abutting streets and/or ways, delineation of both sides of streets and/or ways, the approximate width of pavement, a statement as to whether the street and/or ways is public or private.
10. Reference to the frontage and area of the land that shall remain under the ownership of the Applicant in all cases wherein there shall result in the creation of a new lot or revised lot lines and remaining land of the owners not part of the Approval Not Required Plan of Land.
11. The statement "Approval Under the Subdivision Control Law Not Required" together with sufficient space for a signature block for the Planning Board members' signatures and date of endorsement.
12. On any plan, wherein the Planning Board deems it necessary or consistent with the purpose and intent of these Rules and Regulations, additional information deemed necessary for the Planning Board to make a determination of "Approval Not Required."
13. A note shall appear on the plan stating that "This endorsement of the Planning Board should not be construed to be a determination of conformance with the Framingham Zoning Ordinances, including, but not limited to, Irregularly-Shaped Lots, Upland Area, Buildable Lot, Lot Width, Open Space, Lot Coverage, minimum lot size, Land Disturbance and Stormwater Management, and/or Floor Area Ratio; or the Framingham General Ordinances in accordance with Article 5, Section 18, and its implementing wetlands protection regulations as well as the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131, Section 40 and its implementing regulations, 310 CMR 10.00. for any of the lots shown on this plan."
14. Where applicable, pursuant to Sections IV.B.1 or 2 of these regulations one of the following notes shall appear on the plan stating
 - a. "Parcel X is to be joined to Lot Y and is not be considered a separate lot." or
 - b. "For the purposes of the Subdivision Control Law, Parcel X shall not be construed as a buildable lot." or
 - c. "Not A Building Lot Without Further Zoning Relief."
15. **For the creation of new lots only:** Location of the following features within the public right-of-way that would impede access to the parcel of land:
 - a. All manmade structures and significant natural features such as existing buildings and structures, sidewalks, stone walls and guardrails, rock outcrops, water courses, drains, major trees (10-inch caliper or more) if the project is on a scenic roadway, and/or other major features.
 - b. Locations of all wetlands, with identification of the thirty (30) foot no alteration zone, fifty (50) foot no build zone, one-hundred (100) foot State buffer zone, one-hundred and twenty-five (125) foot local wetland buffer zone, one-hundred and twenty-five (125) foot vernal pool buffers for both potential and certified vernal

pools, and areas within the one-hundred (100) year flood plain, two-hundred (200) foot riverfront, one-hundred (100) foot inner riparian, and five hundred (500) foot flood plain, and other applicable flood plans.

- c. A topographic plan at two (2) foot contours based on an identified benchmark for datum. Moderate Slopes shall be shown on the plan as defined in Section IV.E.3.e. Moderate Slope Requirement of the Framingham Zoning Ordinances.

E. Planning Board Procedure for the Review of a submitted Approval Not Required Application Package

1. Pre-application Approval Not Required (ANR) Application Review

- a. Prior to the finalization of an Approval Not Required (ANR) Application Package, an Applicant may request a meeting with the Planning Board Administrator for the review of the application and/or Plan of Land. During such meeting the Planning Board Administrator can provide review of the application and/or Plan of Land conformance with Section IV.D and completeness, answer questions regarding the process, and/or conduct a site visit.

2. Delivery of an Approval Not Required (ANR) Application Package

- a. Prior to the drop-off of an Approval Not Required (ANR) Application Package the Applicant shall schedule a meeting with the Planning Board Office for the delivery and review of the application. (Such meeting will take approximately thirty (30) minutes)
- b. Upon delivery of the Approval Not Required (ANR) Application Package to the Planning Board Office during the scheduled drop-off time shall review the application to ensure that all required documents have been submitted, review the ANR process with the Applicant, answer any questions that the Applicant may have, and the schedule of the public meeting.
- c. Complete vs. Incomplete Approval Not Required (ANR) Application Package
 - i. Complete Approval Not Required (ANR) Application Package: If an ANR Application Package is complete and conforms to the requirements of Section IV of these Regulations then the Planning Board Office shall sign Form 1 – Approval Not Required (ANR) Application Submittal, City Clerk Receipt prepared by the Applicant. The Planning Board Office shall also provide the Applicant with Form 3 – Approval Not Required (ANR) Checklist which shall be also filed with the City Clerk.
 - ii. Incomplete Approval Not Required (ANR) Application Package: If an ANR Application is incomplete and/or does not conform to the requirements of Section IV. and no waivers were requested for submittal relief then the Planning Board Office shall not sign Form 1 – ANR Application Submittal, City Clerk Receipt and shall provide the Applicant with Form 3 – Approval Not Required (ANR) Checklist, which identifies the deficiencies that need to be resolved and resubmitted for review. At such time the Applicant shall be given an opportunity

to make the application complete. Incomplete applications cannot be deemed “Filed” until such deficiencies have been resolved.

- d. Once an ANR Application Package is deemed complete by the Planning Board Office then the Applicant shall deliver Form 1 – Approval Not Required (ANR) Application Submittal, City Clerk Receipt, 1-copy of an original Form 2 – Approval Not Required (ANR) Application, and Form 3 – Approval Not Required (ANR) Checklist to the City Clerk Office. At which time the City Clerk will stamp the covers of the three documents and provide the Applicant with copies of the covers bearing the City Clerk’s stamps.
- e. The Applicant shall provide a copy of the stamped Form 1 – Approval Not Required (ANR) Application Submittal, City Clerk Receipt, Form 2 – Approval Not Required (ANR) Application, and Form 3 – Approval Not Required (ANR) Checklist to the Planning Board Office.
- f. Upon receipt of Form 1 – Approval Not Required (ANR) Application Submittal, City Clerk Receipt, Form 2 – Approval Not Required (ANR) Application, and Form 3 – Approval Not Required (ANR) Checklist that bear the stamps of the City Clerk. The Approval Not Required (ANR) Application Package shall be deemed “Filed” and the twenty-one (21) day Approval Not Required (ANR) review timelines shall commence.

3. Internal Application Review and Process

- a. Upon receiving a “Filed” Approval Not Required (ANR) Application Package the Planning Board shall:
 - i. Verify with the City Treasurer that all local taxes have been paid.
 - ii. Place the Approval Not Required (ANR) Application on the Planning Board Agenda during a public meeting.
 - iii. Distribute the Approval Not Required (ANR) Application Package to the City Engineer and the Conservation Commission for review and comment.
 - a) The City Engineer shall review the Plan of Land and recommend endorsement or non-endorsement.
 - b) The Conservation Commission Administrator shall review the access for wetlands, vernal pools, and/or waterbodies that would prohibit access from the frontage onto the lot.

4. Planning Board Review

- a. The Planning Board shall take action on a “Filed” ANR Application Package within twenty-one (21) days of such filing. The Planning Board shall either endorse or not endorse the Plan of Land during a public meeting without public hearing.
- b. If the Planning Board does not endorse the Plan of Land, the Planning Board shall notify the Applicant and the City Clerk’s office in writing of the reasons for not endorsing the Plan of Land.

- c. If the Planning Board does not meet within twenty-one (21) days of a “Filed” ANR Application Package because no Planning Board meeting is scheduled, or if a scheduled meeting is canceled or postponed due weather conditions, the Planning Board Administrator is authorized to act for the Planning Board and shall note the authorization on the plan.
 - i. In the event the Planning Board Administrator is authorized to act for the Planning Board, the Planning Board Administrator shall review the Approval Not Required (ANR) Application Package with the City Engineer and the Planning Board Chair or in his or her absence, the Planning Board Vice-Chair.
 - ii. If the Planning Board Administrator does not endorse the Approval Not Required (ANR) Plan of Land, he or she shall notify the Applicant and the City Clerk in writing of the reasons for not endorsing the Plan of Land.
- d. If the Planning Board votes that the Plan of Land does not require approval under the Subdivision Control Law then a majority of the members shall endorse the ANR Plan of Land with their signatures.
- e. Endorsement of a Plan of Land shall not be considered to be an approval of any subdivision or a determination by the Planning Board as to conformance with the Framingham Zoning Ordinances and/or Framingham General Ordinances but is only an endorsement that the Plan of Land does not require approval under the Subdivision Control Law.
- f. If the Planning Board or the Planning Board Administrator determines that the Plan of Land does require approval under the Subdivision Control Law or that it will not endorse the plan because it does not meet the criteria for endorsement, it shall, within twenty-one (21) days of receipt of a “Filed” ANR Application Package, give written notice with explanation of its determination to the Applicant and file such notice with the City Clerk’s office. Subsequently, the Plan of Land shall be returned to the Applicant.
- g. If the Planning Board fails to act upon a Plan of Land considered to be complete or fails to notify the City Clerk’s office of its reason for not endorsing the plan within the required twenty-one (21) day time period, then the plan shall be considered to have received constructive approval and deemed not to require approval under Subdivision Control Law as provided in M.G.L. c. 41, Section 81P, as amended. The City Clerk’s office shall issue a certificate to the Applicant who submitted the plan stating that approval of the plan under the subdivision control law is not required as a consequence of the Planning Board not acting upon such application within the required time period under Section 81P.

F. Miscellaneous

1. No notice shall be required by the Planning Board of any plan endorsed under these Regulations. Any such endorsed Plan of Land bearing the endorsement of the Planning Board shall be recorded with the South Middlesex County Registry of Deeds or the

Middlesex South Registry District of the Land Court within six (6) months of the date of endorsement.

- 2.** Plans not recorded with South Middlesex County Registry of Deeds or the Middlesex South Registry District Land Court within 6-months of the date of endorsement shall be required to re-apply to the Planning Board under Section IV. of these Regulations, prior to a piece of land being considered divided as shown on a Plan of Land.

Rules and Regulations Governing the Subdivision of Land in Framingham

SECTION V. SUBDIVISION REVIEW PROCESS

- A. OVERVIEW
- B. PRE-SUBMITTAL TECHNICAL REVIEW
- C. GENERAL REVIEW PROCEDURES
- D. APPROVED/ENDORSED PLANS – DEFINITIVE SUBDIVISION PLAN ONLY
- E. PRELIMINARY PLAN REVIEW PROCESS
- F. DEFINITIVE SUBDIVISION PLAN REVIEW PROCESS

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SECTION V. PROCEDURAL SUBDIVISION REVIEW PROCESS - PLANNING BOARD PROCEDURE, APPLICANT REFERENCE**A. Overview**

This Section of these Regulations provides the procedural and submittal requirements for Section VI Preliminary Subdivision Plan and Section VII Definitive Subdivision Plan to ensure an adequate, clear, consistent, and efficient review by the Planning Board. This Section of these Regulations is for procedural use by the Planning Board and for Applicant reference.

B. Pre-Submittal Technical Review**1. Pre- Application Technical Review**

Prior to the submittal of a Preliminary or a Definitive Subdivision Application Package the Applicant is strongly encouraged to meet with the Technical Review Team (TRT). The purpose of this meeting prior to the submittal of an application to the Planning Board is to provide Applicants with an advantageous Preliminary or Definitive Subdivision Plan review by TRT departments that will render comments and information to the Applicant regarding respective department development rules, regulations, policies, and/or standards. The Applicant is then advised to take any comment and/or development rules, regulations, polices, and/or standards under consideration when finalizing a Preliminary or a Definitive Subdivision Application Package.

2. Pre-Application Technical Review Submittal

If the Applicant elects to meet with the TRT team, then a TRT Pre-Application Package shall be submitted to the Planning Board office for distribution to the TRT that in turn will result in the scheduling of the TRT Meeting. The TRT Package may include the following documents:

- a. Plans that show the potential layout of the subdivision, roadway details, existing and proposed infrastructure, wetland boundaries, Moderate Slopes, the location of open space, and/or any other information that would be beneficial to the TRT to review.
- b. A summary of the project, which may include background information, summary of the intent of the project, stormwater calculations, a description of the existing and/or proposed infrastructure, the intent of the roadways (to remain private or to become public), and any additional information that would be beneficial to the review of the potential project.
- c. Any additional information that the Applicant wishes to be reviewed prior to the submittal of a Preliminary or a Definitive Subdivision Application Package.

3. Technical Report

The TRT shall provide a Pre Application Technical Report within 25-days of the TRT Meeting. The Technical Report shall provide meeting minutes, contact information for the TRT, a copy of the TRT comments, and a review of the project relative to applicable municipal ordinances, these Regulations, and other relevant Framingham plans, policies, and/or reports.

C. General Review Procedures**1. Fees**

The review of a project shall not commence until the required filing fee has been provided to the Planning Board.

2. Local Tax Review

Upon receipt of a Preliminary or Definitive Subdivision Plan the Planning Board shall review the local taxes for the property with the City Treasurer.

3. Abutters List

A certified abutters list shall be provided by the Applicant from the Assessor's Department.

4. Plans for Review and Signature Upon Approval

- a. All plans submitted for review shall bear the stamp and signature of the Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts.
- b. If applicable, architectural renderings and/or architectural plans shall bear the stamp and signature of a Professional Architect registered in the Commonwealth of Massachusetts.
- c. Landscape plans shall bear the stamp and signature of a Professional Engineer and/or Landscape Architect registered in the Commonwealth of Massachusetts.

5. Number of Documents for Review

All project application packages shall include the following:

- a. Application (Form 5 Preliminary Subdivision Application, Form 8 Minor Definitive Subdivision Application, or Form 9 Major Definitive Subdivision Application - Appendix A)
Two (2) copies with original signatures
- b. City Clerk Receipt (Form 4 Preliminary Subdivision Application Submittal, City Clerk Receipt or Form 7 Definitive Subdivision Application Submittal, City Clerk Receipt – Appendix A)
One (1) paper copy
- c. Supplemental Documentation
Two (2) paper copies
- d. Plans Sheets/Sets
Six (6) - 11"x17" half size paper copies (Definitive Subdivision Plan Only: 1 – 22" x 34" full size mylar will be required upon final vote of the Planning Board)
- e. Electronic Documents
One (1) electronic copy of all documents

D. Approved/Endorsed Plans - Definitive Subdivision Plan Only

1. The Applicant shall submit one (1) 22" x 34" full size paper copy and one (1) 22" x 34" full size mylar copy for the final plan set as amended through the public hearing process for endorsement by the Planning Board.
2. Upon approval or endorsement of a plan, the Applicant shall provide a complete electronic set of all plans that have been signed by the Planning Board. The Planning Board shall distribute an electronic copy of the approved or endorsed plans to the Technical Review Team (TRT).

E. Preliminary Plan Review Process

This section of these Regulations is for Applicant and/or developer reference only. This section outlines the Planning Board's review process for a Preliminary Subdivision Plan to ensure that all Preliminary Subdivision Applications are reviewed in a consistent and adequate manner.

1. Pre-application Preliminary Subdivision Plan Application Review
 - a. Prior to the finalization of a Preliminary Subdivision Application Package, an Applicant may request a meeting with the Planning Board Administrator for the review of the application and/or subdivision plan. During such meeting the Planning Board Administrator can provide review of the application and/or subdivision plan for conformance with Section VI of these Regulations, answer questions regarding the process, and/or conduct a site visit.
2. Delivery of a Preliminary Subdivision Application Package
 - a. Prior to the drop-off of a Preliminary Subdivision Application Package the Applicant shall schedule a meeting with the Planning Board Office for the delivery and review of the application. (Such meeting is anticipated to take approximately thirty (30) minutes)
 - b. During the scheduled Preliminary Application Package drop-off to the Planning Board Office the Planning Board staff will review the Preliminary Subdivision Application Package, review the subdivision process with the Applicant, prepare a timeline for review of the application, answer any questions that the Applicant may have, and the schedule of the Technical Review Team (TRT) meeting and opening public hearing.
 - c. Complete vs. Incomplete Preliminary Subdivision Application Package
 - i. Complete Preliminary Subdivision Application Package: If a Preliminary Subdivision Application Package is complete and conforms to the requirements of Section VI of these Regulations then the Planning Board Office shall sign Form 4 – Preliminary Subdivision Application Submittal, City Clerk Receipt prepared by the Applicant. The Planning Board Office shall also provide the Applicant with Form 6 – Preliminary Subdivision Plan Checklist which shall be also filed with the City Clerk.

- ii. Incomplete Preliminary Application Package: If a Preliminary Subdivision Application Package is incomplete and/or does not conform to the requirements of Section VI of these Regulations and no waivers were requested for submittal relief then the Planning Board Office shall not sign Form 4 – Preliminary Subdivision Application Submittal, City Clerk Receipt and shall provide the Applicant with Form 6 – Preliminary Subdivision Plan Checklist, which identifies the deficiencies that need to be resolved and resubmitted for review. At such time the Applicant shall be given an opportunity to make the application complete. Incomplete applications cannot be deemed “Filed” until such deficiencies have been resolved.
 - d. Once a Preliminary Subdivision Application Package is deemed complete by the Planning Board Office then the Applicant shall deliver Form 4 – Preliminary Subdivision Application Submittal, City Clerk Receipt, one (1) copy of an original Form 5 – Preliminary Subdivision Plan Application, and Form 6 – Preliminary Subdivision Plan Checklist to the City Clerk Office. At which time the City Clerk will stamp the covers of the three documents and provide the Applicant with copies of the covers bearing the City Clerk’s stamps.
 - e. The Applicant shall provide a copy of the stamped Form 4 – Preliminary Subdivision Application Submittal, City Clerk Receipt, Form 5 – Preliminary Subdivision Plan Application, and Form 6 – Preliminary Subdivision Plan Checklist to the Planning Board Office.
 - f. Upon receipt of Form 4 – Preliminary Subdivision Application Submittal, City Clerk Receipt, Form 5 – Preliminary Subdivision Plan Application, and Form 6 – Preliminary Subdivision Plan Checklist that bear the stamps of the City Clerk, the Preliminary Subdivision Application Package shall be deemed “Filed” and the forty-five (45) day Preliminary Subdivision Plan Review shall commence.
- 3. Prior to the Opening Public Hearing**
- a. Upon receiving a “Filed” Preliminary Subdivision Application Package the Planning Board shall:
 - i. Verify with the City Treasurer that all local taxes have been paid.
 - ii. Distribute a copy of the completed and “Filed” application to all TRT departments.
 - iii. Schedule a Technical Review Team (TRT) meeting.
- 4. Distribution of a Preliminary Subdivision Application Package for Review and Comment**
- a. The Planning Board staff shall distribute a copy of the completed and “Filed” application to all TRT departments.
 - b. The Applicant shall deliver a copy of the Preliminary Subdivision Application Package to the Board of Health as required by M.G.L c. 41, Section 81U, as amended. At which time the Board of Health shall stamp the cover page of the Preliminary Subdivision Application Package. A copy of the stamped cover page shall be provided to the

Planning Board.

- c. The TRT departments and applicable boards/committees shall be given thirty-five (35) days to provide comments, during which time all comments and requirements for the project shall be provided to the Planning Board for consideration when making recommendations and a decision on the project.
- d. The Department of Public Works (DPW), the Fire Department, the Board of Health, and/or the Department of Inspectional Services (Building Department) shall comment on a project within the original thirty-five (35) day comment period. However, such department shall be allowed to provide additional comment any time during the public hearing process when matters of public health, safety, and welfare are the subject of the review as the project is amended.

5. Public Hearing and Notification

- a. The Planning Board shall hold a public hearing in accordance with M.G.L. c. 41, Section 81T, as amended, prior to the approval, project modification and approval, or disapproval of the Preliminary Subdivision Application Package.
- b. The Planning Board shall provide written notice of the time and place of the public hearing, the subject matter to be discussed, and sufficient notice for identification of the property by the following methods of notification in accordance with M.G.L. c. 41, Section 81T, as amended:
 - i. Advertisement in a newspaper of general circulation at the expense of the Applicant a minimum of fourteen (14) and seven (7) days prior to the first public hearing.
 - ii. Written mailer to all abutters and parties of interest as defined in Section II. of these Regulations.
 - iii. Project webpage located on the Planning Board's web page that provides the legal ad, Preliminary Subdivision Application Package, and any additional information submitted by the Applicant for review.
- c. During the public hearing process, all interested parties may make inquiries, request clarification, and/or provide written or oral comments.

6. Determination of Major vs. Minor Subdivision Plan Review

- a. During the review of a Preliminary Subdivision Plan where a project requires a determination by the Planning Board as to whether the subdivision will require Major or Minor Definitive Subdivision Plan Review, the Planning Board will identify in its decision for the Preliminary Subdivision Plan Review as to its determination of Major or Minor Definitive Subdivision Plan Review.

7. Approval or Disapproval by the Planning Board

- a. Within forty-five (45) days after the submittal of a "Filed" Preliminary Subdivision Application Package (unless extended in writing by the Applicant to a date certain, by

written extension filed with the City Clerk's office), the Planning Board shall provide a written decision stating conditions of approval of the Preliminary Subdivision Application Package as recommended by the Planning Board. Such approval, with or without conditions, is only a preliminary determination and shall not constitute approval of a Definitive Subdivision Plan.

- b. In the case of disapproval of the Preliminary Subdivision Application Package, the Planning Board shall render a written explanation of disapproval and in turn file its determination with the City Clerk's office. The Applicant shall be notified by hand delivery and/or certified mail within seven (7) days of such determination and within the statutory forty-five (45) day period noted above. The determination shall be filed with the City Clerk's office and all original plans shall be forthwith returned to the Applicant.
- c. All comments received during the review process shall be taken under consideration for incorporation into the project prior to the submittal of the Definitive Subdivision Application Package.

F. Definitive Subdivision Plan Review Process

This section of these Regulations is for Applicant and/or developer reference only. This section outlines the Planning Board's review process for a Definitive Subdivision Plan to ensure that all Definitive Subdivision Application Packages are reviewed adequately and consistently.

1. Major vs. Minor Definitive Subdivision Application Review

- a. Projects shall be deemed as a Major or Minor Definitive Subdivision Plan in accordance with Section VII.C of these Regulations.
- b. Where a Preliminary Subdivision Plan was "Filed" for review by the Planning Board, then the determination of Major or Minor Definitive Subdivision Plan Review shall be made as part of the decision.
- c. Where no Preliminary Subdivision Plan was "Filed" for review by the Planning Board, then the subdivision will require determination by the Planning Board as to whether the project will be Major or Minor Definitive Subdivision Plan Review. The Applicant will meet with the Planning Board prior to the submittal of a Definitive Subdivision Application submittal for such determination.
- d. Whenever a pre-application meeting is required for the determination of Major or Minor Definitive Subdivision Plan Review is required, then such determination shall be made during a posted meeting on the agenda of the Planning Board. At such meeting the Applicant shall present the requirements of the preliminary plan. The Planning Board shall review said proposal and make a determination as to whether the subdivision requires Major or Minor Definitive Subdivision Plan Review. Furthermore, at such time the Planning Board can require documentation for such review.

2. Pre-application Definitive Subdivision Plan Application Review

- a. Prior to the finalization of a Definitive Subdivision Application Package, an Applicant may request a meeting with the Planning Board Administrator for the review of the application and/or subdivision plan. During such meeting the Planning Board Administrator can provide review of the application and/or subdivision plan for conformance with Section VII and VIII of these Regulations, answer questions regarding the process, and/or conduct a site visit.

3. Delivery of a Definitive Subdivision Application Package

- a. Prior to the drop-off of a Definitive Subdivision Application Package the Applicant shall schedule a meeting with the Planning Board Office for the delivery and review of the application. (Such meeting will take approximately thirty (30) to sixty (60) minutes dependent upon a filing for Minor or Major Definitive Subdivision Plan Review)
- b. During the scheduled Definitive Application Package drop-off to the Planning Board Office the Planning Board staff will review the Definitive Subdivision Application Package, review the subdivision process with the Applicant, prepare a timeline for review of the application, answer any questions that the Applicant may have, and the schedule of the Technical Review Team (TRT) meeting and opening public hearing.
- c. Complete vs. Incomplete Definitive Subdivision Application Package
 - i. Complete Definitive Subdivision Application Package: If a Definitive Subdivision Application Package is complete and conforms to the requirements of Sections VII and VIII of these Regulations then the Planning Board Office shall sign Form 7 – Definitive Subdivision Application Submittal, City Clerk Receipt prepared by the Applicant. The Planning Board Office shall also provide the Applicant with Form 10 – Minor Definitive Subdivision Plan Checklist/ Form 11 - Major Definitive Subdivision Plan Checklist which shall be also filed with the City Clerk.
 - ii. Incomplete Definitive Application Package: If a Definitive Subdivision Application Package is incomplete and/or does not conform to the requirements of Sections VII and VIII and no waivers are requested for submittal relief then the Planning Board Office shall not sign Form 7 – Definitive Subdivision Application Submittal, City Clerk Receipt and shall provide the Applicant with Form 10 – Minor Definitive Subdivision Plan Checklist/ Form 11 - Major Definitive Subdivision Plan Checklist, identifying the deficiencies that need to be resolved and resubmitted for review. At such time the Applicant shall be given an opportunity to make the application complete. Incomplete applications cannot be deemed “Filed” until such deficiencies have been resolved.
- d. Once a Definitive Subdivision Application Package is deemed complete by the Planning Board Office then the Applicant shall deliver Form 7 – Definitive Subdivision Application Submittal, City Clerk Receipt, one (1) copy of an original Form - 8 Minor

- Definitive Subdivision Application/Form 9 - Major Definitive Subdivision Application, and Form 10 – Definitive Subdivision Plan Checklist to the City Clerk Office. At such time the City Clerk will stamp the covers of the three documents and provide the Applicant with copies of the covers bearing the City Clerk’s stamps.
- e. The Applicant shall provide a copy of the stamped Form 7 – Definitive Subdivision Application Submittal, City Clerk Receipt, Form 8 Minor Definitive Subdivision Application/Form - 9 Major Definitive Subdivision Application, and Form 10 – Minor Definitive Subdivision Plan Checklist/ Form 11 - Major Definitive Subdivision Plan Checklist to the Planning Board Office.
 - f. Upon receipt of Form 7 – Definitive Subdivision Application Submittal, City Clerk Receipt, one (1) copy of an original Form - 8 Minor Definitive Subdivision Application/Form - 9 Major Definitive Subdivision Application, and Form 10 – Minor Definitive Subdivision Plan Checklist/ Form 11 - Major Definitive Subdivision Plan Checklist that bear the stamps of the City Clerk, the Definitive Subdivision Application Package shall be deemed “Filed” The Preliminary Subdivision Application Package shall be deemed “Filed” and the appropriate timeline shall commence in accordance with M.G.L. c. 41, Section 81-U, as amended, as follows:
 - i. Ninety (90) days: non-residential subdivision
 - ii. Ninety (90) days: residential subdivision where a Preliminary Subdivision Plan was “Filed” for review
 - iii. One-hundred and thirty-five (135) days: residential subdivision where no Preliminary Subdivision Plan was “Filed” for review or where forty-five (45) days has not lapsed since a Preliminary Subdivision Plan was “Filed” for review.

4. Prior to the Opening Public Hearing

- a. Upon receiving a “Filed” Definitive Subdivision Application Package the Planning Board shall:
 - i. Verify with the City Treasurer that all local taxes have been paid.
 - ii. Distribute a copy of the completed and “Filed” application to all TRT departments.
 - iii. Schedule a Technical Review Team (TRT) meeting.

5. Technical Review Team (TRT) and Department Comments

- a. Prior to the first public hearing the Applicant will meet with the TRT.
- b. The TRT departments and respective board/committees have a forty-five (45) day comment period. During this time, all comments and requirements for the project shall be provided to the Planning Board for consideration when deciding on the project.
- c. If new documents and/or plans are submitted after the forty-five (45) day comment period those members of the TRT departments and/or board/committees that commented within the forty-five (45) day period shall be given an additional ten (10)

days to review any new submittals and provide additional comment.

- d. The Department of Public Works (DPW), the Fire Department, the Board of Health, and/or the Department of Inspectional Services (Building Department) shall comment on a project within the original forty-five (45) day comment period. However, such department shall be allowed to comment any time during the public hearing process when matters of public health, safety, and welfare are the subject of the review as the project is amended.

6. Review by the Board of Health

- a. At the time of submittal of the Definitive Subdivision Application Package to the Planning Board a copy of the “Filed” Definitive Subdivision Application Package shall be filed with the Framingham Board of Health as required in M.G.L., c.41, Section 81-U, as amended.
- b. The Board of Health shall provide written report to the Planning Board within the specified forty-five (45) days of a “Filed” application with the Planning Board. Such report shall include a review, recommendations, requirements and/or findings for the project. Furthermore, such report shall provide a statement as to whether the Board of Health approves, approves with modifications/requirements, or denies the Definitive Subdivision Application Package.
- c. The Board of Health may provide a written request for an extension of time to the forty-five (45) days for substantial good cause such as the Applicant failing to provide additional information requested and required for review by the Board of Health, substantial changes to the documents and/or plans within the Definitive Subdivision Application Package, and/or issues relative to public health, municipal infrastructure, or services.
- d. If an Applicant who presents a subdivision that is serviced by private sewer and/or wells does not provide the required and/or adequate information to the Board of Health to make a proper review and report to the Planning Board then the subdivision review will be paused and timelines outlined in Section V.F.6. of these Regulations will be frozen until such information relative to the private septic and/or well is provided. The Board of Health may in its report provide conditions that need to be satisfied prior to the issuance of a building permit from the Department of Inspectional Services (Building Department).
- e. The Planning Board shall approve, approve with modification, or deny a Definitive Subdivision Application Package based on the Board of Health’s report. The Planning Board shall not approve a plan that does not conform to the recommendations of the Board of Health.
- f. Failure of the Board of Health to report comments and/or make recommendations within the forty-five (45) day period without a written request of extension shall be deemed as an approval. The Planning Board shall note in its Decision that the Board of Health approval was by default of failure to report comments and

recommendations.

- g. Any approval of a Definitive Subdivision Application Package by the Planning Board shall only be given upon the condition that no building and/or structure shall be built and/or placed upon areas designed without prior consent from the Board of Health. Therefore, the Planning Board shall only endorse a Definitive Subdivision Application Package based on such conditions, specifying the lots of land to which such conditions apply.
- h. A positive recommendation to the Planning Board for a project that will be serviced by a private/community well and/or septic by the Board of Health does not make and/or constitute a private/community well and/or septic exempt from Board of Health well and/or septic permits. The Applicants will still be required to file such permits with the Board of Health separately from the Definitive Subdivision process.

7. Review by the Department of Public Work (DPW)

- a. The Applicant shall work with the Department of Public Works (DPW) to develop plans for a road or way and/or infrastructure that follow the standards and regulations set forth by DPW and these Regulations. Where such roads or ways and/or infrastructure do not meet the standards for construction by DPW and these Regulations, the Applicant shall include a plan note on the Definitive or Subdivision Plans stating that “the road or way is not intended for acceptance as a public road or way.”
- b. Department of Public Works (DPW) shall provide a report to the Planning Board to be reviewed and incorporated into the Definitive Subdivision decision.
- c. Any approval of a Definitive Subdivision Application Package by the Planning Board shall only be given upon the condition that no road or way, and/or infrastructure shall be built and/or placed upon areas designed without prior consent from Department of Public Works (DPW). Therefore, the Planning Board shall only endorse a Definitive Subdivision Application Package based on such conditions, specifying the lots of land to which such conditions apply.

8. Planning Board Decision Timelines

- a. The Planning Board shall take action within the timeframe provided under M.G.L. c. 41, Section 81-U, as amended.
- b. For the period of time to take final action or to file a decision with the City Clerk’s office to be extend the Applicant must provide written documentation permitting the extension and the designated length of the extension. Failure of the Planning Board either to take final action or to file a decision of such action with the City Clerk’s office regarding a plan submitted by an Applicant within the statutory period of time or such further time as may be agreed upon at the written request of the Applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Planning Board with the City Clerk’s office.

9. Definitive Subdivision Public Hearing and Notification

The Planning Board shall hold a public hearing in accordance with M.G.L. c. 41, Section 81T, as amended prior to the approval, project modification and approval, or disapproval of a Definitive Subdivision Application Package.

- a. The Planning Board shall make written notice of the time and place of the public hearing, the subject matter to be discussed, and sufficient legal property identification by the following methods of notification in accordance with M.G.L. c. 41, Section 81T, as amended:
 - i. Advertisement in a local newspaper of general circulation at the expense of the Applicant a minimum of fourteen (14) and seven (7) days prior to the first public hearing.
 - ii. Written mailers to all Abutters, abutting municipalities and other parties of interest as deemed necessary.
 - iii. Notice on the Planning Board's webpage on the Project link that provides the legal ad, Major or Minor Definitive Subdivision Application Package, and any additional information submitted by the Applicant for review.
- b. During the public hearing process Abutters, abutting municipalities and all parties of interest shall be provided an opportunity to participate in the public hearing process as is customary to all public hearings.

10. Approval, Approval with Conditions, or Disapproval of the Definitive Subdivision Plan

- a. After all the required information is collected from the project review and public hearing process the Planning Board shall consider all the information submitted during the public hearing review process, the Board of Health report, TRT department comments, provisions set forth in these Regulations, the Subdivision Control Law, and the Master Land Use Plan. The Planning Board shall make a decision of approval, approval with conditions, or denial of the Definitive Subdivision Plan and shall file such decision with the City Clerk.
- b. The Planning Board shall send public notification of its decision to a newspaper of general circulation in accordance with M.G.L. c. 41, Section 81T, as amended, in addition to a legal mailing to the Abutters, abutting municipalities, and parties of interest.
- c. Once all appeal periods have lapsed the Applicant shall record the decision with the South Middlesex County Registry of Deeds or the Middlesex South Registry District of the Land Court within six (6) months after date of approval.

11. Rescission, Modification, and Automatic Rescission of a Definitive Subdivision Plan

- a. In accordance with M.G.L. c. 41, Section 81W, as amended, the Planning Board, on its own motion or on the petition of any person interested, shall have the power to modify, amend, and/or rescind its approval of a Definitive Subdivision Plan, or to require a change in a plan as a condition of retaining approval. All the provisions of

the Subdivision Control Law relative to the submission and approval of a plan of a subdivision shall be applicable to the approval of the modification, amendment or rescission of such approval and to a plan which has been changed under this section.

- b. The Planning Board may take action under this section where there are circumstances or new information that causes the Planning Board to question whether the Definitive Subdivision as approved is and/or will remain in conformity with the requirements of these Regulations.
- c. Circumstances in which automatic rescission of a Definitive Subdivision Plan approval takes place include the following:
 - i. Any failure to obtain the endorsement of the Planning Board within 6-months from the date that the decision is filed with the City Clerk's office shall result in the automatic rescission of the approval of the definitive plan;
 - ii. Any failure to complete all ways and install all municipal services as shown on the approved subdivision plan within two years of the date of the decision shall result in the automatic rescission of the approval of said plan, except where the Applicant has submitted a written request for an extension of time that states reasons of Good Cause. The Planning Board may grant an extension of two years to allow the Applicant to complete the work (more than one extension may be granted but requested separately); and
 - iii. Any failure of the developer to comply with all applicable City Zoning Ordinances or unauthorized departure from any agreements made or plans submitted, whether or not at the direction of other public agencies, shall result in the automatic rescission of the approval of the definitive plan.

Rules and Regulations Governing the Subdivision of Land in Framingham

SECTION VI. PRELIMINARY SUBDIVISION SUBMITTAL REQUIREMENTS

- A. PRE-APPLICATION PRELIMINARY SUBDIVISION APPLICATION REVIEW PROCEDURES
- B. PRELIMINARY SUBDIVISION APPLICATION PACKAGE SUBMITTAL
- C. NUMBER OF DOCUMENTS FOR REVIEW
- D. TECHNICAL REVIEW TEAM MEETING
- E. PRELIMINARY SUBDIVISION PLAN REQUIREMENTS

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SECTION VI. PRELIMINARY SUBDIVISION SUBMITTAL REQUIREMENTS – APPLICANT REQUIREMENTS**A. Pre-Application Preliminary Subdivision Application Review Procedures****1. Pre-Application Technical Review Meeting**

- a. At any point prior to the submittal of a Preliminary Subdivision Plan an Applicant may submit preliminary plans for review and comments by the Technical Review Team (TRT). The Applicant shall contact the Planning Board Administrator to schedule a TRT meeting. During such TRT Meeting, the Applicant presented the preliminary plans to the TRT and is able to ask questions, from there members of the TRT ask questions and/or provide comments that should be considered when preparing subdivision plans.

2. Pre-application Preliminary Subdivision Plan Application Review

- a. Prior to the finalization of a Preliminary Subdivision Application Package, an Applicant may request a meeting with the Planning Board Administrator for the review of the application and/or subdivision plan. During such meeting the Planning Board Administrator can provide review of the application and/or subdivision plan for conformance with Section VI of these Regulations, answer questions regarding the process, and/or conduct a site visit.

3. Delivery of a Preliminary Subdivision Application Package

- a. Prior to the drop-off of a Preliminary Subdivision Application Package the Applicant shall schedule a meeting with the Planning Board Office for the delivery and review of the application. (Such meeting is anticipated to take approximately thirty (30) minutes)
- b. During the scheduled Preliminary Application Package drop-off to the Planning Board Office. The Planning Board will review the Preliminary Subdivision Application Package, review the subdivision process with the Applicant, prepare a timeline for review of the application, answer any questions that the Applicant may have, and the schedule of the Technical Review Team (TRT) meeting and opening public hearing.
- c. Complete vs. Incomplete Preliminary Subdivision Application Package
 - i. Complete Preliminary Subdivision Application Package: If a Preliminary Subdivision Application Package is complete and conforms to the requirements of Section VI of these Regulations then the Planning Board Office shall sign Form 4 – Preliminary Subdivision Application Submittal, City Clerk Receipt prepared by the Applicant. The Planning Board Office shall also provide the Applicant with Form 6 – Preliminary Subdivision Plan Checklist that shall be also filed with the City Clerk.
 - ii. Incomplete Preliminary Application Package: If a Preliminary Subdivision Application Package is incomplete and/or does not conform to the requirements of Section VI and no waivers were requested for submittal relief then the Planning Board Office shall not sign Form 4 – Preliminary Subdivision Application Submittal,

City Clerk Receipt and shall provide the Applicant with Form 6 – Preliminary Subdivision Plan Checklist, which identifies the deficiencies that need to be resolved and resubmitted for review. At such time the Applicant shall be given an opportunity to make the application complete. Incomplete applications shall not be deemed “Filed” until such deficiencies have been resolved.

- d. Once a Preliminary Subdivision Application Package is deemed complete by the Planning Board Office then the Applicant shall deliver Form 4 – Preliminary Subdivision Application Submittal, City Clerk Receipt, one (1) copy of an original Form 5 – Preliminary Subdivision Plan Application, and Form 6 – Preliminary Subdivision Plan Checklist to the City Clerk Office. At which time the City Clerk will stamp the covers of the three documents and provide the Applicant with copies of the covers bearing the City Clerk’s stamps.
- e. The Applicant shall provide a copy of the stamped Form 4 – Preliminary Subdivision Application Submittal, City Clerk Receipt, Form 5 – Preliminary Subdivision Plan Application, and Form 6 – Preliminary Subdivision Plan Checklist to the Planning Board Office.

B. Preliminary Subdivision Application Package Submittal

In accordance with M.G.L. c. 41, Section 81S, as amended, any Applicant who wishes to apply for a Preliminary Subdivision Plan review shall prepare and file a complete Preliminary Subdivision Application Package. The Applicant shall file the following documentation with the Planning Board:

1. Properly executed application forms for a Preliminary Subdivision Application Package signed by all Applicants, co-Applicants, and/or authorized persons;
2. A copy of the deed and/or other acceptable verification of ownership;
3. Appropriate fee as identified in the Planning Board Rules and Regulations for the respective Preliminary Subdivision Plan application;
4. Certified abutters list from the Assessor’s Department for all parcels of land being reviewed under the Preliminary Subdivision Plan Applicant;
5. A Preliminary Subdivision Application Package that contains the appropriate application, the Preliminary Subdivision Plan and preliminary subdivision background information shall conform to the requirements of Section V. and VI. of these Regulations;
6. A complete list of waivers being sought including a clear explanation for each waiver; and
7. A narrative that describes the existing conditions of the land and the proposed subdivision. Such narrative should include number of lots, layout of the roadway, whether the project will be serviced by private or public water and/or sewer.

C. Number of Documents for Review

All project application packages shall include the following:

1. Application (Form 5 Preliminary Subdivision Application - Appendix A)
Two (2) copies with original signatures
2. City Clerk Receipt (Form - 4 Preliminary Subdivision Application Submittal, City Clerk Receipt – Appendix A)
One (1) paper copy
3. Certified Abutters List
Applicants shall request a Certified Abutters List from the Assessor’s Office prior to the filing of a Preliminary Subdivision Application Package
4. Supplemental Documentation
Two (2) paper copies
5. Plans Sheets/Sets
Six (6) 11”x17” half size paper copies
6. Electronic Documents
One (1) electronic copy of all documents

D. Technical Review Team Meeting**1. Technical Review Team**

After the submittal of a Preliminary Subdivision Application Package the Applicant will meet with the Technical Review Team (TRT). The purpose of this meeting is to allow TRT departments that will render comments an opportunity to ask questions, seek additional information, and/or provide guidance to the Applicant regarding Framingham construction standards.

2. Technical Report

The TRT shall provide a Technical Report within thirty-five (35) days of the TRT Meeting. The Technical Report shall provide meeting minutes, contact information for the TRT, a copy of the TRT comments, and a review of the project relative to applicable municipal ordinances, these Regulations, and other relevant Framingham plans, policies, and/or reports.

E. Preliminary Subdivision Plan Requirements

1. Preliminary Subdivision Application Packages Plan sets shall be prepared as follows:
 - a. All plans submitted for review shall bear the stamp and signature of the Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts.
 - b. If applicable, architectural renderings and/or architectural plans shall bear the stamp and signature of a Professional Architect registered in the Commonwealth of Massachusetts.

- c. Landscape plans shall bear the stamp and signature of a Professional Engineer and/or Landscape Architect registered in the Commonwealth of Massachusetts.
2. Preliminary Subdivision Application Plans shall meet **all** the requirements set forth in Section VI in addition to the following **required** information:
 - a. Preliminary Subdivision Plan

The preliminary subdivision plan shall be drawn at a scale of one-inch equals twenty (20) feet to one (1) inch equals sixty (60) feet, unless otherwise stated herein, and shall include the following information:

 - i. All Sheets shall include
 - a) Title block in the lower right-hand corner
 - b) Address(es) of the proposed project, north arrow, date of plan, revision dates, scale, legend, datum source
 - c) Identification of the parcel by the municipal Assessor's Parcel Identification Number
 - d) Project Title/Subdivision Title and "Preliminary Plan"
 - e) Prepared by/Prepared for:
 - f) Stamp and signature of a licensed Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts who prepared the plans
 - g) Boundaries of the Project
 - h) Sheet numbering and an area for the recording of revisions
 - ii. Cover Sheet shall include
 - a) Zoning Table showing the existing, required, and proposed dimensions in accordance with Section IV.E., Dimensional Regulations pursuant to the Framingham Zoning Ordinance.
 - b) Zoning District classification
 - c) Date of the Framingham Zoning Ordinance that the preliminary subdivision plan is developed under (this allows for easy review and use of the correct Zoning Ordinance when reviewing the Preliminary Subdivision Plan and the Definitive Subdivision Plan).
 - d) A statement as to whether the street shall remain in private ownership or if acceptance as a public way will be requested in the future.
 - iii. Locus Sheet
 - a) A Locus Plan to allow adequate consideration of the surrounding neighborhood. The plan shall show the general characteristics of all lands within one quarter (1/4) mile radius around the subdivision property. The

Locus Plan shall include major streets, pedestrian ways, and other applicable information that is characteristic to the neighborhood.

iv. Other required information located appropriately

- a) Names and addresses of owner(s) of record, Applicant(s), developer(s), subdivider(s) and the name, address, signature, and seal of the surveyor and engineer responsible for preparation of the plan. Names of all abutters, as defined under Section II. Definitions, herein.
- b) Existing and proposed lines and widths of streets, curb cuts, easements, and any public or common areas within the subdivision.
- c) Existing and/or proposed system of drainage (including adjacent existing natural waterways) shown in a general way including sewerage, water distribution, and any existing easements.
- d) Boundary lines of proposed lots with approximate areas and dimensions. Each lot shall be numbered.
- e) Right of Way geometry and width of the pavement of the roadway at the street entrance.
- f) Municipal streets shown on the plans that are designated as "Scenic Roads" shall be clearly indicated as scenic roads on the plan.
- g) Location of the following features within the public right-of-way, along proposed road or way, and public right-of-way of the proposed road or way that would impede access to the parcel of land or access to the lots:
 - o all manmade structures and significant natural features such as existing buildings and structures, sidewalks, stone walls and guardrails, rock outcrops, water courses, drains, major trees (ten (10) inch caliper or more) if the project is located on a scenic roadway, and/or other major features.
 - o Locations of all wetlands, with identification of the thirty (30) foot no alteration zone, the fifty (50) foot no build zone, the one-hundred (100) foot State buffer zone, the one-hundred and twenty-five (125) foot local wetland buffer zone, the one-hundred and twenty-five (125) foot vernal pool buffers for both potential and certified vernal pools, and areas within the one-hundred (100) year flood plain, the two-hundred (200) foot riverfront, the one-hundred (100) foot inner riparian, and the five-hundred (500) foot flood plain, and other applicable flood plans.
 - o A topographic plan at two foot contours based on the NAVD88, or most recent Datum. Moderate Slopes shall be shown on the plan as defined in Section IV.E.3.e. Moderate Slope Requirement of the Framingham Zoning Ordinances.
- h) The names, approximate location, and present widths of all adjacent streets, with a designation as to whether the street is public or private and the approximate location of existing utilities to be used. Existing and proposed curbs and sidewalks shall be shown including type, dimensions, and ADA features.

- i) Location of pedestrian areas, walkways, flow patterns and access points including provisions for handicapped parking and access as well as bicycle accommodations.
- j) Base flood hazard zone boundary based on the NAVD88, or most recent Datum, if applicable.
- k) Location and description of Low Impact Development (LID) and Best Management Practices (BMP) techniques to be used within the project.

Rules and Regulations Governing the Subdivision of Land in Framingham

SECTION VII. DEFINITIVE SUBDIVISION SUBMITTAL REQUIREMENTS

- A. GENERAL
- B. PRE-APPLICATION DEFINITIVE SUBDIVISION APPLICATION REVIEW PROCEDURES
- C. MAJOR AND MINOR DEFINITIVE SUBDIVISION PLANS
- D. GENERAL DEFINITIVE SUBDIVISION PLAN REVIEW PROCEDURES
- E. DEFINITIVE SUBDIVISION APPLICATION SUBMITTAL
- F. DEFINITIVE SUBDIVISION PLANS FOR REVIEW AND SIGNATURE UPON APPROVAL
- G. MINOR SUBDIVISION APPLICATION PACKAGE
- H. MAJOR SUBDIVISION APPLICATION PACKAGE
- I. MINOR AND MAJOR DEFINITIVE SUBDIVISION PLAN REQUIREMENTS
- J. REVISIONS AND AMENDMENTS TO THE DEFINITIVE SUBDIVISION APPLICATION PACKAGE DURING
THE PUBLIC HEARING PROCESS
- K. APPROVAL/ENDORSED PLAN – FINAL DEFINITIVE SUBDIVISION PLAN SUBMITTAL POST-
APPROVAL FOR PLANNING BOARD SIGNATURE ONLY

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SECTION VII. DEFINITIVE SUBDIVISION REQUIREMENTS - APPLICANT REQUIREMENTS**A. General**

1. The Definitive Subdivision Plan process has been divided into Major and Minor Definitive Subdivision Review. Major and Minor Definitive Subdivision Review processes allows the Planning Board to receive the proper information for each type of Definitive Subdivision Application.
2. Definitive Subdivisions shall be designed in accordance with Section VIII of these Regulations.
3. In anticipation of submission of a Definitive Subdivision Plan the Applicant shall stake the centerline of pavement of the proposed subdivision road or way, using three (3) foot high wooden stakes on one-hundred (100) foot stations, in addition to three stakes to define a radius of a curve (PVC, PVT, and midpoint). The Planning Board may require the Applicant to flag the edge of pavement.

B. Pre-Application Definitive Subdivision Application Review Procedures**1. Pre-Application Technical Review Meeting**

- a. At any point prior to the submittal of a Definitive Subdivision Plan an Applicant may submit preliminary plans for review by the Technical Review Team (TRT) to receive comments. The Applicant shall contact the Planning Board Administrator to schedule a TRT meeting. During such TRT Meeting, the Applicant will be able to present the preliminary plans to the TRT and ask questions of the members of the TRT in order to receive comments that should be considered when preparing final subdivision plans.

2. Pre-application Definitive Subdivision Plan Application Review

- a. Prior to the finalization of a Definitive Subdivision Application Package, an Applicant may request a meeting with the Planning Board Administrator for the review of the application and/or subdivision plan. During such meeting the Planning Board Administrator can provide review of the application and/or subdivision plan for conformance with Section VII and VIII of these Regulations, answer questions regarding the process, and/or conduct a site visit.

3. Delivery of a Definitive Subdivision Application Package

- a. Prior to the drop-off of a Definitive Subdivision Application Package, the Applicant shall schedule a meeting with the Planning Board Office for the delivery and review of the application. (Such meeting will take approximately thirty (30) to sixty (60) minutes dependent upon a filing for Minor or Major Definitive Subdivision Plan Review)
- b. During the scheduled Definitive Application Package drop-off to the Planning Board Office, the Planning Board Office will review the Definitive Subdivision Application Package, review the subdivision process with the Applicant, prepare a timeline for review of the application, answer any questions that the Applicant may have, and schedule the Technical Review Team (TRT) meeting and opening public hearing.

- c. Complete vs. Incomplete Definitive Subdivision Application Package
 - i. Complete Definitive Subdivision Application Package: If a Definitive Subdivision Application Package is complete and conforms to the requirements of Sections VII and IX of these Regulations then the Planning Board Office shall sign Form 7 – Definitive Subdivision Application Submittal, City Clerk Receipt prepared by the Applicant. The Planning Board Office shall also provide the Applicant with Form 10 – Minor Definitive Subdivision Plan Checklist/Form 11 – Major Definitive Subdivision Plan Checklist which shall be also filed with the City Clerk.
 - ii. Incomplete Definitive Application Package: If a Definitive Subdivision Application Package is incomplete and/or does not conform to the requirements of Sections VII and IX and no waivers are requested for submittal relief then the Planning Board Office shall not sign Form 7 – Definitive Subdivision Application Submittal, City Clerk Receipt and shall provide the Applicant with Form 10 – Minor Definitive Subdivision Plan Checklist/Form 11 – Major Definitive Subdivision Plan Checklist, which identifies the deficiencies that need to be resolved and resubmitted for review. At such time the Applicant shall be given an opportunity to make the application complete. Incomplete applications cannot be deemed “Filed” until such deficiencies have been resolved.
- d. Once a Definitive Subdivision Application Package is deemed complete by the Planning Board Office then the Applicant shall deliver Form 7 – Definitive Subdivision Application Submittal, City Clerk Receipt, 1-copy of an original Form 8 Minor Definitive Subdivision Application/Form 9 Major Definitive Subdivision Application, and Form 10 – Minor Definitive Subdivision Plan Checklist/Form 11 – Major Definitive Subdivision Plan Checklist to the City Clerk Office. At which time the City Clerk will stamp the covers of the three documents and provide the Applicant with copies of the covers bearing the City Clerk’s stamps.
- e. The Applicant shall provide a copy of the stamped Form 7 – Definitive Subdivision Application Submittal, City Clerk Receipt, Form 8 - Minor Definitive Subdivision Application/Form - 9 Major Definitive Subdivision Application, and Form 10 – Minor Definitive Subdivision Plan Checklist/Form 11 – Major Definitive Subdivision Plan Checklist to the Planning Board Office.

C. Major and Minor Definitive Subdivision Plans

Both Major and Minor Definitive Subdivision Plan review shall meet the applicable requirements set forth in Sections VII, as well as other relevant sections of these Regulations. Applicants may reference Section V of these Regulations for procedural purposes. For the purposes of review and applicable submittal requirements Definitive Subdivision Plan Review shall be broken down into Major or Minor Definitive Subdivision Review. Determination as to whether a Definitive Subdivision Plan is either major or minor shall be determined by the following requirements:

1. Minor Definitive Subdivision Plan

The following types of land use activities shall require **Minor** Definitive Subdivision Plan Review by the Planning Board:

- a. Any division of land that creates four (4) or less lots that are determined not to meet the Approval Not Required (ANR) process;
- b. The addition of land to a pre-existing subdivision that was previously approved by the Planning Board where such addition of land does not create more than four new lots;
- c. Modification to a previously approved definitive subdivision where such modification was determined not to be a field change;
- d. Modification to a previously approved plan that was not constructed as a definitive subdivision where such changes are to bring the previously approved definitive subdivision plan into compliance with Zoning Ordinances Section IV.E. Dimensional Regulations and/or other relevant sections of the Framingham Zoning Ordinances;
- e. The connection to an existing lot that was not part of an approved definitive subdivision but will require use of the subdivision roadway as access and frontage;
- f. The re-recording of a plat and/or Definitive Subdivision Plan where a Definitive Subdivision was previously approved but failed to be constructed and/or recorded but no changes were made to the approved plan; or
- g. The modification to an approved Definitive Subdivision Plan where the only modifications to the plan are associated with the approved roadway.

2. Major Definitive Subdivision Plan

The following types of land use activities shall require **Major** Definitive Subdivision Plan Review by the Planning Board:

- a. Any division of land that creates ten (10) or more lots that are determined not to meet the Approval Not Required (ANR) process; or
- b. All Preservation Subdivisions.

3. Planning Board Review for Determination

The following types of land use activities shall require a determination from the Planning Board as to whether the Definitive Subdivision requires Major or Minor Definitive Subdivision Plan Review. An Applicant shall provide a Preliminary Subdivision Plan as required under Section VI of these Regulations for review and determination by the Planning Board during a public meeting. Along with such determination for Major or Minor Definitive Subdivision Plan Review, the Planning Board shall provide a list of applicable items required for submittal in respect to Definitive Subdivision Plan Review.

- a. Any division of land that creates between five (5) and nine (9) new lots that are determined not to meet the Approval Not Required (ANR) process;

- b. The creation of any new roadway or the addition of five-hundred (500) feet or more to an existing roadway where new lots are not created; or
- c. Any activity requiring Definitive Subdivision Plan Review that is not listed under Section VII.C.1 or 2.

D. General Definitive Subdivision Plan Review Procedures

1. Fees

The review of a project shall not commence until the required filing fee has been received by the Planning Board.

2. Abutters List

A certified abutters list shall be provided by the Applicant from the Assessor's Department.

3. Number of Documents for Review

All project application packages shall include the following:

- a. Application (Form - 8 Minor Definitive Subdivision Application or Form - 9 Major Definitive Subdivision Application - Appendix A)
Two (2) copies with original signatures
- b. City Clerk Receipt (Form 7 Definitive Subdivision Application Submittal, City Clerk Receipt – Appendix A)
One (1) paper copy
- c. Designer Certificate (Form 12 Designer Certificate – Appendix A)
Two (2) copies with original signatures
- d. Supplemental Documentation
Two (2) paper copies
- e. Plans Sheets/Sets
Six (6) - 11"x17" half size paper copies (Definitive Subdivision Plan Only: One (1) – 22" x 34" full size mylar will be required upon final vote of the Planning Board)
- f. Electronic Documents
One (1) electronic copy of all documents

E. Definitive Subdivision Application Submittal

Applicants applying for either Major or Minor Definitive Subdivision Plan Review shall prepare and file a complete Major or Minor Definitive Subdivision Application Package with the Planning Board.

1. The following documents are required to be deemed a properly executed Major or Minor Definitive Subdivision Application Package:
 - a. Application forms (Form - 8 Minor Definitive Subdivision Application or Form - 9 Major Definitive Subdivision Application - Appendix A) filled out and signed by all Applicants,

- co-Applicants, and /or authorized persons. All owners of any land included in such plan shall be co-Applicants. The Planning Board may require a deed or other acceptable verification of ownership.
- b. Definitive Subdivision background information shall conform to the requirements of Section VII.G and/or H of these Regulations.
 - c. A Definitive Subdivision Plan set as required in Section VII.I of these Regulations.
 - d. A complete list of waivers approved during the Preliminary Subdivision Review (if applicable) and any new waivers being sought, along with an explanation for each waiver.
 - e. An index of documents, reports, and/or plans that have been prepared that is included in the application package.
 - f. Any draft Deed(s) and/or easement(s) that will be placed on the land for the purposes of infrastructure. In addition, any draft of a proposed deed, easement, covenant, and/or restriction to be granted to Framingham.
 - g. Where a Preliminary Subdivision Plan was filed for review by the Planning Board, the Applicant shall submit a copy of the plan and a narrative regarding the comments and requested amendments to the Preliminary Subdivision Plan that were incorporated into the Definitive Subdivision Plan. Where items identified during the Preliminary Subdivision Plan Review were not incorporated into the Definitive Subdivision Plan, an explanation is required as to why and how the items were not addressed.
2. The Applicant shall deliver a copy of the Major or Minor Definitive Subdivision Application Package to the Board of Health, in accordance with M.G.L. c. 41, Section 81U, as amended at which time, the Board of Health shall stamp the cover page of the Major or Minor Definitive Subdivision Application Package. A copy of the stamped cover page shall be provided to the Planning Board.

F. Definitive Subdivision Plans for Review and Signature upon Approval

1. All plans submitted for review shall bear the stamp and signature of the Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts.
2. If applicable, architectural renderings and/or architectural plans shall bear the stamp and signature of a Professional Architect registered in the Commonwealth of Massachusetts.
3. Landscape plans shall bear the stamp and signature of a Professional Engineer and/or Landscape Architect registered in the Commonwealth of Massachusetts.

G. Minor Definitive Subdivision Application Package

Minor Definitive Subdivision Application Packages are to be filed with the Planning Board in accordance with all directives relative to Section VII, where applicable and any other supporting documentation that is deemed necessary by the Planning Board.

1. Minor Definitive Subdivision Impact Statement

- a. An Impact Statement that is in a narrative and/or table format that provides the

following relevant information regarding the Minor Definitive Subdivision Plan application. The Applicant may provide additional information, but where applicable provide the following information:

- i. Permitting and Land Use History Narrative
 - a) The ownership of the property;
 - b) The permitting history (permits relevant to land use granted and/or denied for the property); and
 - c) The past land uses of the property.
- ii. Proposed Project
 - a) Number, size, and buildable area of the lots;
 - b) Statement of compliance with Section IV.E Dimensional Regulations of the Framingham Zoning Ordinances; and
 - c) Brief narrative that outlines the proposed subdivision.
- iii. Development Impact Statement
 - a) How the road or way will circulate and will flow with existing streets, pedestrian ways, and bicycle lanes.
 - b) Statement as to whether the road or way will remain private or is intended to be an accepted as a public way.
 - c) Drainage calculations prepared by a Professional Engineer registered in the Commonwealth of Massachusetts. Storm drainage design must conform to the requirements set forth by the MassDEP Stormwater Management Standards and Department of Public Works, using Best Management Practices. Furthermore, the report may include City, state, and federal requirements or established standards for implementing best management practices for stormwater management.
 - d) How stormwater will be managed on-site and whether Best Management Practices (BMP) or Low Impact Development (LID) features will be provided for the project.
 - e) Relevant information necessary to make an informed decision regarding the proposed development.
 - f) A written report of any proposed blasting or soil compaction activities that will take place during construction activities. The report shall include methods of abutter notification, methods for testing and data collection, and a summary of how real property damage will be investigated and remedied.
- iv. Infrastructure – Public Sewer and/or Water Only
 - a) A written summary of water service infrastructure detailing the anticipated impact of the project on the City’s water delivery infrastructure and supply.

The summary shall indicate the likely improvements to infrastructure that are necessary to accommodate the identified impacts. Where such determinations cannot be made at the time of application, the report shall indicate what investigations must be undertaken by the Applicant to make such determinations; a timeline for completion of the report shall be also submitted for review by the Department of Public Works.

- b) A written report of the existing and/or proposed sewer service infrastructure on-site and all connection points. The report shall include a detailed description of the conditions of the pipes; a video inspection where appropriate and/or necessary; a detailed description of the anticipated impact of the project on the City's sanitary, stormwater, and sewer infrastructure. Where such determinations cannot be made at the time of application, the report shall indicate what investigations must be undertaken by the Applicant to make such determinations; also, a timeline for completion of the report shall be submitted for review by the Department of Public Works.
- v. Amendments and/or Modifications Requested – *only for modifications to a previously approved Definitive Subdivision Plan*
 - a) A list of proposed amendments and/or modifications to the Minor Definitive Subdivision Plan when a modification to a previously approved Definitive Subdivision Plan is proposed, if applicable.
- vi. Design Standards
 - a) An overview or a Design Standards Report Analysis that outlines how the Minor Definitive Subdivision Plan meets the Design Standards set forth in Section IX. and the Framingham Zoning Ordinances. If proposed amendments and/or modifications do not meet the Design Standards set forth in Section IX. and/or the Framingham Zoning Ordinances, then the Applicant/developer shall provide documentation as to support a request for waivers.

H. Major Subdivision Application Package

Major Definitive Subdivision Application Packages are to be filed with the Planning Board in accordance with all directives relative to Section VII, where applicable and any other supporting documentation that is deemed necessary by the Planning Board.

1. Major Subdivision Impact Statement

a. Neighborhood and Community Impact Statement

i. The Neighborhood Profile

- a) Provide a profile (written summary and/or table format) of the neighborhood within a one quarter ($\frac{1}{4}$) of a mile radius of the subdivision boundaries. This summary may include:
 - 1) Land uses and zoning districts

- 2) Transit options that include: roadways, walkability, and bicycle accommodations
 - 3) On-street parking is permitted on neighboring streets
 - 4) Commercial centers, recreational facilities, and/or schools. Such information will be used to determine as to whether sidewalks will be required on one-side or two-sides of the road or way, if bicycle lanes will be required, and applicable width of the roadway.
- ii. The Site Profile
 - a) Describe the general physical conditions of the existing site including vegetation, topography, and geological, scenic and historical features, trails, open space links, and indigenous wildlife.
 - b) Provide information relative to the location and significance of any historic elements or archeological sites on or adjacent to the project.
 - c) Provide a summary table showing the percentage of the tract of land to be occupied by building(s), lot coverage proposed for each lot, total number of off-street parking spaces provided and usable open space.
 - iii. Noise – nonresidential subdivisions only

Where a nonresidential subdivision directly abuts a residential neighborhood please provide a narrative describing any anticipated noise generated by the road or way that could potentially impact residential abutters. Please provide measures to be taken to mitigate noise.
 - iv. Construction

Provide an anticipated construction timeline for the construction of the road or way. If known, please include information relative to construction phasing, expected build-out, and impacts construction will have on abutting properties and the surrounding neighborhood.
 - v. Population- residential Subdivisions only
 - a) Provide a statement that details the number of residents expected to inhabit the proposed subdivision including the number of school age children (between the ages five to 17) anticipated to reside in the development.
 - b) Provide a statement that details the number of residents expected to inhabit the subdivision and the breakdown of the expected age populations anticipated to reside in the development.
- b. Infrastructure impact statement**
- i. Impacts to Existing Public Infrastructure
 - a) Provide expected average daily and peak water volume demand required for the proposed subdivision. In locations where there is municipal water, provide

information stating adequacy of water main capacity to provide the projected water volume demand to the project without detriment to other users, i.e. water pressure, fire-flows from hydrants, etc. Explain necessary improvements to the water supply and distribution system that will be needed for the project and the timeframe required for implementation. Please estimate the cost of such improvements.

- b) Provide estimated average daily and peak wastewater flow that will be generated by the proposed subdivision. For subdivisions that will use the public sewer system, evaluate the capacity of such system (pipe sizes, pumping stations, treatment works, etc.) to adequately convey the additional wastewater flow created by the subdivision. If such capacity evaluation is not provided, determine the improvements and costs for upgrades to such public sewerage system that will be required.
 - c) Estimate the average daily and peak water demand required to serve the project for domestic consumption and fire protection. Evaluate how and to what extent the project will affect the quality and quantity of any existing or potential public or private water supply, including watersheds, reservoirs, and groundwater.
 - d) Calculate the linear feet of street drains, culverts, sanitary sewers and waterlines to be publicly maintained, applicable if the road or way will be accepted by Framingham or connect into a municipal system.
 - e) Calculate the square footage of the road pavement and sidewalks anticipated to be publicly maintained, applicable if the road or way will be accepted by Framingham.
 - f) Provide a closed-circuit television video of the existing sewer and stormwater drains impacted by the project in accordance with the requirements set forth by the Department of Public Work (DPW), where applicable.
- ii. Private Infrastructure
- a) In locations without access to the public sewerage system, provide details of what the expected environmental effects of on-site sewage disposal will be. Provide information regarding the permeability of the underlying soil. Provide information regarding proposed individual or collective sewage disposal systems and the potential impact on existing wells for potable water of dwellings either within or outside of the proposed subdivision.
 - b) Provide statement regarding impacts to any public or private water supply source or any swamp, bog, pond, stream or other body of water by introducing therein excessive nutrients, dangerous chemical substances or pathological organisms.
 - c) Any private well applications associated with a property must be approved separately by the Board of Health and in compliance with the City of

Framingham Board of Health Private Well Regulations, as amended. For projects that will be serviced by private wells, please provide the well testing report.

- d) Any private septic system applications associated with the property must be approved separately by the Board of Health, in compliance with 310 CMR 15: The State Environmental Code and Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade, and Expansion of On-site Sewage Treatment and Disposal Systems.
- e) For all private infrastructure, describe the property rights (e.g. easements) and mechanisms (e.g. homeowners association) to allow for the long-term operation and maintenance of the infrastructure.

iii. New Service Requirements

- a) Provide the estimated additional new service requirements, in time and cost that the proposed subdivision may place upon municipal solid waste disposal and snow removal.
- b) State possible additional impacts that the project may produce on other municipal and governmental services.

c. **Environmental and Stormwater Impact Statement**

- i. Describe the groundwater resource in terms of quantity and quality. Include a description of the density of the proposed subdivision, if it will significantly lower the water table in the area because of the expected increased use, and any possible detrimental effect to the existing homes sharing the system.
- ii. In locations where a proposed subdivision, or a portion thereof, lies within the watershed or zone of contribution of a freshwater pond, within the watershed or zone of contribution of a public water supply well(s) (either existing or proposed), or within 400 feet radius of a private well, a determinant of nutrient loading shall be required and compared to the carrying capacity of receiving waters, setting forth the probable impact or effect of the proposed subdivision on the receiving waters (ground or surface) over time assuming completion of the subdivision.
- iii. Describe the extent and type of existing surface drainage, water and wetland resource areas and the proposed stormwater drainage system and control of quantity and quality of stormwater runoff from the site. Provide explanation of expected drainage runoff from the systems of roads within the proposed subdivision specifically if it will be directed toward adjoining property. Provide information regarding possible overload of silt up or contaminate to any wetland or water body anticipated. Describe any possible endangerment of any public or private potable water supply. Describe the earthwork required to develop the subdivision with details on the extent of earthmoving, cuts and fill. Detail erosion and sedimentation control measures that will be employed during construction. Will any proposed filling, cutting or other alteration of the topography or any de-

vegetating operations within the subdivision tend to alter existing natural drainage patterns to create drainage problems within or outside of the subdivision?

- iv. Analysis, reports, and/or surveys for soils, test pits, and/or test boring. This information should include test pits and test borings that were prepared by a Professional Engineer registered in the Commonwealth of Massachusetts, taken at 100 foot intervals at the proposed station points as described in the street layout and profile plans and at the proposed locations of any infiltration structures/systems, or at such other points as the Department of Public Works may request.
- v. Describe the existing use, general topography, any unusual geologic formations and soils, and how the project will affect these features.
- vi. Indicate whether the subdivision is within any mapped Natural Heritage & Endangered Species Habitat (NHESP). If yes, describe what measures will be taken to protect said habitat, and what approvals, if any, have been received from NHESP.
- vii. Any map submitted as part of the statement shall be provided by a Professional Engineer registered in the Commonwealth of Massachusetts may be at a scale of up to 1" = 500'. The Environmental Impact Statement may refer to the Stormwater Report or other documents submitted as part of the Definitive Subdivision Application package. The Planning Board requires that the statement be prepared by a Professional Engineer registered in the Commonwealth of Massachusetts.
- viii. An Environmental Impact Report, including a Stormwater Report and a Stormwater Management System Maintenance Report shall be submitted in accordance with Section VI.F.4.a.12) of the Framingham Zoning Ordinances for projects with ten or more residential lots or for all non-residential subdivisions.
- ix. A statement, if applicable, as to the proposed mitigation to off-set stormwater run-off in addition to the maintenance and improvement of the flow and quality of surface water.
- x. An Operation and Maintenance Plan shall be provided to ensure proper maintenance of the stormwater drainage system and to ensure that systems function as designed, in accordance with DEP Best Management Practices. All detention or retention basins shall be the responsibility of the developer and subsequently the homeowner's association, once established, as to its long-term maintenance, and maintenance of the landscaping. Said detention and retention basins with appurtenances shall be guaranteed from defect in construction and operation by the posting of a performance or defect guarantee for a minimum period of three years in an amount not to exceed twenty percent of the value of said improvements.
- xi. Contaminated soils, groundwater, and fill material impacts information regarding

whether or not the property has ever has a reportable release of oil and/or hazardous materials under M.G.L. 21E and the Massachusetts Contingency Plan (MCP) regulations at 310 CMR 40.0000, that is listed on the Massachusetts Department of Environmental Protection If such a release has occurred, regardless of the site status (i.e. open or closed), information must be provided on whether contaminated soils, groundwater, sediment, and/or surface water are to be excavated and/or managed on-site or off-site in any manner. If an Activity and Use Limitation (AUL) under the MCP exists on the deed for the property, information on what the AUL conditions are and how the AUL conditions will be addressed shall be included in such report. Additionally, information should be provided on whether or not fill material is present on the property and if it is to be excavated or managed during the project.

d. Traffic Connection and Impact Statement

- i. Provide information regarding the access roads, public or private, by which the proposed subdivision may be reached and if they are adequate in width, grades and type of construction to carry, without danger, vehicular congestion or confusion, emergency vehicles and the additional traffic that may be generated by the proposed subdivision.
- ii. Provide an estimated vehicle traffic flow at peak periods on streets and intersections within one-thousand (1,000) feet of the subdivision and the nearest major intersections, even if greater than one-thousand (1,000) feet. Describe the likely traffic circulation patterns, traffic safety, vehicle, bicycle, and pedestrian access, and changes to level of service.
- iii. Estimate, using Trip Generation, 8th Edition: An ITE Informal Report, or another standard source or methodology, the number of vehicle trips generated by the proposed subdivision. For non-residential subdivisions, also discuss future vehicular circulation patterns including number and types of vehicles, and describe the proposed bicycle and pedestrian circulation patterns.
- iv. Provide a traffic study in accordance with Section VI.F.4.a.11) of the Framingham Zoning Ordinances for projects with ten or more residential lots or for all non-residential subdivisions.
- v. Provide information as to how the Applicant will mitigate the impacts on streets and services, where applicable.

e. Fiscal impact statement – *information for assessment purposes*

- i. Provide the existing taxable value of the entire parcel pre-subdivision. What is the estimated taxable value of each proposed lot, in addition to the buildings for the proposed subdivision?
- ii. Describe the financial and technical capacity of the Applicant to carry out and complete the subdivision improvements in accordance with the approved plan within two years of the Planning Board's endorsement of the Definitive Plan, to

minimize long term impacts to the municipality and abutters.

- iii. Provide a brief description of the size, style, and type of improvements to the land, at an adequate level of detail for the Municipal Assessor to be able to provide an adequate level of review for assessing purposes.
 - iv. For any project that retains a homeowner's trust please provide a detailed description of the operations, monthly fees, maintenance.
 - v. Provide a description of any improvements on undeveloped land, conservation land, and/or preserved open space.
- f. **Development Master Plan Statement** – *for nonresidential subdivisions only*
- Provide a narrative of how the proposed subdivision meets and/or exceeds the expectations of the following:
- i. the Master Land Use Plan,
 - ii. the Open Space & Recreation Plan,
 - iii. the municipal Stormwater Management Plan,
 - iv. the municipal Master Wastewater Plan,
 - v. the municipal Master Water Plan,
 - vi. the Housing Plan, and
 - vii. the municipal Master Transportation Plan.

I. **Minor and Major Definitive Subdivision Plan Requirements**

The Minor and Major Definitive Subdivision Plan shall be drawn at a scale of one (1) inch equals twenty (20) feet to one (1) inch equals sixty (60) feet, where practical and appropriate to the size of the proposal, unless specified herein. Plans for Minor and Major Definitive shall be designed in accordance with Section VIII of these Regulations and plans shall show the following information, unless identified below:

1. **All sheets shall include the following information** (Required for both **Minor and Major** Definitive Subdivision Plans)
 - a. Address(es) of the proposed project
 - b. Identification of the parcel by the Municipal Assessor's Parcel Identification Number
 - c. Project Title/Subdivision Title and "Definitive Subdivision"
 - d. Prepared by: and Prepared for:
 - e. Stamp and signature of a licensed Land Surveyor and/or Professional Engineer registered in the Commonwealth of Massachusetts who prepared the plans
 - f. Boundaries of the Project with appropriate measurements
 - g. North arrow, date of plan, scale, legend

- h. Suitable space to inscribe the signatures of the Planning Board members and date of signature
 - i. All elevations shall refer to a bench mark (or bench marks) using NAVD88, or most recent Datum. The location and elevation of the bench mark shall be shown on the plan, plus the location of at least one (1) more bench mark.
 - j. Area for revision dates and brief description of the revision
 - k. Name(s) of recorded owner(s)
 - l. Sheet numbers
 - m. A legend denoting any signs and symbols used on the plan, if applicable.
 - n. Suitable spaces to record the Date, Book, and Page of the recorded decision.
- 2. Cover Sheet shall at minimum include the following information** (Required for both **Minor and Major** Definitive Subdivision Plans)
- a. Title block in the lower right-hand corner, along with “Definitive Plan” clearly shown
 - b. Index for all sheets included in the Definitive Subdivision Plan package
 - c. Zoning Table showing the existing, required, and proposed dimensions in accordance with Section IV.E., Dimensional Regulations pursuant to the Framingham Zoning Ordinances.
 - d. Zoning District and Overlay District of the area
 - e. A statement as to whether the street shall remain in private ownership or will seek acceptance as a public way in the future.
 - f. Names and addresses of all owner(s) of record, Applicant(s), developer(s), subdivider(s)
 - g. Any restrictive covenants given under M.G.L. c. 41, Section 81-U, or any amendments thereto
 - h. Any conditions required by the Board of Health, if applicable
 - i. If the property that comprises the subdivision or any part of boundary thereof has been examined, approved, and confirmed by the Middlesex South Registry District of the Land Court, such information shall be noted on the plat with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the Applicant.
 - j. Indication of all easements, covenants, restrictions applying to the land and their purposes, including any decision on appeal, or any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.
- 3. Locus Sheet shall at minimum include the following information** (Required for both **Minor and Major** Definitive Subdivision Plans)

- a. Locus Plan to allow adequate consideration of the surrounding neighborhood, a plan of adjacent properties shall be presented at a scale of not less than one (1) inch equals one-hundred (100) to one-thousand (1000) feet or at the same scale as the proposed site plan if practical. This plan shall show the general characteristics of all lands one quarter (1/4) mile of the proposed site boundaries.
 - b. Any significant change in topography on a street or upon a public right of way within fifty (50) feet of the lot line shall be noted on the plan.
- 4. Erosion and Topography Sheet shall at minimum include the following information (required for **Major** Definitive Subdivision Plans and shown where applicable for **Minor** Definitive Subdivision Plans where applicable)**
- a. An erosion and sedimentation control plan following the “Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts”, USDA-SCS, and “Erosion & Sediment Control in Site Development”, USDA-SCS, latest edition.
 - b. Location and the results of any soil, percolation, and water table tests.
 - c. Existing and proposed topography for areas that will be improved by a road or way, stormwater system, public right-of-way, driveway curb cuts, and significant features that could impact access to each lot. Topography generally at a two foot contour interval, but at a one foot contour interval for gentle slopes and at a five foot contour interval for Moderate Slopes.
 - d. In any subdivision of land where earth removal will be done, the Applicant shall show all areas of clearing and earth removal necessary for construction, roadways, easements, drainage basins, etc.
 - e. A chart indicating lots within the wetlands or flood plain areas of the subdivision shall be provided on the first sheet or cover sheet of the definitive plan.
 - f. Location of natural waterways and water bodies within and existing adjacent to the subdivision.
 - g. Locations of habitats of rare and endangered species
 - h. Major features within the proposed road or way, within fifty (50) feet on each side of the proposed center line of roadways or right-of-ways, within front setback of each lot, or within the area of a driveway curb cut. Such major features may include: stone walls, historical buildings, trees over ten (10) inches in diameter, rock ridges and outcroppings, identifiable historical sites, and swamps. Special attention shall be given to noting physical features which define the boundaries of the subdivision.
 - i. Where applicable, a wetlands delineation, prepared by a professional wetland specialist licensed in the Commonwealth of Massachusetts, which identifies:
 - i. The wetland boundary
 - ii. The thirty (30) foot No Alteration Zone
 - iii. The fifty (50) foot No Build Zone

- iv. The one-hundred (100) foot State Wetland Buffer
 - v. The one-hundred and twenty-five (125) foot Local Wetland Buffer
 - vi. Two-hundred (200) foot Riverfront
 - vii. One-hundred (100) foot Inner Riparian
 - viii. The one-hundred (100) year Flood Plain
 - ix. The five-hundred (500) foot Flood Plain
 - x. The one-hundred and twenty-five (125) foot potential and certified vernal pool buffer
- j. A sheet showing all areas as defined as Moderate Slope, delineation of all wetlands, wetland buffers, riverfront zones, and flood zones. Steep slopes, shall be identified on the plan:
- i. Slopes greater than fifteen (15) percent but less than twenty-five (25) percent
 - ii. Slopes greater than twenty-five (25) percent but less than forty (40) percent; and
 - iii. Slopes greater than forty (40) percent
- 5. Construction Management Sheet shall at minimum include the following information (Required for both **Minor** and **Major** Definitive Subdivision Plans)**
- a. Construction details for all erosion control measures, Best Management Practices (BMP), and structures to be utilized during construction.
 - b. Location of proposed soil and material storage areas on-site.
 - c. Location of all proposed stump dumps and other locations where construction debris is to be buried.
 - d. Plan Note: Construction and truck access routes and hours of operation.
 - e. Any special construction details or other pertinent information which the Planning Board may request as being necessary to evaluate the feasibility of the proposed design of the subdivision.
- 6. Community or Common Facilities Sheet shall include the following information (required for **Major** Definitive Subdivision Plans and shown where applicable for **Minor** Definitive Subdivision Plans)**
- a. Locations of snow storage areas
 - b. Locations of common mail boxes, if applicable
 - c. Locations of dumpster and/or garbage areas, if applicable.
 - d. Any other proposed common or community facilities or structures

- 7. Landscaping Sheet shall at minimum include the following information** (Required for both **Minor** and **Major** Definitive Subdivision Plans)
- a. Identification and locations of existing trees over ten (10) inches in diameter within the proposed road or way, within fifty (50) feet on each side of the proposed center line of roadways or right-of-ways, within the front setback of the proposed Lots, or within the side and/or rear setbacks of the property.
 - b. Location of proposed street trees and other plantings as required in Section VIII.I of these Regulations. One street tree shall be planted every twenty (20) to thirty (30) feet dependent upon size and species, at a minimum of two street trees per Lot created. The Applicant shall select trees in accordance with the Department of Public Works, Tree Warden.
 - c. Where a landscaped/vegetated buffer is required, the Landscaping Plan shall provide details of the buffer. Where a vegetated buffer is proposed to be provided by natural, existing vegetation, an approximate mix and location of existing species shall be shown on the plan sufficient to demonstrate to the Planning Board that existing vegetation is sufficiently dense.
 - d. Where Best Management Practices (BMP) and/or Low Impact Development (LID) such as rain gardens or other bioengineered stormwater management techniques are proposed, detailed landscaping plans shall be included in the Definitive Plan set.
 - e. If applicable, a detailed landscaping plan for the screening of dumpster and/or garbage areas, common or community facilities or structures or common mail boxes.
 - f. Any proposed landscaping or landscaping that will be retained post-construction.
- 8. Lots Boundary Sheet shall at minimum include the following information** (required for **Major** Definitive Subdivision Plans and shown where applicable for **Minor** Definitive Subdivision Plans)
- a. Existing and proposed boundary lines, parcel areas in square feet, acres, and dimensions of all proposed lots, within all lots designated numerically and in sequence.
 - b. Locations, type, and dimensions of all easements.
- 9. Roadway Sheet shall at minimum include the following information** (required for **Major** Definitive Subdivision Plans and shown where applicable for **Minor** Definitive Subdivision Plans where applicable)
- a. Plans of existing proposed roads or ways including horizontal geometry for the road or way centerlines, curbs, sidewalks, bicycle lanes, and other roadside elements, where applicable.
 - b. Profiles of existing street that include the exterior lines and centerlines (determined by field survey) and proposed road or way profile at fifty (50) foot stations (twenty-five (25) foot stations for vertical curves) with centerline elevations tied to a stationed based line, at horizontal scale of one (1) inch = forty (40) feet and at a vertical scale of

- one (1) inch = four (4) feet, or such other scales required by the Planning Board or Department of Public Works (DPW). All elevations shall refer to a bench mark (or bench marks) using Massachusetts Coast and Geodetic Survey Vertical Control for base data and the location and elevation of the bench mark, plus at least one more bench mark.
- c. Detail of typical cross-section of roadway showing all features; details of a gas trap/oil separator catch basin, manhole, headwall, sidewalk, sub-drain, and all other appurtenance, structures, and utilities.
 - d. Plans and profiles shall also indicate the location of any intersecting public or private ways, and the location, material and size of existing and proposed storm drains, water mains, and sewers and their appurtenances, fire alarm, street lighting, and other underground utilities to be placed in the right-of-way.
 - e. On the same sheet there shall be drawn typical cross sections of the proposed street, properly located and identified by station number, at such intervals along the street and shall adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, planting strip, gutters, sidewalks, and similar features.
 - f. Traffic sight distances, vertical and horizontal, for all intersections within the subdivision and the public ways adjoining the subdivision at locations of ingress or egress shall be shown.
 - g. Lot closures traverse of the whole subdivision and of every road or way within the subdivision.
 - h. The following note shall be inscribed on the plan and profile sheets: of Framingham Public Works Department, Engineering Department, and Planning Board, shall be notified 36 hours in advance of any roadway or municipal service construction. No portion of any utilities shall be backfilled until approval for such backfilling is obtained in writing from the Public Works and Engineering Departments. Such approval does not constitute acceptance of such utilities by Framingham.
 - i. Profiles of Proposed Streets (to be made on a separate sheet) Profiles shall be drawn with:
 - i. Sanitary sewer and storm drainage system lines are to be related accurately to center line stationing.
 - ii. Cross sections for proposed streets, in accordance with Framingham Department of Public Works, Construction Standards, showing municipal services, hydrants, and light poles.
 - iii. Bench marks not more than five-hundred (500) feet apart.
 - iv. A horizontal scale of one (1) inch to forty (40) feet.
 - v. A vertical scale of one (1) inch to four (4) feet.

- vi. Existing centerline in fine black solid line with the elevation shown every 50 feet.
- vii. Existing right side line in fine black dash line.
- viii. Existing left side line in fine black dotted line.
- j. Proposed centerline grades and elevations, with elevations shown every fifty (50) foot station except that in vertical curves elevations shall be shown at twenty-five (25) foot station and at the point of vertical curvature (PVC) and point of vertical tangency (PVT).
- k. All existing intersecting walks and driveways shown on both sides.
- l. Sufficient data including lengths, bearings, radii, and central angles to determine the exact location, direction, and length of every street and way line, lot line, boundary line, and easement, and to establish these lines on the ground.
- m. Locations of all existing and proposed permanent monuments and benchmarks, identified as to whether existing or proposed.
- n. All benchmarks shall refer to the NGVD datum system.
- o. Distance between proposed monuments shall be shown on the plan
- p. A sketch plan showing possible or prospective street layouts for any adjacent un-subdivided land owned or land controlled by the owner or Applicant of the subdivision.

10. Stormwater Sheet shall at minimum include the following information (required for Major Definitive Subdivision Plans and shown where applicable for Minor Definitive Subdivision Plans where applicable)

- a. Storm drainage runoff calculations used for the proposed stormwater drainage system design shall be prepared by and display the seal of a Professional Engineer registered in the Commonwealth of Massachusetts. The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity to the site in question. Furthermore, the calculations should be fully documented including copies of charts or other reference sources to make review easier. The use of computer generated reports is acceptable; however, the source of the software should be identified. These calculations shall be used to determine all drainage structures and pipe sizes.
- b. The Applicant shall show the size and location of existing storm drain facilities that the new subdivision proposes to tie into on the Definitive Plan.
- c. If surface water drains onto adjacent streets or onto adjacent properties not owned by the Applicant, in such manner as to create drainage problems, suitable provisions for handling this drainage shall be submitted to the Planning Board.
- d. If surface water drains will discharge onto adjacent existing streets or onto adjacent properties, including municipal property not owned by the Applicant, the course of the discharge shall be clearly indicated. Written evidence shall be presented to the

Board from the City Engineer and Public Works Department (DPW) and from the owner of adjacent property thus affected that such discharge is satisfactory and permitted by the public or private owner of the adjacent street or property, as applicable.

- e. A storm drainage system shown on a separate sheet. The Plan shall include invert and rim elevations of all catch basins and manholes together with surface elevations of all waterways within the subdivision at one (1) foot intervals and approximate depth of water at these points. The Plan shall include the location of all test holes with groundwater elevations noted, sufficient for consideration of road and utility design and building elevations. Plan, profile and cross-section views of all open ditches shall be shown. Surface elevation and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the Applicant's engineer, including design criteria used, drainage area and other information sufficient for the Board to determine the size of any proposed drain, culvert or bridge. The pipe size, material, length, slope of storm drainage infrastructure shall be designed in accordance with the City of Framingham Department of Public Works Construction Standards, as amended.
- f. Sufficient documentation and plans to show how the proposed stormwater management system will meet the Stormwater Management Standards set forth by the Massachusetts Department of Environmental Protection (DEP), as well as acceptable engineering standards in order to address water quantity and water quality through site planning, non-structural measures and Best Management Practices (BMP). Such submission shall include a completed Massachusetts Wetland Protection Act Appendix C-Stormwater Management Form.
- g. Framingham requires the designation of buffer strip at least fifty (50) feet in width around the surface water, wetlands, or other natural features, which may be adversely affected by erosion or stormwater runoff.
- h. Flood Hazard Areas – Lands located within a one-hundred (100) year floodplain shall not be permitted to be developed. Subdivisions involving land designated as flood hazard areas outside of the one-hundred (100) year floodplain shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements:
 - i. Prior to approval, the Planning Board and the Department of Public Works shall review the proposed development to ensure that all necessary permits have been received from those government agencies from which is required by Federal and State law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334
 - ii. Minimization of Flood Damage – Sufficient evidence (construction drawing, grading and land treatment plans) shall be submitted so as to allow the Planning Board to determine that:
 - a) All such proposals are consistent with the need to minimize flood damage;

- b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage;
 - c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d) New and replacement water and sewer systems (including on-site site systems are located, designed, and constructed to minimize infiltration and avoid impairment.
- i. Stripping of vegetation, regarding or other development shall be done in such a way that will minimize soil erosion. Wherever practical, natural vegetation shall be retained, protected and supplemented.
 - j. A plan with a suitable scale, satisfactory to the Planning Board and DPW, outlining the entire watershed which includes the subject subdivision therein shall be submitted indicating surface water flows to the subdivision, within the subdivision and impact after exiting the subdivision. The plan shall cross-the drainage calculations.
 - k. The Applicant shall obtain, provide and maintain records of elevation and flood-proofing levels for all new areas that are substantially improved with structures, regardless as to whether or not the structure contains a basement.

11. Easements Sheet shall at minimum include the following information (Required for both **Minor and Major** Definitive Subdivision Plans)

Indications of all easements, covenants, or restrictions applying to the land and their purpose, whether or not within the subdivision, including any decision, appeal, or variance issued by the Zoning Board of Appeals, or any other board or authority having jurisdiction and applicable to the subdivision land or any buildings thereon.

12. Utilities & Infrastructure Sheet shall at minimum include the following information (Required for both **Minor and Major** Definitive Subdivision Plans)

- a. Proposed layout of the storm drainage systems, water supply system, fire hydrants, fire call/master box systems, sewer mains and all other utilities. These layouts should be checked with the appropriate Boards and agencies. The final approval from the reviewing Boards and agencies shall be in writing and on retained on file with the Planning Board prior to the approval of the definitive plan.
- b. Existing fire call/master boxes should be shown on the plan that appears in or immediately adjacent to the proposed subdivision.
- c. The locations, inverts, slopes, grades, stations, sizes and all other dimensions including type of pipe and materials to be used, of all utilities and appurtenances shall be clearly shown on the plan.
- d. Location of all proposed septic disposal areas within a minimum of one percolation test and two deep test holes per leach area.
- e. The locations, logs, and results of deep observation hole tests and percolation tests for groundwater recharge facilities.

- f. Location of all existing and proposed above ground and underground structures, including but not limited to, buildings, foundations, wells, septic systems, and underground storage tanks, within the subdivision and within one-hundred (100) feet of the perimeter of the subdivision.
- g. If the proposed use of a lot and/or the location of a proposed use is unknown at the time of submission of the definitive plan, the Applicant shall show on the plan sufficient information with respect to existing and proposed underground structures and septic disposal areas, to enable the Board of Health to evaluate whether a septic disposal system can be located on the lot to serve any permitted use of the lot. Where a lot(s) is to be served by public sewers or by a septic treatment plant, the application shall contain a certificate from the Board of Health stating that such public sewers or septic treatment plants are adequate to serve any permitted use of the lot(s).
- h. Standard utility construction details shall be shown on the plan.
- i. Where any utilities or stormwater management devices are proposed outside of the roadway layout, they shall be clearly marked on the plan as a separate sheet. The purpose of this will be to provide future homeowners a clear understanding of the location and purpose of any utilities for which they may be responsible.
- j. Size, material, type, grades (as applicable) and location of existing and proposed municipal services, including rim elevation and invert elevation of all manholes.
- k. Rates of gradient shown in red figures.
- l. All center lines, street lines and curb lines (with elevations every twenty-five (25) feet) of streets for two-hundred (200) feet either side of each intersection on a connecting street
- m. Approximate locations of septic systems and wells and reserve septic locations, in the absence of public sewer or public water connections, as applicable, including sufficient documentation showing the suitability of such locations.
- n. Size, materials, type, grades (as applicable) and location of all existing and proposed municipal services, their appurtenances, including fire hydrants and all easements thereto.
- o. Utility wiring plan/schematic showing the location of telephone, electric and other utility and communication wires, and showing provisions for wiring to accommodate planned street lighting.
- p. Location, materials and type of sidewalks, curbs, street signs, street tree plantings, and location and design of street lighting standards.

13. Other required information located appropriately

- a. Names and addresses of owner(s) of record, Applicant(s), developer(s), subdivider(s) and the name, address, signature, and seal of the surveyor and engineer responsible for preparation of the plan. Names of all abutters, as defined under Section II. Definitions, herein.

- b. Existing and proposed lines and widths of streets, curb cuts, easements, and any public or common areas within the subdivision.
- c. House numbers of each house abutting the property sidewalks, lots, rights-of-ways, easements, and any 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 Planning Board. Purpose of easement shall be indicated.
- d. Location, names, and present widths of street bounding, approaching, or within immediate proximity of the subdivision, showing both the roadway widths and right-of-way widths.
- e. Front, side, and rear setback lines for each lot, and proposed building footprint and driveway for each lot.
- f. House numbers on each Lot as determined by the City Assessor, clearly distinguishable from the Lot numbers.
- g. Dimensions and areas of any and all property to be dedicated or reserved for schools, parks, playgrounds, and/or other public purposes. Proposed system of drainage (including adjacent existing natural waterways) shown in a general way, and sewerage, and water distribution, including easements.
- h. Boundary lines of proposed lots with approximate areas and dimensions. Each lot shall be numbered.
- i. Streets shown on the plans that are designated by Framingham as “Scenic Roads” shall be clearly indicated as scenic roads on the plan.
- j. Existing and proposed topography of the land with two-foot contour intervals, with the exception that the contour delineating any “wetland district” boundary shall be shown accurately, based on the NAVD88, or most recent Datum. The names, approximate location, and present widths of all adjacent streets, with a designation as to whether the street is public or private, and the approximate location of existing utilities to be use. Existing and proposed curbs and sidewalks shall be shown, including type, dimensions, and ADA features.
- k. Delineation of major site features, manmade and natural, including existing buildings and structures, stone walls and guardrails, railroads, important vegetation, soil types that impact the development, major trees (ten (10) inch diameter, or more) in proposed excavation areas and along existing streets, rock outcrops, steep slopes, and swamps, water courses, bodies of water, and any areas requiring a “Notice of Intent” under “The Wetlands Protection Act”, as amended, and such other references known to the Applicant to sufficiently identify the land to which the plan relates and to sufficiently identify any existing impediments to access upon the land.
- l. Location of existing and proposed streets, ways, lots, easements, public and common areas, flood plain boundaries, zoning and zone lines including all overlay districts within and abutting the subdivision.

- m. Location of existing and proposed pedestrian areas, walkways, flow patterns and access points, and provisions for handicapped parking and access and bicycle accommodations. In the construction of the proposed pedestrian areas, walkways, flow patterns and access points, complete street applications would indicate any removal of a public shade tree to be noted on the plan. In the event that a shade tree is to be removed within the public right of way, the Applicant shall contact the Framingham Tree Warden.
- n. For subdivisions involving a minimum of five (5) acres the preliminary plat shall include a base flood hazard zone boundary.
- o. Location and description of Low Impact Development (LID) and Best Management Practices (BMP) techniques uses within the project.
- p. Sufficient data to determine readily the location, bearing and length of every street and way line, lot line and boundary and to reproduce same on ground; all bearings to be referred to a meridian approved by the City Engineer. All boundary lines of the subdivision shall be coordinated to the Massachusetts Coordinate Survey System. Included shall be: the lengths and bearings of plat and boundary lines of all subdivision lot lines including lot frontage on the streets, of the boundary lines of all streets and easements, and the length, radii, tangents, and central angles of all curves in lot lines; all angle points, or intersections of tangents along the street lines; areas of all lots; widths of streets and ways.
- q. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest City, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street side lines, lot lines, and boundaries, or where designated by the City Engineer.
- r. All lots or other division of land are to be designated numerically and in sequence. The lot area of all lots in the proposed subdivision, identified by square foot.
- s. Profile showing the center line of the roadway, sanitary, drain, and water systems.

14. Detail Drawings

Any special construction features, deviating from and/or not covered represented in the site shall be shown on detail drawings. Such detail drawings may be incorporated as part of a utility plan or profile or may be executed on a separate sheet or sheets and shall provide information as to dimensions, locations, elevations, cross sections, materials, etc., of the construction details involved. The requirements for detail drawing shall be applicable, but not limited to, bridges, culverts, structurally stabilized slopes, utility piping encased in concrete, ditches and brooks shaped or constructed to a definite cross section, dams and spillways, steps within the exterior lines of the street and similar construction features indicating surface water flows to the subdivision, within the subdivision, and impact after existing the subdivision. The plan shall cross-reference the drainage calculations included in the Stormwater Report.

J. Revisions and Amendments to the Definitive Subdivision during the Public Hearing Process

1. The Applicant is required to respond, address, and/or consider the requested revisions, modifications, and/or amendments made by TRT comments, and/or TRT department comment letter, the Planning Board prior to the next public hearing when the comments are submitted 48 hours in advance of the public hearing. Otherwise, the Applicant shall respond prior to the following public hearing.
2. Any unresolved comments, development requirements, and/or unsatisfactory standards shall be addressed within the Planning Board decision with conditions of approval.

K. Approved/Endorsed Plans - Final Definitive Subdivision Plan Submitted Post-Approval for Planning Board Signature Only

1. The Applicant shall submit one (1) - 22" x 34" full size paper copy and one (1) - 22" x 34" full size mylar copy for the final plan set as amended through the public hearing process for endorsement by the Planning Board.
2. Upon approval or endorsement of a plan, the Applicant shall provide a complete electronic set of all plans that have been signed by the Planning Board. The Planning Board shall distribute an electronic copy of the approved or endorsed plans to the Technical Review Team (TRT).

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Rules and Regulations Governing the Subdivision of Land in Framingham

SECTION VIII. SUBDIVISION DESIGN STANDARD

- A. GENERAL
- B. MULTIPLE MUNICIPAL AND/OR OWNERSHIP
- C. PROPERTY LOTS AND BOUNDARIES
- D. EASEMENTS AND RESTRICTIONS
- E. MUNICIPAL SERVICES AND DEPARTMENTAL DESIGN AND REVIEW
- F. INFRASTRUCTURE
- G. STREET DESIGN
- H. EROSION AND STORMWATER MANAGEMENT
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SECTION VIII – SUBDIVISION DESIGN STANDARDS

A. General

1. Intent of the Subdivision Design Standards

All subdivisions planned and constructed within Framingham shall be designed to establish neighborhood character and community, enhance connectivity, ensure efficient and sustainable infrastructure, and decrease physical impacts to the natural environment by incorporating Best Management Practices (BMP), Low Impact Development (LID), stormwater management on-site, and alternative energy infrastructure into the project. Subdivisions shall be sited on a parcel of land with the intent of preserving historic and natural resources, retaining contiguous tracks of open space, stone walls, large trees, geological and archaeological features, and vegetation where possible and to minimize any adverse effects that a development may have on abutting properties, the environment, and/or roadways. While these Design Standards shall be incorporated into the design of each subdivision, they shall only serve as minimum design standards.

2. Sensitive Lands and Lands Unsuitable for Development

In no way shall the design of a subdivision create a nuisance, dangerous condition, and/or harmful effect to the general health, welfare, and/or safety of the public or the parcel itself. Subdivisions shall be designed to retain natural features and environmental resources, avoid environmental degradation and sensitive areas, and minimize negative impacts that will alter natural features to the greatest extent feasible. Lands that are unsuitable for development, such as sensitive lands ^{VIII1}, shall not be subdivided and/or developed unless adequate methods are formulated by the applicant/developer and approved by the Planning Board upon recommendation of the Board of Health and the Department of Public Works (DPW).

Land that is subject to flooding, improper drainage, steep slopes, rock formations, unsuitable soil conditions, adverse earth formations or topography, utility easements, and/or other features that, if developed, would create potentially dangerous and/or harmful conditions to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall be deemed unsuitable for development. Lands within a subdivision that are identified as sensitive or unsuitable for development shall be protected and set aside for benign uses that do not cause or present any danger or harm to public health, safety, and welfare.

3. Residential and Nonresidential Subdivisions

The Design Standards set forth herein shall be applicable for both residential and commercial subdivisions, unless denoted otherwise.

^{VIII1} Sensitive lands shall include: watercourses and waterbodies, archaeological, unique and/or fragile areas including wetlands and endangered wildlife habitat areas, significant trees or stands of trees, as well as species of trees which are rare to the area or of particular horticultural or landscape value, historic structures and landmarks, scenic views, vistas and viewsheds, and similar community assets.

4. Master Land Use Plan, Framingham Ordinances, and Massachusetts General Law (M.G.L.) Compliance

All subdivisions shall conform to the Framingham Master Land Use Plan, Water Master Plan, Wastewater Master Plan, Stormwater Master Plan, the Framingham Zoning Ordinances, other relevant Framingham Ordinances, and M.G.L c. 41, as amended.

B. Multiple Municipal and/or Ownership

1. Where a subdivision is located within both Framingham and another municipality, the applicant/developer shall provide appropriate notarized documentation and/or a decision that certifies that the subdivision complies with all applicable regulations in the abutting municipality. Where relief has been granted by the abutting municipality, the applicant/developer shall provide appropriate documentation to support such relief.
2. Where a subdivision is located in Framingham and requires access from an abutting parcel within Framingham or from a parcel of land located within another municipality, the applicant/developer shall provide applicable required notarized documentation that allows access from the abutting parcels to the subdivision.

C. Property Lots and Boundaries

1. Lots, Property Rights

- a. All projects shall comply with the Dimensional Regulations set forth within the Framingham Zoning Ordinances.
- b. All lots shall provide adequate and safe maneuverability and circulation for pedestrians, automobiles, and emergency and oversized vehicles.
- c. All lots shall be designed to meet current dimensional zoning regulations to prevent foreseeable difficulty when obtaining a building permit.
- d. Lots within a subdivision should be laid out so as not to cross municipal boundaries to the greatest extent possible.

2. Bounds/Monuments and Markers

- a. Permanent bounds/monuments and/or markers shall be verified and physically marked by a Land Surveyor registered in the Commonwealth of Massachusetts and reviewed for any discrepancies by the Department of Public Works and/or peer review consultant. Said Land Surveyor registered in the Commonwealth of Massachusetts shall provide a written summary regarding the installation of all permanent bounds/monuments and markers, along with a site plan showing the exact locations of each permanent bound/monument and/or marker.
 - i. Permanent bounds/monuments shall be made of granite in accordance with the Granite Bound Detail Construction Standards found within the City of Framingham, Department of Public Works Construction Standards, as amended.

- b. Permanent markers shall be either metal or iron pipe/pin, at least thirty-six (36) inches in length, and imbedded in the ground as not to easily move and/or shift from the point of installation.
- c. Location of Bounds/Monuments and markers
 - i. Permanent bounds/monuments shall be located at the front corners of each lot, all points where there is a change of direction or curvature of streets, points of tangency, intersections at the sideline and sidelines of existing streets, and along straight lines that exceed five-hundred (500) feet from the next bound/monument that abuts a road or way.
 - ii. A permanent marker shall be set at each corner of a lot, angle points, all points of any change in direction or curvature that do not abut a road or way.
- d. No permanent bound/monument shall be installed until all construction that could disturb or destroy the bounds/monuments has been completed.

D. Easements and Restrictions

1. Easements

- a. Existing easements shall be incorporated into the design of the subdivision and clearly delineated on the site plan.
- b. Where easements are secured for purposes of placement of utilities, the minimum width of such easement shall be twenty (20) feet wide for one utility and thirty (30) feet wide for two (2) or more utilities. Where utilities span across, under, above lots, or are centered on rear or side lot lines, such easement shall be a minimum of thirty (30) feet wide as required by the Department of Public Works.
- c. All utility easements shall be laid out and designed to allow for safe and adequate circulation and passage of maintenance and emergency vehicles.
- d. Easements for bicycle and pedestrian paths that are not within the right-of-way shall be a minimum of twenty (20) feet wide.
- e. Where a subdivision is transversed by a watercourse, drainage way, channel, stream, and/or a stormwater storage facility the applicant/developer shall place a private easement of adequate width to provide protection from the possibility of flooding, protection of banks and adjacent properties, future construction and/or maintenance, and/or other necessary purposes where close proximity to the water could be potentially detrimental. In no case shall such easement be less than 30-feet in width beyond the top of the slope of any stream, drainage ditch, or other channel.
- f. No building and/or structure shall be constructed or sited over an easement.
- g. No section of a road or way, pedestrian path, bicycle path, water system, sanitary sewer system, storm drainage system, and/or other utilities system may be approved if such item requires a connection over land owned by another unless an appropriate easement has been obtained by the applicant/developer. The applicant/developer

shall provide the Planning Board with a copy of the agreement. Such documentation shall be notarized.

2. Self-Imposed Restrictions

If an applicant/developer places a voluntary restriction on any of the land contained within a subdivision that is greater than what is required in these Regulations or by a municipal department, then such restrictions or references to said voluntary restrictions shall be shown on the subdivision plan and recorded with the Middlesex Registry of Deeds or Middlesex South Registry District of the Land Court. The applicant/developer is strongly encouraged to provide such voluntary restriction in perpetuity. Furthermore, the applicant/developer shall provide a written description of the voluntary restriction to the Planning Board.

E. Municipal Services and Departmental Design and Review

1. A subdivision proposed within Framingham shall not place an unreasonable burden, either by direct cause or subsequent effect, on Framingham's ability to provide current and future municipal services. Such public services may include but are not limited to, utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, and recreation facilities. In the event that unusual circumstances beyond the applicant/developer's control dictates where a subdivision must inadvertently place an undue burden on municipal services, the applicant/developer shall then be required to provide mitigation to the municipality to ensure that the expense to install all deficient utilities to an adequate level of service will be covered once the subdivision has been constructed.
2. Each subdivision being reviewed by the Planning Board will be subject to technical review by staff members of the TRT departments to allow for comment on the project and ensure compliance with specific design and development standards. Applicant/developers are required to review and comply with the standards set forth below, unless a TRT department issues a written recommendation to waive such requirements from specific regulations and/or standards.
 - a. **Department of Inspectional Services (Building Department)** – *Only relevant to post-Definitive Approval*

All projects shall be designed and developed in compliance with the Massachusetts State Building Code (780 CMR), as amended. Where conflict between these Regulations and the Massachusetts State Building Code arise, the Massachusetts State Building Code shall prevail.
 - b. **Board of Health** – *Private Well and/or Septic Systems shall require permits from the Board of Health pre-construction that are not part of the Subdivision review process*
 - i. **Private Septic**

Projects that propose private septic systems shall comply with Septic 310 CMR 15: The State Environmental Code and Title 5: Standard Requirements for the Siting,

Construction, Inspection, Upgrade, and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, as amended.

ii. Private Wells

Projects that propose private and community wells shall comply with the City of Framingham Board of Health Private Well Regulations and the Department of Public Works Water Use Regulations, as amended.

iii. Contaminated Soils, Groundwater, and/or Fill Materials

Properties that have reportable releases of oil and/or hazardous materials under M.G.L. 21E, the Massachusetts Contingency Plan (MCP) regulations 310 CMR 40.0000, and/or have an Activity and Use Limitation (AUL) on the property shall provide such reports in compliance with the requirements of the Board of Health for review.

c. **Department of Public Works**

i. Stormwater Management

Subdivisions are expected to exceed compliance for all regulations that are set forth in federal, state, and local statutes and those regulations that relate to stormwater discharge and management. Such regulations may include but are not limited to the following: the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Standards, the revised Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a); Massachusetts Stormwater Handbook, as amended; the NPDES Municipal Separate Storm Sewer System (MS4) regulations; and local regulations set forth by the Department of Public Works (DPW), as amended.

- ii. City of Framingham Department of Public Works Construction Standards, as amended.

d. **Fire Department**

All projects shall be designed in compliance with 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code, as amended.

e. **Conservation Commission**

All projects shall be designed in compliance with the Wetlands Protection Act (310 CMR 10.00), as amended and the Wetlands Protections Ordinances.

F. Infrastructure

1. Fire Infrastructure

- a. All projects shall be designed by the applicant/developer and reviewed by the Fire Department in accordance with 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code, as amended.

2. Sewer and Septic Infrastructure

a. Public Sewer

- i. Developments that will connect to the public sewer system in Framingham shall be designed in accordance with the Sewer Construction Standards found within the City of Framingham, Department of Public Works Construction Standards, as amended.
- ii. Sanitary sewers, including all appurtenances, shall be constructed according to the standards of the Sewer Construction Standards and as shown on the approved subdivision plan to provide adequate sewage disposal capacity for all lots within the subdivision and to provide adequate connection to the municipal sewerage system. Pipe sizes, materials, grades and locations shall be shown on the plan. All sanitary sewer construction methods, materials and testing requirements shall be in accordance with the specifications of the Department of Public Works (DPW).

b. Private Septic

- i. In the absence of a public sewer connection to any lot or subdivision the applicant/developer shall design a private disposal system, such as septic system or package treatment plant. The Board of Health and the Department of Public Works shall review such system and the applicant/developer shall seek the necessary permits for construction of the system through the Board of Health. The Planning Board shall not endorse a subdivision plan where the design of a private disposal system is not approved by the Board of Health.
- ii. Permits for any private disposal of sanitary sewer shall be obtained from the Board of Health prior to the issuance of the building permit from the Department of Inspectional Services (Building Department).
- iii. All private disposal systems shall be designed by the applicant/developer and reviewed by the Board of Health in accordance with 310 CMR 15: The State Environmental Code and Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade, and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Sewage, as amended.

3. Water Infrastructure

a. Public Water

- i. Developments that will connect to the public water system in Framingham shall be designed in accordance with the Water Construction Standards found within the City of Framingham, Department of Public Works Construction Standards, as amended.
- ii. Water mains, laterals, hydrants, gate valves, and other fittings and appurtenances shall be constructed and installed within the subdivision as necessary to provide all lots therein with adequate water supply for domestic and fire protection use. Water supply shall be adequate in terms of quantity, quality, flow and pressure

for the future development of the subdivision, taking into consideration the impacts and servicing of other existing abutting developments.

- iii. All water mains shall be looped and shall be installed and tested according to the Department of Public Works Standards.
- iv. Wherever fire sprinkler systems have been installed each lot shall have a fire and domestic water line.
- v. All installation and connections of water infrastructure shall be reviewed and approved by the Department of Public Works (DPW).

b. Private Water Systems

- i. In the absence of a public water system connection to any lot or subdivision the applicant/developer shall design a domestic water supply such as individual or community wells. The Board of Health and the Department of Public Works shall review such system and the applicant/developer shall seek the necessary permits for construction of the system through the Board of Health. The Planning Board shall not endorse a subdivision plan without having first received documentation of the system approval by the Board of Health.
- ii. All private well systems shall be designed by the applicant/developer and reviewed by the Board of Health in accordance with the City of Framingham Board of Health Private Well Regulations, as amended.
- iii. The drilling of test wells shall not be directed into wetland resource areas unless a permit has been obtained from the Conservation Commission.

4. Underground Utilities

- a. All utilities, including pipes, electrical lines, electricity transformers, telephone, television cable, etc. shall be installed underground within easements or within dedicated public rights-of-way. Such utilities shall be installed in accordance with the Department of Public Works standards and/or the standard practices of the utility company providing such services.
- b. Any new lot or subdivision shall install such utilities underground regardless of existing utility conditions of abutting properties.
- c. In the case of a proposed road widening or extension where overhead utilities exist, such utilities shall be replaced and relocated underground.
- d. The looping of utilities shall be strongly encouraged.
- e. Transformers and/or other infrastructure shall not be placed less than two (2) feet from the edge of the right-of-way or where a sidewalk has been installed not less than two (2) feet from the edge of the sidewalk. Transformers and/or other large components of infrastructure shall be designed so as not to present any obstruction or safety hazard to a public way or its users. Furthermore, transformers and/or other large components of infrastructure shall not be located near a watercourse or waterbody,

where possible such improvement should be located a minimum of one-hundred and twenty-five (125) feet from a watercourse or waterbody.

- f. No waivers shall be granted for above ground utility installation.

5. Retaining Walls and Guardrails

- a. The design and construction of a retaining wall along a road, way, or within the right of way shall be designed and constructed in accordance with the City of Framingham, Department of Public Works, Construction Standards for Retaining Walls, as amended.
- b. Retaining walls shall be designed to enhance and incorporate the elements of the natural and built environment.
- c. Retaining walls shall not be permitted within the embankment sections of a road or way's right-of-way without review and written approval of the Planning Board and Department of Public Works.
- d. No retaining wall shall be constructed to be more than six feet above finished grade in total height. A series of retaining walls may be constructed using a terraced effect where necessary in order to provide an extended horizontal distance between the outside face of one wall that is at least four feet from the face of the next wall. The terraced area of a retaining wall shall be landscaped.

6. Private Utilities

Materials and construction methods shall be in accordance with the requirements set forth by the utility company only after the Department of Public Works and Department of Inspectional Services (Building Department) have approved said infrastructure.

G. Street Design

1. For the purposes of these Regulations the established hierarchy of streets shall be classified and defined as described at Massachusetts Highway Department Project Development & Design Guide (MassDOT PDDG):

a. Freeways

Freeways are primarily for interstate and regional travel (high regional connectivity at high speeds with limited access to adjacent land and limited access for pedestrians and bicyclist).

b. Major Arterials

Major arterials service statewide travel as well as major traffic movements within urbanized areas or between suburban centers (high regional connectivity at a wide range of speeds, and a lower level of local access than the following roadway types).

c. Minor Arterials

Minor arterials link cities and towns in rural areas and interconnect major arterials within urban areas (high to moderate regional connectivity at a wide range of speeds, and moderate degrees of local access).

d. Major Collectors

Major collectors link arterial roadways and provide connections between cities and town (moderate to low regional connectivity at a wide range of speeds, and higher degree of local access than arterials and freeways).

e. Minor Collectors

Minor collectors connect local roads to major collectors and arterials (lower regional connectivity at lower speeds and higher degrees of local access than the previous roadway types).

f. Local Roads

Local roads and streets are not intended for regional connectivity (low speeds with a high degree of local circulation and access).

g. Private Alleyways

A private alleyway is a narrow, one-way or two-way vehicular and pedestrian route that is not intended for acceptance of a public way. The design of a private alley is to provide service to the rear of homes and/or commercial buildings within a neighborhood. Private alleyways are typically designed with a limited amount of curbing and stormwater management and may sometimes incorporate Low Impact Development (LID) into the design.

The map outlining the road classification and street ownership may be found on the MassDOT GIS website at <http://gis.massdot.state.ma.us/maptemplate/roadinventory>

2. Adequacy of Access, Layout, and Alignment of the Street System

- a. All Streets within a subdivision shall be constructed in conformity with the standards set forth in the:
 - i. Massachusetts Highway Department Project Development & Design Guide (MassDOT PDDG), latest edition;
 - ii. Roadway Construction Standards found within the City of Framingham, Department of Public Works Construction Standards, Roadway Construction Standards, as amended; and/or
 - iii. American Association of State Highway and Transportation Officials (AASHTO) "Guidelines for Geometric Design of Very Low-Volume Local Roads.

3. Access from Streets to a Subdivision

- a. Existing streets that provide access to new roads or ways within a subdivision shall be required to provide adequate access and such roads or ways shall be those as follows:

- i. A State public way; or
 - ii. A street that was constructed prior to the adoption of Subdivision Control Laws within Framingham; or
 - iii. A street that was approved as part of another subdivision, which has been constructed in accordance with the requirements of the City of Framingham, Department of Public Works and was formally accepted by Framingham as a public street.
- b. The Planning Board, at its sole discretion, may require a condition of approval that the applicant/developer be required to provide adequate access to the subdivision by either creating a new access road or performing necessary improvements to an existing road or way if it is determined by the Planning Board in concurrence with the Department of Public Works that the subdivision does not contain a necessary connection or adequate access from a City or State public way. Such access road may either be a dedicated strip of land for the purpose of widening an abutting way adjacent to or within the subdivision or the construction of physical improvements to any existing road or way that is not a public street in order to bring such existing road or way up to suitable standard that possesses adequate municipal services and circulation for emergency vehicles. All costs of any widening and/or construction shall be solely borne by the applicant/developer. Such improvements shall be made in accordance with the City of Framingham, Department of Public Works Construction Standards, dated March 2009 revised through March 2016, as amended.

4. Alignment of Streets

- a. Streets and right-of-ways shall be designed in accordance with the standards set forth in Massachusetts Highway Department Project Development & Design Guide (MassDOT PDDG), latest edition, and the City of Framingham, Department of Public Works, Construction Standards, as amended.
- b. All subdivision roads or ways shall be designed so that they will provide safe, adequate and convenient vehicular, bicycle and pedestrian travel, effective fire protection, and sufficient provisions for all utilities.
- c. Intersection Design Standards

Characteristic	Dimension	Notes
Minimum intersection angle	70 degrees	Intersections to the greatest extent possible shall be laid out to intersect at right angles (90 degrees)
Maximum intersection angle	105 degrees	
Minimum radius – street sideline	20 feet	
Minimum Radius - Curb Radius	15 feet	Greater radius is required for truck traffic
Minimum proximity to an intersection	125 feet	This distance shall be measured between the two centerlines of the proposed intersecting street and the existing intersection. A new subdivision street may be constructed at an intersection of two existing streets if the new subdivision road or way aligns opposite the existing street so as to create right angles for each street.
Minimum length of a tangent	100 feet	Provided between tail Point of Tangency of one curve and the Point of Curvature of any following curve. Broken-back curves are prohibited.

- d. All roads or ways shall be contiguous, of uniform width, coordinated, and aligned with each other and with the existing street system in a manner consistent with best current traffic engineering and planning practices.
- e. Horizontal and vertical alignment shall be such that existing contours and natural features will be preserved to the maximum extent possible.

5. Access from Roads or Ways within a Subdivision

- a. All roads or ways within a subdivision shall be designed so as to provide safe and convenient vehicular and pedestrian access as well as adequate circulation within a subdivision. Roads and/or ways that are designed in such a way that could potentially adversely impact or create unsafe conditions, and/or cause congestion to adjacent public and/or private roads, bicycle and/or pedestrian ways will be rejected.
- b. All roads or ways within the subdivision shall be designed to accommodate all season emergency access, delivery and collection services, snow storage, and/or on-street parking where applicable.
- c. All roads or ways within a subdivision shall connect to and be accessible from a public way or an existing private way open to the public and in which the applicant/developer has documented legal right of access.
- d. Any proposed street opening or point of access to a subdivision shall be designed and located to prevent traffic conflicts with existing turning movements and traffic flows and shall provide the minimum required sight distance in accordance with current best practices. Stopping sight distance, measured twenty-five (25) feet from the edge of the intersected traveled way, shall be provided. The stopping sight distance requirement shall be calculated using a hypothetical travel speed that is ten (10) m.p.h. greater than the posted or design speed. A clear sight distance from three point seven-five (3.75) feet above pavement to point five (0.5) feet above pavement shall be maintained. Landscaping, fencing and other structures may not be sited where they could obstruct the required sight distances and/or could otherwise jeopardize traffic safety.
- e. The Level of Service (LOS) for all intersections within one-thousand (1,000) feet of any access point of a subdivision and the nearest major intersections in each direction from a subdivision shall be analyzed for both pre-development and post-development build-out conditions, and shall incorporate best practice LOS analysis procedures. Whenever construction of a subdivision results in a decrease in LOS below a D, the applicant/developer shall be required to propose and implement a feasible traffic mitigation package for Planning Board review and approval. Where an intersection is a LOS D or worse than the applicant/developer shall work with the Department of Public Works (DPW) to mitigate the impacts on the intersection created by the subdivision.

6. Road or Way Design

- a. All roads or ways within a subdivision that are intended to be accepted as a public way shall be designed by the applicant/developer and reviewed with the Department of Public Works in accordance with standards set forth in the Massachusetts Highway Department Project Development & Design Guide (MassDOT PDDG), latest edition, and the City of Framingham, Department of Public Works Construction Standards, Roadway Construction Standards, as amended.
- b. Where possible, roads, ways, and lots shall be laid out to abut existing streets within Framingham. A street block shall not exceed fifteen (15) lots on one side of the road or way.
- c. The length, width, and shape of the road or way shall be designed to comply with the Framingham Zoning Ordinances while ensuring fire and police access, protection, and emergency services.
- d. Roads, ways, and lots are recommended to be designed to provide two tiers of lots along a road or way. This design may be altered only when a private alleyway is utilized and lots front on a landscaped center common.
- e. Roads and/or ways within a subdivision shall be designed to offer easy and prompt access for emergency vehicles and to allow for effective delivery of municipal services (snow removal and/or storage, school bus, and waste removal, etc.).
- f. Where there is more than one road or way within a subdivision. The roads and/or ways shall be looped and interconnected to the greatest extent feasible.
- g. The area outside the side lines of a road or way shall be sloped at a rate no steeper than four feet horizontally to one foot vertically to a point where it precisely coincides with the surrounding ground or the abutters' lawns and properties. Side slopes shall be loamed, seeded, and rolled in accordance with the specifications of the Department of Public Works.
- h. Street dimensional standards shall be in accordance with standards set forth by the Massachusetts Highway Department Project Development & Design Guide (MassDOT PDDG), latest edition, and the City of Framingham, Department of Public Works Construction Standards, Roadway Construction Standards, as amended.

7. Driveway Layout

- a. Driveways shall be offset from all intersections and one another to eliminate potential traffic conflicts and other circulation hazards.
- b. The location of a driveway apron, the grade of the driveway within the right of way and the slope of the entire driveway shall be reviewed by the Department of Public Works. In no event shall the grade of the apron or the grade of the driveway create drainage issues or sheet flow onto a road or way.
- c. All driveways shall be designed to provide proper transition between the sidewalk and the driveway for safe pedestrian passage.

8. Dead End Streets

- a. Dead end streets are discouraged, but shall be evaluated by the Planning Board on a case by case basis. Where possible, all roads or ways shall have two access points from another road, way, and/or street.
- b. If a dead end road or way is proposed then the applicant/developer shall construct either a Y-head, hammerhead, half hammerhead, center common island loop, a U-Loop or a Cul-de-sac with a planter/common green space wherever a subdivision road or way does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Board for access to any adjoining property. Cul-de-sacs without a planter/common green space shall not be prohibited as a dead end.
- c. Dead End Streets Dimensional

Characteristic	Dead End Streets	Notes
Maximum length of a dead end road	500 feet ^{VIII2}	Measured from the centerline of the intersecting street from where access to the dead end is obtained and extending to the furthest point of the turn-around right-of-way.
Maximum number of residential dwellings on a dead end road or way	25	

- d. Dead ends shall be designed to allow for adequate and safe maneuvering and circulation of emergency and municipal police, fire, and public works equipment.
- e. The reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities shall be provided, where applicable.
- f. Dead end turnarounds may be provided only at the terminus of a dead end street to provide for sufficient circulation to reverse direction.
- g. Allowed types of dead end terminus:
 - i. Y-head, Hammerhead, Half Hammerhead Turnaround
 - a) Design criteria for dead end roads or ways that terminate with a Y-head or a hammerhead.

Characteristic	Dimensions	Notes
Length of single arm	Minimum of 70 feet and Maximum of 100 feet (maximum one house lot per side of each arm length)	Measured from the center line of the arm intersection
Width of arms	Minimum of 24 feet	
Turning Radius	Minimum of 26 feet	

^{VIII2} Where an applicant proposed a dead end road or way that is greater than 500' but does not exceed 700' then the Planning Board may evaluate the road or way for consideration of approval. Prior to the Planning Board making a decision on an increase in length of a road or way the Department of Public Works (DPW) and the Fire Department shall review such requests to ensure public safety, emergency vehicle access and maneuverability. The Department of Public Works (DPW) and the Fire Department shall provide a letter of comment to the Planning Board for review and determination.

b) Design criteria for dead end roads or ways that terminate with a half hammerhead.

Characteristic	Dimensions	Notes
Length of arm	Minimum of 60 feet and Maximum of 100 feet (maximum one house lot per side of each arm length)	Measured from the center line of the arm intersection
Width of arms	Minimum of 24 feet	
Turning Radius	Minimum of 26 feet	

- c) The shortest end of the arm shall be reserved for snow storage.
 - d) The shortest end of the arm shall be reserved for trail access, where feasible.
 - e) Sidewalks are not expected to extend along the lengths of the arms of a Y-Head, Hammer Head, or Half Hammer Head unless either a trail access at the end of an arm or a trail easement for the construction connection to an abutting subdivision is provided.
- ii. Center Common Island/Land scape Planter/Common Green Space/Center Common Island Loop
- a) A center common island/landscape planter/common green space/ center common island loop shall typically run the length of the dead end road or way and shall typically be longer than wider.
 - b) The end radius of the center common island/landscape planter/common green space/ center common island loop shall be designed to meet the minimum required turning radius of the Fire Department’s largest emergency apparatus.
 - c) Roads or ways that run along a center common island/landscape planter/common green space/ center common island loop shall circulate in one direction.
 - d) The center common island/landscape planter/common green space/ center common island loop shall be landscaped with street trees that at a minimum run the length of the loop. Furthermore, this area may include Low Impact Development (LID) and the use of Best Management Practices (BMP) for the purposes of stormwater management.
 - e) Adequate street lighting shall be provided along the edge of the center common island loop as recommended by the Planning Board.
 - f) The ends of center common island/landscape planter/common green space/ center common island loop may be utilized for snow storage provided snow storage does not impede lines of sight nor create adverse circulation conditions.

- g) The homeowners association shall be responsible for the maintenance and upkeep of the center common island/landscape planter/common green space/ center common island loop.

iii. U-Loop

- a) A U-Loop shall be designed in a teardrop or U shape formation with one-way circulation around the U-Loop.
- b) The center of a U-Loop shall be landscaped with street trees and may be designed with Low Impact Development (LID) and/or the use of Best Management Practices (BMP) for the purposes of stormwater management.
- c) A minimum of two streetlights shall be installed at the ends of the U-Loop.
- d) The homeowners association shall be responsible for the maintenance and upkeep of the U-Loop.

iv. Cul-de-sac with a Center Common Island/Landscape Planter/Common Green Space Center Planter/Common Green Space

- a) Design criteria for dead end roads or ways that terminate with a cul-de-sac.

Characteristic	Dimensions
Outside Cul-de-sac Radius	Minimum of 48 feet
Center Planter/Common	Minimum of 22 feet

- b) Cul-de-sacs shall be designed to incorporate a center common island/ landscape planter/common green space center island for the purposes of decreasing the amount of stormwater runoff while increasing stormwater infiltration. The center common island/landscape planter/common green space center island shall be planted with drought tolerant plantings and street trees, in addition to the installation of decorative benches for community use, where applicable.
- c) Stormwater retention basins designed in accordance with Best Management Practice (BMP) and/or Low Impact Development (LID) techniques shall be incorporated into the design of the center common island/landscape planter/common green space center island. The Homeowners Association shall be responsible for the maintenance and up keep of the center common island/landscape planter/common green space center island.
- d) Cul-de-sac without center common island/landscape planter/common green space center island is prohibited.

9. Future Road or Way Extension

- a. All subdivisions shall provide a 50' wide easement reservation for the extension and connection to adjoining land. Wherever the Planning Board determines that land adjoining the subdivision can be developed, the subdivision plan must allow for the future expansion of the street and/or other public facilities to the adjoining lands. The subdivision plan must reserve an easement to the adjoining land for the future extension of the road, way, street and/or other public facilities.
 - i. Where a road or way within the subdivision passes within twenty-five (25) feet of an adjacent property, the subdivision plan must reserve one (1) twenty (20) foot wide easement providing access from the way to the adjacent property.
 - ii. Whenever adjoining land is later developed, the applicant/developer of that land may construct the extension of the street and utilities to the existing abutting subdivision. Such construction must include the removal of any turnaround or dead end. Any land within the right-of-way that was part of the turnaround and is no longer needed for an extended right-of-way must be landscaped and deeded to the abutters.
 - iii. If a property that abuts the proposed subdivision is undeveloped, then the proposed road or way must be constructed temporarily as a dead-end road or way. Said right-of-way shall be constructed and extended to the property line as directed by the Planning Board and the Department of Public Works in order to provide for the proper continuation of the road or way and to allow for access of any possible future development of adjacent properties. If any street submitted for approval does not extend through to another street a concept plan of the possible extension must be submitted to show its connection to the nearest proposed or constructed street. The applicant/developer and subsequently the homeowner's association, once established), shall be responsible for maintenance of the right-of-way devoted to the future extension. A temporary one-way U-Loop with a center island designed with proper stormwater management shall be constructed with adequate width on each side for maintenance and emergency vehicles to circulate and maneuver within. Such temporary U-Loop shall have a curb radius of thirty-five (35) feet and a right of way radius of four-five (45) feet. A notation on the subdivision plan shall show that land outside the normal street right-of-way in a temporary Cul-de-sac turnaround shall revert to abutters whenever the street is continued.
 - iv. Reservation strips which would prevent further extension of developments are prohibited.

10. Common Driveways

Common driveways may be used for access to lots within a subdivision or from an Approval Not Required (ANR) Lot that is under the ownership of the applicant/developer. Such common driveways shall:

- a. not service more than three lots that were created through the Approval Not Required (ANR) process and/or an approved Definitive Subdivision Plan.
- b. be designed in accordance with the requirements of 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code, as amended and the Framingham Fire Department.

11. Curbing and Gutters

- a. Curbing and gutters shall be required along roads or ways only when storm sewers are required. Curbs and gutters may not be required along roads or ways that utilize an open drainage system that includes the use of Best Management Practices (BMPs) and Low Impact Development (LID) techniques that are utilized to allow stormwater to infiltrate into the ground.
- b. Granite curbing shall be installed for all commercial subdivisions and residential subdivisions with roads or ways classified as arterials, collector/mixed-use, and local roads in accordance with the construction specifications of the Department of Public Works (DPW). The Planning Board and the Department of Public Works (DPW) shall determine the appropriateness of granite curbing on minor roads and if it is determined to be required shall then be installed in accordance with the construction specifications of the Department of Public Works.
- c. Where curbing is required curb cuts may be utilized to direct stormwater runoff from impervious roads or ways into vegetated swales, bio retention areas, rain gardens, and/or other Low Impact Development (LID) installation.
- d. All curbs and gutters that have been designed in accordance with the requirements of the Department of Public Works (DPW) or with a public way shall be maintained by Framingham. All curbs, gutters, vegetated swales, bio retention areas, rain gardens, and/or other Low Impact Development (LID) installations shall be maintained and managed by the applicant/developer until such time that a homeowners association has been established.

12. Complete Streets

- a. Framingham is a Complete Street community that maintains robust efforts to increase connectivity of pedestrian and bicycle infrastructure throughout the community. All subdivisions shall be required to provide appropriate pedestrian and bicycle facilities.
- b. Subdivisions shall promote and provide connections for pedestrians and bicyclist between adjacent neighborhoods as well as provide access to public facilities.
- c. Sidewalks
 - i. Sidewalks within a subdivision shall be constructed to the following standards:
 - a) The width of a sidewalk shall be a minimum of five feet in width for residential subdivisions and six feet in width for commercial subdivisions. This width expressly excludes curbing, decorative brick, and/or landscape buffers.

- b) All sidewalks shall be designed and constructed in accordance with Massachusetts 2010 ADA Standards for Accessible Design, compliance date of March 15, 2012, as amended and the Massachusetts Architectural Access Board (521 CMR), as amended. Apexes shall be constructed with handicap accessible ramps and rumble strip warnings, where applicable. All sidewalks shall be reviewed for compliance and approved by the Department of Inspectional Services (Building Department) prior to the issuance of the first building permit.
 - c) Roads and/or ways classified as local roads shall be required to provide a sidewalk on one side of the street only unless otherwise determined and directed by the Planning Board. Roads or ways classified as arterials or collectors and mixed-use roads shall provide a sidewalk on two sides of the road or way.
 - d) A strip of grass, pervious surface, or decorative brick buffer a minimum of five feet wide shall be installed between the curb of the road or way and the sidewalk. Said buffer shall not include the width of curbing that separates the buffer from the road or way. Where possible, an applicant/developer is strongly encouraged to utilize pervious pavement and/or bricks.
 - e) All new subdivisions shall provide connections with existing sidewalks that are in the close proximity of the project. Where an adjacent subdivision road ends near the property line of a proposed subdivision an easement shall be provided to connect the two subdivisions with a sidewalk.
 - f) Alternative locations of a sidewalk: The applicant/developer may propose or the Planning Board may require all or some of the sidewalks to be located within the easement rather than the right-of-way of a street. The width and construction of the alternative sidewalk shall be the same as if it was in the right-of-way.
 - g) An applicant/developer may propose a meandering path that follows the contour of the land where a formal sidewalk is not suitable, the topography of the land does not allow, and/or a wooded trail is preferable.
- d. Bicycle Infrastructure
- i. For subdivisions with road or ways classified as arterials or collectors and mixed-use streets, an applicant/developer shall provide bicycle lanes applicable to the proposed roadway.
 - ii. **For non-residential subdivisions.** A bicycle rack that accommodates two bicycles shall be provided within the buffer as required in Section VIII of these Regulations. For residential subdivisions one bicycle rack shall be provided for every ten residential lots created. For commercial subdivisions the number of bicycle racks shall be provided in compliance with Section IV.B.7 of the Framingham Zoning Ordinances as amended.

13. Traffic Calming

- a. Traffic calming features shall be incorporated into the design of the subdivision roads or ways to ensure safety and the best possible quality of life for those who occupy the subdivision where determined to be required by the Planning Board. The use of traffic calming features shall be utilized to reduce vehicle speeds and the volume of cut-through traffic, where applicable. Roads or ways within the subdivision should be designed with a combination of appropriate geometric design criteria, functional classification, and traffic parameters when designing roads or ways. With the proper design of a road or way within a subdivision the use of physical barriers such as speed humps and chokers shall not be required.

14. On-street Parking

- a. On-street parking on roads or ways within a subdivision shall be designed with consideration of safe passage of vehicles within the driving lanes and bicyclists.

15. Street Names and Signage

- a. Each road or way within the subdivision shall be named differently to provide clear distinction in both sound and spelling from existing streets, roads, and/or ways within Framingham.
- b. Whenever a new subdivision road or way extends from an existing street or a new subdivision road or way that will intersect with an existing street resulting in a dead end, then the new road or way may have the same name but a different suffix. Wherever a new subdivision road or way connects two existing streets, the new subdivision road or way shall either have a new name or the same name as the connecting street with a different street suffix.
- c. The applicant/developer shall provide the names for all of the proposed roads and/or ways within a subdivision. A plan accompanied by a list of proposed street names shall be provided to the Assessing Department and the Planning Board prior to the issuance of the first building permit by the Department of Inspectional Services (Building Department).
- d. Street name signs shall be furnished and set in accordance with the Department of Public Works specifications and erected at all street intersections prior to the occupancy of any house on the street.
- e. Street numbers shall be assigned in accordance with Article II, Section 15.2 of the Framingham General Ordinances, as amended.

H. Erosion and Stormwater Management**1. Erosion and Sediment Control Management**

- a. Erosion and sediment controls shall be designed to ensure compliance with the Department of Public Works, Construction Standards, and if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities. The applicant/developer shall provide sufficient information to evaluate the

environmental impact, effectiveness, and acceptability of the measures proposed for reducing adverse impacts from stormwater runoff both during construction.

- b. The applicant/developer shall employ erosion control techniques to ensure that sediment from exposed soils is stabilized during construction and other land disturbance activities. Such controls, where applicable, shall follow practices and procedures as required by Municipal Boards and State agencies and as set forth in the Massachusetts EOE document, *The Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas*.
- c. An Erosion and Sediment Control Plan shall be provided which contains sufficient information to describe the pertinent conditions of the site and the adjacent areas and proposed erosion and sedimentation controls. Development shall be designed and constructed to prevent any possible adverse erosion impacts and so that there shall be no unreasonable soil erosion or reduction in the capacity of the land to accumulate standing water which could result in a potentially dangerous or unhealthy condition.
- d. Erosion and sediment controls shall be designed using Best Management Practices (BMP) and Low Impact Development (LID) to manage construction site stormwater runoff on the site of the development to the maximum extent practicable.
- e. Development shall be designed and constructed to prevent any possible adverse erosion impacts and so that there shall be no unreasonable soil erosion or reduction in the capacity of the land to accumulate standing water which could result in a potentially dangerous or unhealthy condition.
- f. During construction and land disturbance activities, soil erosion and sedimentation that may impact watercourses, water bodies, and/or wetlands shall be minimized by an active stormwater management program that exceeds the requirements of the Department of Environmental Protection Best Management Practices and shall be in accordance with any Order of Conditions issued by the Conservation Commission.
- g. Moderate Slope areas will be terraced to avoid severe cuts, fills, exposed soils, and excavated soil piles resulting in the need for retaining walls.

2. Stormwater Management in New Development and Redevelopment

- a. All commercial and industrial construction or renovation; and all subdivisions under these regulations must meet the requirements set forth in the Stormwater Management Standards promulgated by the DEP under the Clean Water Act, M.G.L. c. 21, Sections 26-53 and its accompanying regulations 314 CMR 9.0 *Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters within the Commonwealth*; and 310 CMR 10.0 *Wetlands Protection Act Regulations*.
- b. All stormwater drainage shall be designed by the applicant/developer and reviewed by the Department of Public Works or a third party designated by the Planning Board for compliance with City, State, and Federal regulations and the City of Framingham,

Department of Public Works, Construction Standards, as amended. The applicant/developer shall provide sufficient information to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed for reducing adverse impacts from stormwater runoff post-construction.

- i. Post-development peak discharge rate must be equal to or less than the pre-development rate for the two (2) year and ten (10) year, twenty-four (24) hour storms.
 - ii. The one-hundred (100) year, twenty-four (24) hour storm must be evaluated to demonstrate that there will not be increased flooding impacts offsite. If the evaluation shows an increased off-site flooding will result from the one-hundred (100) year twenty-four (24) hour storm, BMPs must be provided to attenuate these discharges.
 - iii. The specified design storms shall be defined as a twenty-four (24) hour storm using the rainfall distribution recommended by the National Oceanic and Atmospheric Administration (NOAA) Atlas 14, as amended, or the Northeast Regional Climate Center (NRCC) "Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada."
- c. Proposed residential, commercial, or industrial subdivisions shall apply stormwater management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.
 - d. Wherever subdivisions contain wetlands or a subdivision stormwater system that will flow into a wetlands buffer, an applicant/developer will be required to comply with the Wetlands Protection Act, 310 CMR 10.00, the Framingham Wetland Protection Ordinances, and the requirements of the Framingham Conservation Commission.
 - e. Subdivisions shall not be designed to negatively or adversely impact abutting or downstream properties, or abutting wetlands or waterways. The proposed subdivision will not increase the rates, concentration or velocity of runoff, and it will minimize the volume increase of runoff from the subdivision to adjoining properties.
 - f. Stormwater management shall be designed using BMPs and LID to manage stormwater on the site of the development to the maximum extent practicable.
 - g. Structural BMPs shall follow design practices outlined in Volume 2 of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Standards: "Structural BMP Specifications for the Massachusetts Stormwater Handbook".
 - h. When a BMP (e.g. detention basin) is proposed for a subdivision it shall be located away from house lots adjacent to the proposed subdivision to the greatest extent feasible. Design which conveys a more natural appearance such as a freeform shape

with flat side slopes is preferable to a “swimming pool” shape. Box configurations should be avoided and are strongly discouraged. BMPs shall be designed utilizing landscaping and shall be maintained in perpetuity as an integral part of the streetscape. Aesthetic design will be per specifications of the Planning Board. Fencing of all or part of such BMPs may be required, at the discretion and direction of the Planning Board.

- i. Stormwater management easements are required for all BMPs that capture runoff from more than one parcel, BMPs located on more than one parcel, BMPs that cannot be accessed from a public right-of-way, and off-site stormwater controls (i.e. if the owner does not own the property on which the BMP is located). Stormwater management easements shall be provided by the property owner(s) for:
 - i. access for facility inspections and maintenance,
 - ii. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the one-hundred (100) year storm event; and
 - iii. direct maintenance access by heavy equipment to structures requiring regular cleanout maintenance.
- j. The water quality of the receiving waters or Municipal Separate Storm Sewer System (MS4) will not be degraded by the stormwater run-off from the development site. Provision for attenuation of runoff pollutants and for ground water recharge shall be incorporated into the stormwater management design.
- k. The Planning Board may allow the applicant/developer to contribute to the construction of a public or shared stormwater facility within the same USGS HUC10 upon a finding that the applicant/developer cannot feasibly meet the above standards because there is not sufficient space for onsite stormwater BMPs. However, this option is not the preferred option, and the Planning Board is not obligated to allow for off-site mitigation. Any contribution to a public stormwater facility must be approved by the DPW as the operator of the municipal drainage system. The cost will be based upon the costs of design, permitting, construction, and maintenance of a public stormwater management system and the relative volume and quality of stormwater being directed to the public stormwater management system. The public or shared stormwater management system shall be designed such that its use will bring the altered area into compliance with the required performance standards.

I. Landscape and Streetscape

1. Street Lighting

- a. The applicant/developer shall provide and install all street lighting, bases, poles, wiring and fixtures in accordance with the City of Framingham, Department of Public Works, Construction Standards, as amended.

- b. Street lighting within each subdivision shall be provided at each street intersection, along sidewalks, pedestrian crossings, and all areas intended to attract pedestrians such as trailheads, park entrances, etc.
- c. Street lights that are pole mounted shall conform to the following design standards:
 - i. shall be a maximum pole height of eighteen feet;
 - ii. may be installed upon a maximum of a six (6) inch base above the finished grade; and
 - iii. shall be setback at a minimum of three feet from the curb line.
- d. The style of a street light shall be consistent with the neighborhood and designed to enhance the pedestrian experience and provide vehicular safety.
- e. All bases shall be set above the frost line but no higher than six inches above finished grade. The base of the pole shall be capped with galvanized material. Exposed bolts are prohibited.
- f. All street lights shall be illuminated with dimmable LED fixtures and comply with dark sky requirements.
- g. Lamp(s) of up to twelve hundred (1200) watts per pole-mounted fixture and up to four pole-mounted fixtures per luminaire are allowed.
- h. Street lighting shall be strategically placed so as not to shine within the windows of any residential unit. Wherever such condition are unable to be avoided the applicant/developer shall use down lighting and install a shield on the light. Wherever such lighting is located on the side of the street with a sidewalk, the street light shall be located on the building side of the sidewalk.

2. Public Landscaping

- a. All public landscaping shall be installed in accordance with Best Practices to ensure sustained survival of plantings.
- b. The Framingham Tree Warden shall certify compliance with these Regulations and the acceptance of all street tree plantings prior to the issuance of a Use and Occupancy Permit from the Department of Inspectional Services (Building Department).
- c. Trees and/or shrubs shall not be planted at any street corner or intersection where they would present a visual hazard to traffic by obstructing or visually minimizing sight lines.
- d. Subdivisions shall be designed to have a street tree planted every 20'-30' or a minimum of two street trees per Lot.
 - i. Street trees shall be planted on alternating sides of the sidewalk for sides of a road or way with a sidewalk.
 - ii. Street trees shall be planted in a staggered plane adjacent to the roadway for sides of a road or way without a sidewalk.

- e. Trees shall be a minimum of two point five (2.5) to three (3) inches caliper when planted and shall be a mixture of varieties suitable as street trees as approved by the Framingham Tree Warden.
- f. Utility and transformer boxes shall be suitably screened on all sides with shrubs at least eighteen (18) inches tall, when planted, and that are expected to grow to at least the height of the object that they are intending to screen.
- g. The applicant/developer shall be responsible for continual watering of all shrubs and trees until such time that they are deemed to be established or until the homeowner or homeowner's association assumes responsibility.
- h. Where a median center strip is proposed and/or required by the Planning Board, the applicant/developer shall provide a planting plan designed and stamped by a registered landscape architect who is registered in the Commonwealth of Massachusetts. Said landscape architect shall certify that the islands or median strip have been planted in accordance with the plan within thirty days of the planting.
- i. The homeowners association shall be responsible for the upkeep and long term maintenance of the landscaping within a median center strip, street trees along an un-accepted street, and landscaping around utilities, where required.

3. Buffering and/or Fencing

Where a proposed residential subdivision abuts a commercial and/or manufacturing zoned parcel and/or use, then the proposed residential subdivision shall be designed to include a fence along the property boundary, a landscaped berm, a landscape buffer, and/or retention of existing trees to buffer such uses.

J. Open Space and Paths/Trails

1. Trails

- a. In areas where there are limited sidewalks on abutting roads, ways, streets, and/or where the applicant/developer finds feasible, may choose to provide a trail and/or pathway within the subdivision for the use by the residents of the subdivision. Such trail and/or pathway may be created to provide landowners within the subdivision with access to open space, recreational areas, abutting streets, footpaths, trails, bicycle paths, and/or recreational paths within the subdivision or on adjoining land.
- b. All subdivisions that abut another subdivision should be designed to provide a trail, footpath, or an easement to create said footpath or trail in the future. An applicant/developer shall look to make non-vehicular connections to abutting neighborhoods to the greatest extent feasible. Such non-vehicular connections shall be made with consent of the abutting applicant/developer, landowner, and/or Homeowners Trust.
- c. If an applicant/developer chooses to install trails and/or pathways then, such improvement should be designed to be incorporated into the area's unique natural surroundings.

2. Parks and/or Open Space

- a. Where land is not developable and cannot be utilized for building lots, the applicant/developer may construct a park and/or open space. The park and/or open space shall remain under the ownership of the applicant/developer, applicant/developer, and/or Homeowners Trust, unless gifted to the City of Framingham or nonprofit land management entity. The park shall be shown on the subdivision plan and recorded as a non-buildable lot under the ownership of the Homeowners Trust; or
- b. Open space may be used for stormwater management under the management of the applicant/developer, landowners, and/or Homeowners Trust.

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Rules and Regulations Governing the Subdivision of Land in Framingham

SECTION IX. ENDORSEMENTS, RECORDINGS, AND EASEMENTS

- A. ENDORSEMENT OF AN APPROVAL DEFINITIVE
- B. RECORDING OF AN ENDORSED DEFINITIVE SUBDIVISION PLAN
- C. RECORDING OF EASEMENTS WITHIN AN APPROVED DEFINITIVE OR
LAND PRESERVATION SUBDIVISION PLAN

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SECTION IX - ENDORSEMENTS, RECORDINGS, AND EASEMENTS**A. Endorsement of an Approved Definitive**

1. Approved Definitive Subdivision Plans are intended to be used as contract documents between the applicant/developer, the Planning Board, and various Framingham municipal departments. Approved Definitive Subdivision Plans shall be utilized for the purpose of project inspections to ensure plan conformance during and post construction of the subdivision.
2. All approved Definitive Subdivision Plans shall reflect the voted Decision of the Planning Board and Sections VII, VIII, and/or IX of these Regulations.
3. Upon expiration of the appeal period and certification by the City Clerk that no appeals have been made or such appeal(s) has been resolved, the applicant/developer shall submit one complete paper and mylar set of the approved plans for the endorsement of the Planning Board.
4. A majority the Planning Board shall then endorse with signatures the approved Definitive Subdivision Plan.
5. Once the approved Definitive or Preservation Subdivision Plan has been endorsed it shall be known as the "Endorsed Definitive Subdivision Plan."
6. Reference to any required documents such as the vote and date of the Decision of the Planning Board, the Covenant, Easements, Easements to Framingham, conditions imposed by or any reference to a failure to report on the part of the Board of Health, etc. shall be inscribed on the Endorsed Definitive Subdivision Plan with a note that such documents shall be recorded with the "Record Plan" in accordance with M.G.L. c. 41, Section 81X, as amended.
7. The applicant/developer shall submit one electronic copy of the Endorsed Definitive Subdivision Plan in a PDF format to the Planning Board.

B. Recording of an Endorsed Definitive Subdivision Plan

1. The approved Decision, the Endorsed Definitive Subdivision Plan, any covenant along with any other supplementary documents as required by the Planning Board, these Regulations, and/or M.G.L., shall be filed with the Middlesex South District Registry of Deeds or Middlesex South Registry District of the Land Court in accordance with M.G.L., c. 41, Section 81X and 81-BB, as amended. Once the endorsed Definitive Subdivision Plan has been recorded it shall be known as the "Record Plan."
2. The approved Decision, the Endorsed Definitive Subdivision Plan, and/or any covenant relative thereto, shall be recorded prior to the issuance of a building permit from the Department of Inspectional Services (Building Department).
3. The applicant/developer shall provide the Planning Board with proof of such recording, which includes the date of recording, along with the book and page number.

C. Recording of Easements within an Approved Definitive or Land Preservation Subdivision Plan

1. All deeds and/or easements shall be prepared for review and approval of Framingham's legal counsel. Upon approval of Framingham's legal counsel, the applicant/developer shall file the appropriate deeds and/or easements with the Middlesex South District Registry of Deeds or Middlesex South Registry District of the Land Court. Proof of such recording shall be provided to the Planning Board, which includes the date of recording, along with the book and page number.
2. All deeds and/or easements shall be recorded at the recording of the deed when the lot is sold, where applicable.

Rules and Regulations Governing the Subdivision of Land in Framingham

SECTION X. METHODS OF SECURITY (COVENANTS AND PERFORMANCE GUARANTEES)

- A. ISSUANCE OF BUILDING PERMITS
- B. METHOD OF SECURITY
- C. PERFORMANCE GUARANTEE (PROPER BOND, DEPOSIT OF
MONEY, OR NEGOTIABLE SECURITIES)
- D. COVENANT FOR AN APPROVED DEFINITIVE SUBDIVISION PLAN
- E. INCREASE IN COST OF CONSTRUCTION

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SECTION X. METHODS OF SECURITY (COVENANT AND PERFORMANCE GUARANTEES)^{X1}**A. Issuance of Building Permits**

1. The Building Commissioner shall not issue a building permit for the construction of a structure on any lot within a subdivision without the following written documentation:
 - a. that proper methods of security have been received and properly executed, such letter shall be issued by the Planning Board;
 - b. that a grading plan for the subdivision, prepared by a Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts has been submitted to and approved, such letter shall be issued by the City Engineer;
 - c. That the subdivision has been graded so as to prevent flooding, erosion, and depressions that will not drain and thereby create a public nuisance. Where depressions cannot be avoided, they shall be drained by means of drain pipes no smaller than two (2) inches in diameter and catch basins or other approved inlet structure to the nearest street drains or other approved drainage facility, such letter shall be issued by the City Engineer; and
 - d. That a plot plan showing the proposed elevation of sewer, drain, water, driveway, entrance and related grades must be submitted to and approved, such letter shall be issued by the City Engineer.

B. Method of Security

1. Prior to the issuance of a building permit for the installation of a structure the applicant/developer shall file with the Planning Board a method of security pursuant to M.G.L. c. 41, Section 81U, as amended. Such methods of security shall include one or a combination of the following:
 - a. By a proper bond;
 - b. By a deposit of money or negotiable securities;
 - c. By a covenant, executed and duly recorded by the owner of record, running with the land; and/or
 - d. By delivery to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant/developer by the lender^{X2}.
2. The applicant/developer shall choose the method or methods of security, but it shall be the directive of the Planning Board to determine if the method or a method of security is adequate, appropriate, and sufficient.

^{X1} Section X Reference: "A Primer on Subdivision Performance Bonds" prepared by Barbara J. Saint Andre, Esq., Kopelman & Paige Law, P.C. and further The Handbook of Massachusetts Land Use and Planning Law, 3rd Edition, Attorney Mark Bobrowski, Aspen Publishers – Wolter, Kluwer Law & Business, 2011.

^{X2} The mortgage and/or the holding one or more lots within the subdivision shall not satisfy this requirements.

3. The Planning Board shall not endorse a Definitive Subdivision Plan until adequate, appropriate, and sufficient method or methods of security have been received.

C. Performance Guarantee (Proper Bond, Deposit of Money, or Negotiable Securities)

The Performance Guarantee (Proper Bond, Deposit of Money, or Negotiable Securities) shall be held by the Planning Board to ensure that roads and/or ways, infrastructure, and/or other potential public site improvements are insured in the event that Framingham is burdened with repairs and/or construction of any of the approved subdivision roads or ways, infrastructure, and/or any other potential required public site improvements.

1. Request for Cost of the Performance Guarantee

- a. The applicant/developer shall provide a written request for the cost of the Performance Guarantee to the Planning Board a minimum of three weeks prior to requesting a Building Permit from the Department of Inspectional Services (Building Department). The applicant/developer's request for a Performance Guarantee Cost Estimate shall include the following:
 - i. A detailed punch list of all items that will be required for construction within the right-of-way; and
 - ii. A detailed Cost Estimate of the work to be completed in the right-of-way (road, way, utility improvements, etc.) as specified as follows:
 - a) The applicant/developer's estimated cost to complete the road, way, and utility improvements. Such cost estimate shall be in the format of the detailed punch list of all items that will be required for construction within the right-of-way;
 - b) A ten percent contingency;
 - c) Cost increases due to inflation over a five year period; and
 - d) Cost estimate for the as-built and street acceptance plans.
- b. Upon receipt of the applicant/developer's Performance Guarantee Cost Estimate the Planning Board shall request that the Department of Public Works (DPW) review the applicant/developer's proposed numbers and either verify or provide revised Cost Estimate.
- c. Upon determination of an amount of the Performance Guarantee the Planning Board shall submit a copy of the following documentation to the Treasurer's Office for deposit or retentions of the funds.
 - i. the applicant/developer's Performance Guarantee Cost Estimate,
 - ii. a letter from the Department of Public Works (DPW) either confirming the applicant/developer's Performance Guarantee Cost Estimate or the a revised amount of the required Performance Guarantee;
 - iii. a letter from the Planning Board outlining the conformance benchmarks for the release of Performance Guarantee funds; and

- iv. a copy of the Performance Guarantee Contract executed by the applicant/developer and the Planning Board.

2. Payment and Holding of Performance Guarantee

- a. A Performance Guarantee shall be provided to the Planning Board in the form of a check (made out to "City of Framingham"), a letter of surety, and/or a bond. Such funds shall be deposited into a separate account and held for a minimum of two (2) years after the issuance of the final Use and Occupancy Permit has been issued by the Department of Inspectional Services (Building Department) for the last building within the subdivision.
- b. If a cash Performance Guarantee is provided to the Planning Board, the Planning Board shall deposit the funds with the City Treasurer, along with a written agreement that the accrued interest shall be returned to the depositor of such funds. The City Treasurer shall deposit such funds in a separate account, specifically created for the subdivision.

3. Reduction and/or Return of a Performance Guarantee

a. Reduction and/or Partial Release of the Performance Guarantee

The sum of any Performance Guarantee held by the Planning Board may be reduced from time to time so that the amount deposited and/or retained by the Planning Board shall continue to reflect the actual expected cost of work remaining to be completed. In no event shall individual lots be released from the covenant or a reduction in the Performance Guarantee until the road or way has been completed, in addition to all municipal services and required improvements are also completed connecting individual lots. Furthermore, at no time shall the amount of the Performance Bond held be decreased to less than twenty-five (25) percent of the original total value of the Performance Bond.

In the event that the applicant/developer is seeking a partial release of a Performance Bond or of the covenant, the applicant/developer shall submit a written request to the Planning Board detailing what work is claimed to be satisfactorily completed, an updated Performance Guarantee Cost Estimate required in Section X.C.1 and a list of which lots, if any, is to be released.

A request for a partial release of a Performance Bond shall be made within a minimum of three weeks prior to the request of a Building Permit from the Department of Inspectional Services (Building Department). Such releases shall be requested for twenty (20) percent, twenty (40) percent, sixty (60) percent, and eighty (80) percent respectively of the total number of units. When such percentage results in a fractional unit, the number shall be rounded up to the next whole number of units.

b. Final Release of a Performance

Prior to final release of the Performance Guarantee the Planning Board shall determine to its satisfaction that the provisions of the approved Decision, approved modifications to the Decision and the endorsed plan are in compliance. Additionally,

the applicant/developer shall submit to the Planning Board the following documents for review and approval by the appropriate reviewing authorities:

- i. A certificate from a Registered Professional Engineer licensed in the Commonwealth of Massachusetts that the roads or ways, drainage, and municipal services conform to the requirements set forth in the approved Definitive Plan, accompanied with any approved modifications. Upon receipt the Department of Public Works (DPW) shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
- ii. A certificate from a Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts that all markers, bounds, and monuments as specified by these Regulations and shown on the approved Definitive Plan, are in place and are accurately located. Upon receipt the Department of Public Works shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
- iii. The original and three copies of the following as-built plans and profiles prepared by a Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts. Upon receipt the Department of Public Works shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
 - a) A plan and profile of the roads or ways and easements, detailing the location, elevation and pipe size of all utilities and showing appurtenances, such as, but not limited to, manholes and valves, and including rim and invert grades of manholes, and percent of slope for sewer and drain line.
 - b) A plan and profile suitable for submission to the municipality for approval process for street acceptance purposes.
 - c) A landscape plan that shows all easements, street trees, street lighting, landscaping associated with stormwater, stormwater management systems, and any other potentially public site improvement.
- iv. Written evidence that the fire alarm system conforms to the requirements of the Framingham Fire Department's regulations and specifications, in addition to the approved Definitive Subdivision Plan. Upon receipt the Framingham Fire Department shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
- v. Written evidence of insurance from a professional landscape architect licensed within the Commonwealth of Massachusetts, arborist, horticulturalist, or tree specialist that the planting of the street trees and other potentially public plantings have been installed in accordance with best practice and that all species are in good health. Additionally, that all street tree plantings are in compliance with the approved Definitive Subdivision Plan and/or approved modification.

Upon receipt the Department of Public Work's Tree Warden shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.

- vi. Written evidence from the applicant/developer's legal counsel that the applicant/developer has executed an instrument in proper legal form, transferring to Framingham, without cost, valid unencumbered title to all roads, ways, and public ways, common sanitary sewers, storm drains, water mains and other applicable municipal services, and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved and conveying to Framingham, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain sewers, water mains, storm drains, including open channel brooks, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or portion thereof to be approved and if any such services have been constructed and installed in land not within such streets, then in, through and under a strip of land extending at least ten (10) feet in width beyond the center line of any pipeline or conduit and at least ten (10) feet beyond the top of slope of any stream, drainage ditch, or other open channel and the water, sewer and/or drain lines shall be placed in this easement as instructed by the Department of Public Works, but shall be located so that any future excavation will not disturb any land beyond the easement. Upon receipt, Framingham's legal counsel shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.

To facilitate the above described transfers, the applicant/developer shall retain the fee (ownership) in all roads or ways and other land to be transferred to Framingham during the development of and sale of or other encumbrances of any lot in the development. The applicant/developer shall also make certain that all required easements are properly recorded on each and every lot on which an easement is to be placed.

- vii. Written evidence from the applicant/developer that the Board of Health's requirements are in compliance. Upon receipt the Department of Public Health shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
- viii. Written evidence from the applicant/developer that the Department of Public Work's requirements are in compliance. Upon receipt the Department of Public Works (DPW) shall review the submitted documentation and either request the required modification or submit a written letter of approval to the Planning Board.
- ix. Where applicable, written evidence from the applicant/developer that the Conservation Commission that any order of conditions issued under the Wetlands Protection Act, as amended is in compliance. Upon receipt the Conservation Commission shall review the submitted documentation and either request the

required modification or submit a written letter of approval to the Planning Board.

- x. Written evidence from the applicant/developer that all other Local, State, and Federal Boards or agencies that required permits under these Regulations as part of this approval are in compliance.

c. Converting a Performance Guarantee for another Method of Security

In the event that an applicant/developer requests a Building Permit for the last remaining lot of a subdivision while there are remaining improvements needing to be constructed and/or installed, then the applicant/developer shall submit a written letter stating such conversion of funds from the respective Performance Bond account held by the Planning Board. In addition, the applicant/developer shall state how those improvements have been completed and demonstrate compliance where applicable to the requirements set forth in Section X.A. of these Regulations and detail what the converted funds will be covering. Additionally, the written request shall include the following information:

- i. The extent and scope of the remaining work to be completed in order to satisfy the requirements for the construction and/or installation of all the required roads or ways, infrastructure, and other potential public site improvements.
- ii. The form and type of Performance Guarantee that was provided to the Planning Board that is being converted. In the event that the Performance Bond was provided in the form of a Letter of Surety, the applicant/developer shall contact the lender, make appropriate changes to the account and provide an extension of time for an additional two years.

Based on the information provided and in consultation with the Department of Public Works (DPW) and other relative departments, the Planning Board shall make a determination as to the sufficiency of the submitted information. Upon acceptance by the Planning Board of the converted Performance Guarantee the funds will be held for a minimum of two additional years or until such work has been completed at the discretion of the Planning Board.

d. Action on the Performance Bond

If pursuant to Section X of these Regulations the approval of the subdivision is rescinded by the Planning Board or for some other reason automatically rescinded, the Planning Board may then enforce and apply any Method of Security for the benefit of Framingham. The subdivision improvements and/or portions of the subdivision not completed within the required time shall be completed in accordance with the design and construction standards of these Regulations.

D. Covenants for an Approved Definitive Subdivision Plan

- 1. An applicant/developer may opt for a Covenant as a method of security; such covenant shall require the completion of all roads, ways, and improvements within the right-of way. In the event that an applicant/developer requests the release of lots prior to the

completion of the road, way, or improvements within the right-of-way, then the applicant/developer shall provide an additional method or methods of security.

- a. The applicant/developer shall provide a draft copy of the Statutory Covenant and where applicable a Supplemental Covenant for review and required approval of the Planning Board and Framingham's legal counsel.
- b. Covenant shall be executed and duly recorded by the applicant/developer of record and shall run with the land.
- c. Improvements shown on the Endorsed Definitive Subdivision Plan shall be completed no later than three years from the date of endorsement of the respective plan. Failure to complete the improvements will result in the rescission of the approval of the Definitive Subdivision Plan Subdivision Plan by the Planning Board, unless the Planning Board determines that it is reasonable to extend such time period by a finding of good cause. Such request for an extension of time shall be submitted to the Planning Board for review a minimum of forty-five (45) days prior to the expiration of the three (3) year period.
- d. Statutory Covenant: The applicant/developer shall prepare a Statutory Covenant stating that no lot shall be sold nor building be erected within the approved Definitive or Preservation Subdivision until the improvements specified are constructed and installed in accordance with the approved original or modified respective Decision as shown on the respective Plan, ensuring that each lot is adequately serviced by said road or way, infrastructure, utilities or necessary associated site improvement.
- e. Supplemental Covenant:

The applicant/developer shall prepare a supplemental covenant agreement to ensure perpetual maintenance of the roads or ways and utility, including snow removal and trash pick-up at the expense of the owners if the road or way is to remain private or until the road or way has been accepted by Framingham as a public street. Such Supplemental Covenant shall require review and approval of Framingham's legal counsel and recording along with the Endorsed Plan.
- f. All covenants shall be referenced in the Recorded Definitive or Preservation Subdivision Plan.

E. Increase in Costs of Construction

If the specific improvements are not in compliance within the prescribed time, the Planning Board shall proceed with the enforcement as permitted in M.G.L. c. 41, Section 81Y, as amended or revise the amount of the Method of Security to reflect the increase in the estimated cost to complete the items covered by the Performance Bond.

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Rules and Regulations Governing the Subdivision of Land in Framingham

APPENDIX A. POST-APPROVAL PROCESS AND PROCEDURES (CONSTRUCTION)

A. POST-APPROVAL (CONSTRUCTION) AND CONFORMANCE PROCEDURES AND REQUIREMENTS

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Appendix A. Post-Approval Process and Procedures (Construction)

A. Post-Approval (Construction) and Conformance Procedures and Requirements - *Definitive Subdivision only*

Appendix A of these Regulations is intended for guidance and informational purposes only. This Appendix provides an outline of potential post-approval conformance requirements. Applicant/developers and/or applicant/developers are expected to work with the respective departments to obtain the proper permits, and information related to procedures. Therefore, prior to the commencement of construction the applicant/developer/applicant/developer shall review the Planning Board's decision and Appendix A of these Regulations.

1. Pre-construction or Issuance of a Building Permit

Once the appeal period has lapsed, Applicant/developers may proceed with work on the construction phase of an approved Major or Minor Definitive Subdivision Plan or Preservation Subdivision Plan. Prior to the commencement of construction the applicant/developer/applicant/developer shall do the following:

- a. Attend a pre-construction review meeting scheduled by the Planning Board. This meeting may include members of the Conformance Review Team (CRT): DPW, Board of Health, Department of Inspectional Services (Building Department), the Fire Department, and other applicable departments;
- b. Submit an electronic copy of the endorsed plans and recorded Planning Board Decision to the Planning Board;
- c. Provide name and contact information of on-site project superintendent and a twenty-four (24) hour contact information;
- d. Provide a construction schedule that shall be updated throughout the construction phase of the project; and
- e. Provide any additional information cited as a condition in the Planning Board's project Decision.

2. Infrastructure Fees

- a. Prior to the issuance of a Building Permit by the Department of Inspectional Services (Building Department) the applicant/developer shall pay the Water Entrance, Sewer Entrance fees to DPW.
- b. Prior to the issuance of a Use and Occupancy Permit by the Department of Inspectional Services (Building Department) the applicant/developer shall pay the Sewer Inflow/Infiltration fee to DPW.

3. Construction Peer Review Consultant

- a. In accordance with Section III.N of these Regulations and at the discretion of the Planning Board and/or DPW, a determination may be made that the project requires a Peer Review Consultant to ensure that no violation of public safety or good and project conformance during construction takes place.

- b. If a Construction Peer Review Consultant is not required during the project review and/or approval process but the applicant/developer is in violation of Framingham's standards of construction, then the Planning Board and/or DPW may require a Construction Peer Review Consultant to be contracted for review of the deficiencies and/or areas of non-compliance. In cases of non-compliance of Framingham construction standards or the project decision, all work associated with the non-compliance shall be temporarily paused until such Construction Peer Review Consultant has been contracted at which time work may recommence.

4. Work Notification And Inspections

- a. In accordance with M.G.L. c. 41, Section 81CC, as amended, following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs and/or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations, and directives of the Applicant/developer and the Applicant/developer's contractors.
- b. The DPW, the Police Department, and the Planning Board, shall be notified at least thirty-six (36) hours in advance of any construction with the public right-of-way. No portion of any utilities shall be backfilled until approval of such backfilling is obtained in writing from the DPW.
- c. The Fire Department shall be notified at least 36 hours in advance of installation of any work on the fire alarm system.
- d. No portion of any utilities shall be backfilled until approval of such backfilling is obtained in writing from the DPW and/or the Fire Department in the case of the fire alarm system.
- e. Prior to backfilling, the applicant/developer shall, at his own expense, have the utilities located, including determination of elevation by a Land Surveyor and/or a Professional Engineer registered in the Commonwealth of Massachusetts, and proof of such location, such as field notes, shall be presented to the City Engineer for approval prior to back-filling.

5. Construction Reporting

The applicant/developer shall maintain a clear line of communication with the Planning Board, DPW, and respective municipal departments. The applicant/developer is expected to provide the following:

- a. A written construction timeline prior to the start of construction. Such timeline shall be updated periodically and provided to the Planning Board, DPW, the Department of Inspectional Services (Building Department), the Fire Department, and all other applicable departments;
- b. A weekly construction report to the Planning Board and DPW;

- c. A written request for modification from the Planning Board's Decision, when applicable, approved Definitive Subdivision Plans or any other requirement set forth by a respective reviewing department; and
- d. Any other applicable reporting that is relevant and critical to the construction of the project.
- e. In the event of an erosion control failure, escape of any sedimentation onto roadways or into public catch basins, the applicant/developer shall contact the Planning Board and the Conservation Commission with twenty-four (24) hours to conduct a site visit to ensure that the site is brought back into compliance.

6. Clean-Up of Site

- a. No debris, junk, rubbish, or other non-biodegradable waste material may be buried, left, or burned on any land within the subdivision. Removal of such materials will be required before the final release of any covenant or surety. Tree limbs, brush, and stumps are not considered biodegradable materials and may not be buried on the site.
- b. The entire subdivision area must be cleaned so as to maintain a neat and orderly appearance, free from debris, and objectionable material. Excessive slopes, deep holes, and/or stock piles shall be properly protected.
- c. The public way along the property shall be free of debris and cleaned daily.
- d. Upon completion of the work, the applicant/developer shall remove from the roadway and adjoining property all temporary structures, surplus material, and rubbish which may have accumulated during the performance of the work, and shall leave the subdivision in a neat and orderly condition
- e. The entire area must be cleaned up within thirty (30) days of the completion of construction and prior to the completion of the subdivision so as to leave a neat and orderly appearance free from debris and other objectionable materials.
- f. All catch basins shall be properly cleaned out upon completion of construction.

7. Protection of Utilities

An applicant/developer shall protect all utilities and appurtenances installed under these standards from any and all damage until the ways are accepted by Framingham. Any damage to these utilities and appurtenances prior to acceptance by Framingham shall be repaired in a manner satisfactory to the DPW and the full cost of such repair shall be borne by the applicant/developer. Any material used which does not meet the standards of the DPW shall be replaced by the applicant/developer at his own expense.

8. Issuance of Use and Occupancy Permits from the Department of Inspectional Services (Building Department)

Prior to the issuance of a Use and Occupancy Permit from the Department of

Inspectional Services (Building Department), the applicant/developer shall provide the Planning Board the following:

- a. The required performance bonds in accordance with Section XII. of these Regulations;
- b. A list of the units, expected completion dates of each respective unit and a date that the Use and Occupancy Permit is required for the respective unit; and
- c. Covenants and other required documentation as required in the Planning Board's Decision and/or these Regulations.
- d. The subdivision's approved decision and endorsed plans have been recorded at the Middlesex County Registry of Deeds or at the Middlesex South Registry District of the Land Court.
- e. The Fire Department has verified that the subdivision meets fire flow requirements. It is strongly suggested that the water main and related services be constructed as soon as possible, to ensure compliance with these Regulations.
- f. The Fire Department is satisfied with the results of any fire hydrant flow test(s) for any fire hydrant and/or fire system within the subdivision.

9. Required Final Plans

Upon completion of the project the applicant/developer/applicant/developer shall provide the following plans in accordance with the Planning Board's Decision, where applicable, prior to the issuance of the final Use and Occupancy Permit issued by the Department of Inspectional Services (Building Department). All submitted plans shall be prepared, signed, and stamped by a Professional Engineer registered in the Commonwealth of Massachusetts.

a. As-Built Plan

An as-built plan set that shows the final constructed project shall be submitted for review and certification showing that the subdivision has been constructed in accordance with the approved/endorsed subdivision plan. Where deviations and/or approved modifications have been made the applicant/developer shall provide a detail sheet that highlights such amendments along with a written narrative for each. As-built plans shall adhere to the requirements set forth in the Department of Public Works Construction Standards, as amended.

- i. If, during construction of a subdivision, any drainage provisions should be found to be inadequate or omitted, because of conditions encountered during actual construction, the Planning Board shall require that such additional drainage facilities as are necessary be constructed by the applicant/developer at his expense. All stormwater field changes must be approved by DPW and the City Engineer, the project peer review where applicable, and shall be identified on the As-Built Plans.
- ii. The applicant/developer shall provide separate plan showing the approximate

location of utility wires, and showing provisions for wiring to accommodate planned street lighting shall be furnished to the Planning Board, Department of Inspectional Services (Building Department), City Engineer, and/or the DPW. The Department of Inspectional Services (Building Department) and the Planning Board shall be notified in writing three days prior to the installation of said wires so that their installation may be properly supervised.

- iii. As-built plan shall show the center line of the road or way and complete profile of the sanitary, drain, and water system.

b. Elevation Plans

The applicant/developer shall provide an Elevations Plan showing the pre-construction and the post construction elevation points to ensure that the elevations as constructed conform to the approved/endorsed plan. The City Engineer reserves the right to take survey elevation shots to ensure that the project has been developed in accordance with the approved/endorsed plan. In the event that the elevations as constructed do not meet the approved/endorsed plans, the Planning Board and City Engineer will determine what adjustments the Applicant/developer will be required to make to the site to remedy such deviations.

c. As-Built CADD Plans

The applicant/developer shall submit a Computer-aided Design and Drafting (CADD) as-built plan reflecting the final as-built conditions and property lines. Said CADD as-built plan shall be prepared in accordance with the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the DPW.

10. Final Review and Approval

Prior to the issuance of the final Use and Occupancy Permit of the last unit the applicant/developer shall provide the Planning Board and/or respective department with the following information:

- a. The Applicant/developer shall provide a timeline for when said street is anticipated to be ready for acceptance in accordance Appendix B. of these Regulations where a subdivision street is to be accepted by Framingham.
- b. The Planning Board Administrator shall perform a final review of the entire subdivision to ensure compliance with the requirements of the Planning Board's Decision and approved Definitive Subdivision Plan, and any modification approved by the City Engineer.

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Rules and Regulations Governing the Subdivision of Land in Framingham

APPENDIX B. STREET ACCEPTANCE PROCEDURES

- A. PROCEDURAL OVERVIEW
- B. APPROVAL
- C. ROADS OR WAYS NOT INTENDED FOR ACCEPTANCE
- D. FINANCIAL AND LEGAL RESPONSIBILITY
- E. REQUIREMENTS FOR STREET ACCEPTANCE
- F. REQUIRED DOCUMENTATION FOR STREET ACCEPTANCE UNDER CHAPTER 410 OF
THE ACTS OF 2014
- G. REVIEW PRIOR TO PETITIONING
- H. STREET ACCEPTANCE PROCEDURE
- I. COMPLETION OF STREET ACCEPTANCE
- J. REQUEST FROM WAIVERS

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Appendix B Street Acceptance Procedures under Chapter 410 of the Acts of 2014

A. Procedural Overview

The procedures in this Appendix B apply to the acquisition of roadway and infrastructure easements for the acceptance of a road or way within a subdivision pursuant to a Definitive Subdivision Plan approved by the planning board. The procedures in Sections H.5.a and H.5.b, herein apply to the acceptance of roads or ways located outside of a subdivision or within a subdivision where the City intends to acquire the fee in the road or for roads.

Such ways or roads may be accepted as public ways if they have both been constructed in compliance with the planning board's decision and completed as set forth in accordance with these Regulations.

Framingham enacted Chapter 410 of the acts of 2014 to allow the acceptance of subdivision roads through the acquisition of easements for roadway and infrastructure uses.

Framingham sometimes acquires the fee interest in roads or ways location within or outside of subdivisions and infrastructure easements using its eminent domain powers only under limited circumstances.

B. Approval

Approval of a Definitive Subdivision Plan by the Planning Board does **not** constitute acceptance of a road or way by the City.

C. Roads or Ways Not Intended for Acceptance

A private road or way within a subdivision shall not be considered for acceptance as a public way if: the road or way was designed or constructed at lesser standards than the requirements of these Regulations at the time of approval or if the Planning Board Decision and/or Definitive Subdivision Plan contain a note stating that the road or way is not intended for acceptance as a public road or way.

A road or way this is designed or constructed at lesser standards than the requirements of these Regulations at the time of approval may be considered for acceptance only if the road or way is brought into to conformity with to the current requirements of the Department of Public Works (DPW) Construction Standards.

D. Financial and Legal Responsibility

Petitioners shall bear all responsibility for any and all construction costs, departmental review fees, legal review and peer review costs incurred during the street acceptance process.

1. Construction Costs

Petitioners shall be responsible for all construction and/or maintenance costs associated with the roads or ways being prepared for acceptance as a public road or way.

2. Departmental Review Fees

Petitioners shall be responsible for payment of all expenses incurred by the municipality, which may, include but are not limited to, site inspections and departmental reviews.

3. Legal Review

The City of Framingham review of all roads or ways under consideration for acceptance for public use by the City Solicitor. The petitioner shall be required to deposit a with the City's Chief Financial Officer a retainer for legal services based on a scope of work prepared by the City Solicitor, which legal services may include, but are not limited to, plan review, preparation of legal notices, preparation of the order for layout and acceptance of the way which is titled the "Report of the City Council to the Mayor" and costs for recording or filing the order for layout and plan with the Middlesex South Registry of Deeds or Registry District. Any unused funds shall be returned to the petitioner within one-hundred and eighty (180) days from the close of the vote by the City Council, regardless of outcome.

4. Peer Review Consultant

As outlined in Section III.N of these Regulations, the City may require the use of a Peer Review Consultant.

E. Requirements for Street Acceptance

No road or way in the City shall be considered for acceptance as a public road or way unless:

1. The road or way has been weathered for a minimum of two (2) years.
2. The road or way was constructed in compliance with the approved Definitive Subdivision Decision and Plan, DPW's standards and these Regulations at the time of approval.
3. The road or way has been reviewed by the petitioner to ensure that all infrastructure and improvements are in reasonably good working condition.
4. The petitioner has prepared the appropriate documentation as required in these Regulations.

F. Required Documentation for Street Acceptance under Chapter 410 of the Acts of 2014

It is the responsibility of the petitioner to ensure that all documents are accurate and comply with the City's current street acceptance requirements. The petitioner shall provide to the Planning Board:

1. Letter of Request for Street Acceptance
 - a. A formal written request from the petitioner to the Mayor requesting the acceptance of a road or way as a public way.

- b. A letter from the petitioner providing a historical review of the approval and construction of the road or way together with the list of owners of the lots within the subdivision and the primary uses of the road or way.
 - c. A timeline associated with the Street Acceptance Procedures for the road or way under consideration.
 2. Legal Description of each road or way, right-of-way, open space parcel, drainage system parcel and easement that are intended for acceptance.
 - a. If the petitioner intends that the City shall acquire, in addition to a permanent easement for roadway purposes, temporary or permanent easements to construct, inspect, repair, renew, replace, operate, and forever maintain the aforesaid underground utilities, then the petitioner shall submit for the City Solicitor's review such easement documents or instruments prepared by the petitioner's legal counsel which documents or instruments shall include rights to construct, inspect, repair, renew, replace, operate, and forever maintain any manholes, pipes, conduits, other appurtenances, and to all acts incidental thereto within the subdivision or portion thereof to be approved. If any such utilities that intend to be accepted by the municipality have been constructed and/or installed in land not within the road or way, then said transfer shall be provided to memorialize any easements for utilities shown in the Definitive Subdivision Plan.
 - b. A legal document that states the infrastructure and/or site improvements within the road or way that will retain under the jurisdiction of the petitioner, homeowner trust, or other type of ownership of the lots after the acceptance of the road or way.
 - c. Copy of recorded or filed deed, Conservation Restrictions (CR)/Agricultural Preservation Restrictions (APR), and other pertinent instruments for any common land or public open space, park, or other such parcels contained within the subdivision. If any of the lots have been conveyed, then the petitioner shall also submit a copy of all the deeds out from the applicant/developer, deeds either granting or reserving easements to the applicant/developer and any covenants, declarations or other instruments by which the applicant/developer retains or reserves the fee and/or easement in the road or way and appurtenant easements, if any. Unless the applicant/developer expressly states in a lot deed that the fee is reserved for the road, it is presumed that the lot owner owns the fee to the centerline of the road abutting the lot. If the applicant/developer owns the road and/or easements and is to deed them over to Framingham, then the applicant/developer should include the form of the proposed deeds to Framingham.
 - d. A title certification prepared by an attorney licensed in Massachusetts listing the names and addresses of all persons currently owning the fee and/or easements and appurtenant easements, if any, to the road or way and the lots affected by

drainage, water, sewer, utility, access, buffer, and/or other related easements to be granted by Framingham.

3. Original Construction Reports and Documentation, where applicable
 - a. The petitioner shall provide documentation regarding the original construction of the road or way and infrastructure such as sewers, water lines and drains, including the dates of construction, materials used and the names of contractors.
4. Statement of Design Compliance
 - a. A statement from a Professional Engineer registered in the Commonwealth of Massachusetts that the road or way has been designed and constructed in compliance with Section VIII. Design Standards under the applicable Regulations at the time of approval.
5. Site Plans Required for the Acceptance of a Road or Way

All submitted plans shall be prepared, signed, and stamped by a Professional Engineer registered in the Commonwealth of Massachusetts.

- a. As-Built Plan: A copy of the definitive subdivision As-Built Plan shall be submitted for all roads proposed for acceptance. The As-Built plan shall be submitted in accordance with the specifications set forth by the Municipal Engineer and these Regulations.
- b. Road or Way Acceptance Site Plan: A set of plans providing specific road or way details shall show the infrastructure, public safety amenities, easements, street trees, and other improvements within the public right-of-way and road or way, in addition to:
 - i. Road or way layout width
 - ii. Distance, bearing, radius, tangent length and deflection angle to define all road or way layouts and easements
 - iii. Roadway baseline
 - iv. Certification that all permanent monuments have been set
 - v. Reference to the approved Definitive Subdivision Plan, including date of Planning Board signature and recording information
 - vi. Title block that includes the title: "Street Acceptance Layout Plan"
 - vii. Plan note that states: "The road (or way or portion thereof) as laid out and the bounds have been set as shown on the plan."
 - viii. Signature blocks:
 - a) five (5) lines for signature and one line for date of signature for the Planning Board;

- b) eleven (11) lines for signature by the City Council;
 - c) one line for signature by Mayor.
6. Testing and Reporting of Infrastructure
 - a. Reports from recent testing of the water, sewer, drainage, and other utilities that they will be gifted to Framingham. The petitioner shall provide DPW and the Planning Board with all reports and applicable documentation resulting from the testing.
 7. A report that includes a description of any updates, modifications, and/or construction since construction of the road or way.
 8. Certificates of Approval
 - a. Certificate from a Land Surveyor registered in the Commonwealth of Massachusetts documenting the boundaries and monuments.
 - b. Certificate from a Professional Engineer registered in the Commonwealth of Massachusetts stating the improvements per approved Plan.
 9. Additional pertinent information as may be required by the municipal executive body, DPW, and/or the Planning Board shall be provided on the plan. Such plans shall be accompanied by deeds, easements, and/or other appropriate documentation required for the conveyance of the way to Framingham if so required.

G. Review Prior to Petitioning

1. A petitioner is strongly urged to examine the title to the road or way that is intended to be accepted as a public way for accuracy in addition to any lots that require appurtenant easements before they commence the Street Acceptance Procedures.
2. Framingham may exercise its right to acquire easements for subdivision roads by eminent domain pursuant to Chapter 240 of the Acts of 2014, but uses its eminent domain powers to acquire fee interests in roads or ways (both within or outside of subdivisions), easements for roads and ways outside of subdivisions and infrastructure easements only under limited circumstances and at the sole and absolute discretion of the City Council and Mayor. As a condition of acquiring fee interests in roads or ways and infrastructure easements by eminent domain, all owners of land abutting such roads or ways and lots subject to the appurtenant easements to such roads or ways must waive rights of appraisal, damages and relocation benefits.

H. Street Acceptance Procedure

1. Timeline Preparation

The petitioner shall contact the City Council's office to determine the dates of the City Council's meetings and deadlines for submitting hearing requests.

Where the City seeks to acquire the fee interest in roads, together with easements for sewer, storm drains, water drains, and all other infrastructure installed within the proposed public way, the City must acquire the necessary fee and/or easements by gift or must receive waivers of *appraisal, damages, and relocation benefits* from petitioner and/or the owners of the lots.

2. Petition to the Mayor

A road or way may be presented to the Mayor for acceptance when a road or way in a subdivision has been completed in a manner that meets the requirements of an approved Definitive Subdivision Plan and the Regulations set forth in Section G of this Appendix.

The Mayor shall require review of the roadway and documentation by the Department of Public Works, Planning Board, and City Solicitors, prior to submitting such request to the Planning Board.

3. Planning Board

Upon notice from the Mayor, the Planning Board shall prepare a report in accordance with M.G.L c. 41, Section 81G and 81I. In preparation of such report, the Planning Board:

- a. may solicit recommendations from the Department of Public Works, the Police Department, the Fire Department, Municipal Engineer, Traffic Engineer, Tree Warden, Superintendent of Streets, Conservation Commission, and other applicable boards/departments.
- b. shall require letters of compliance and/or support from the respective boards/departments:
 - i. Department of Public Works, Department of Wastewater: A letter from the Department of Public Works, Department of Wastewater certifying that the final construction and functionality of the sewer system has been appropriately installed, in full operation and in compliance with Framingham department development standards. This letter is not required if the project is serviced by private septic systems.
 - ii. Department of Public Works, Department of Water: A letter from the Department of Public Works, Department of Water certifying that the final construction and functionality of the water system has been appropriately installed, in full operation, and in compliance with City standards. This letter is not required if the project is serviced by private wells.
 - iii. Fire Department: A letter from the Fire Department certifying that the fire hydrants and applicable life safety services (master box, etc.) have been appropriately installed, in working order, and are in compliance with Framingham development standards.

- iv. Department of Public Works, Tree Warden: A letter from the Tree Warden that all trees installed in compliance with the approved Definitive Subdivision Plan are in good health and not a hazard to real property.
- v. Department of Public Works, Conservation Commission: A certificate of compliance from the Conservation Commission that the conditions imposed under M.G.L. c.131, Section 40 and the Framingham Wetlands By-Law, as applicable.
- vi. Treasurer: A letter from the Municipal Treasurer stating that all property taxes and all other fees and charges owed to Framingham for lands within the boundaries of the approved Definitive Subdivision Plan have been paid to the “City of Framingham”.

4. **Notice to Owners**

The Mayor, or designee shall notify owners and abutters of the public hearing by certified mail, at which the City Council will consider whether to vote its intention to accept the layout of the road or way as a public way and make a referral to the Planning Board. Notice shall be given a minimum of least seven (7) days prior to the public meeting. Publication and mailing of required notices shall be made at the expense of the petitioner.

5. **City Council Vote of Intention to Layout and Accept Public Way**

The City Council shall hold the public hearing as referenced in Section H of this Appendix to determine if the road or way is ready for acceptance. Under Chapter 410 of the Acts of 2014, a majority vote is required for the City Council to vote its intention to layout the road or way as a public way and to refer the proposed layout to the Planning Board for review, under M.G.L. c. 41, § 81L.

The Planning Board has forty-five (45) days to make its report to the City Council but may make it report sooner.

If the Planning Board fails to make its report after 45 days, the City Council may proceed with its vote to layout and accept the proposed public way.

a. Prerequisite for Layout and Accept Public Way -Acquisition by Grant (Fee):

If the petitioner has reserved the entire fee in the road or way and such appurtenant easements to the road or way to be acquired by the City, then such fee and appurtenant easements shall be conveyed to the City by the petitioner, and the petitioner shall provide the City with all subordinations of mortgage or secured liens.

If the petitioner has reserved the entire fee in the road or way and such appurtenant easements to the road or way to be acquired by the City, each and every person owning the fee in the road and holding an interest in appurtenant

easements to be acquired by the City and/or easement to the road or way and/or the lots for must grant Framingham such fee and/or easements provide the City with all subordinations of mortgage or secured liens.

Prior to the City Council's vote to layout and accept a way, the petitioner shall provide to the City Solicitor for review and approval original, executed Title Certification, grants of easements and subordinations of mortgages.

Title Certification: The petitioner shall provide an attorney's Title Certification to the City Solicitor in favor of the City that includes the names and addresses of persons then owning the fee to the road and all easement areas.

Grant of Fee and/or Easements: The petitioner and/or owners of the lots must grant Framingham the fee and/or appurtenant easements, if any, by gift.

Subordination of Secured Liens: If the road and/or the lots to be subject to Framingham's easements, or the fee and/or easements to be conveyed to the municipality, are encumbered by a mortgage (including lines of credit, whether used or not) or other lien, it is the petitioners responsibility to provide Framingham with a signed subordination of mortgage from each and every mortgagee, expressly subordinating their lien to the municipality's easement. A Form of Subordination. If Framingham does not receive subordinations from all mortgagees, the Board of Selectmen may decide, in their sole and absolute discretion, not to accept the road;

Acceptance: The Mayor will sign an Acceptance of the Grant of Deed and /or Easements contemporaneously with the "Report of the City Council to the Mayor."

b. Prerequisite for Layout and Accept Public Way by Eminent Domain (Fee):

All persons owning the fee in the road or way and holding interests in easements to be acquired by the City must sign a Waiver of Appraisal, Damages, and Relocation Benefits the City Council will vote to layout and accept a public way exercising its powers of eminent domain.

Indemnification: If the road and/or the lots are subject to mortgages (including lines of credit, whether used or not) or other lien and the applicant/developer and/or owners has not obtained Subordination of Mortgages from the mortgagees, the Mayor may, in her sole and absolute discretion, require indemnifications from the applicant/developer and/or the lot owners, protecting the City from claims of secured creditors. Such indemnification, if required, shall

last for the period of time within which mortgagees may bring claims against the City.

6. Layout Plan may be filed with City Clerk 7 days prior City Council vote

The proposed layout plan may be filed with the City Clerk at least seven days prior to the meeting of the City Council at which the vote to layout and accept the proposed public way is made.

7. City Council

Under Chapter 410 of the Acts of 2014, the City Council must layout and accept the proposed public way by a two-thirds vote. A two-thirds vote is needed to authorize acquisition of interests in real estate by eminent domain and to appropriate funds for the acquisition of such interests.

I. Completion of Street Acceptance

Roads or ways do not automatically become public ways upon a successful vote of the City Council. Chapter 410 of the Acts of 2014 requires that the "Report of the City Council to the Mayor" and layout plan be signed by the City Council and Mayor and recorded or filed with the Middlesex County Registry of Deeds or Registry District of the Land Court within thirty (30) days of the City Council vote.

Notices of the taking required under M.G.L. c. 79 shall be sent by certified mail to the owners and mortgagees affected by the taking at the applicant/developer's or petitioners' cost.

J. Request for Waivers

The Mayor, with the concurrence of the Planning Board and DPW may waive the submittal requirements of Section F of this Appendix.

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Rules and Regulations Governing the Subdivision of Land in Framingham

APPENDIX C. FORMS

FORM 12 - DESIGNER CERTIFICATE

FORM 13 - APPROVAL WITH COVENANT CONTRACT

FORM 14 - RELEASE OF RESTRICTIONS

FORM 15 A – PERFORMANCE CASH BOND AGREEMENT

FORM 15 B – SUBDIVISION PERFORMANCE AGREEMENT

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City Clerk Stamp

Property Address

Framingham Planning Board - Designers Certificate

_____, 20__

One copy of this Form, shall be filled out and signed by the Applicant, and should be submitted as part of a Minor or Major Definitive Subdivision Application Package

In preparing the plan entitled _____, and dated _____, I hereby certify that the above name definitive subdivision plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Framingham, as amended and required by the Rules of the Massachusetts Registry of Deeds, and my source of information about the location of boundaries shown on said plan were one or more of the following:

- 1. Deed from _____ to _____ dated _____ and recorded in the Middlesex South Registry of Deeds, Book _____, Page _____.
2. Actual measures on the ground from a starting point established by _____
3. Other deeds, plans, and/or sources, as follows: _____

Seal of Surveyor

Signed: _____
Massachusetts Registration Number: _____
Name and Address: _____
Phone Number _____

Seal of Professional Engineer

Signed: _____
Massachusetts Registration Number: _____
Name and Address: _____
Phone Number _____

This form will not be considered submitted until the following endorsement has been completed by the Planning Board Received this _____ day of _____, 20__ as duly submitted under the Rules and Regulations Governing the Subdivision of Land in Framingham, as amended
Framingham Planning Board, Chair
Signature: _____ Date: _____

Form 13 – Approval with Covenant Contract

Framingham Planning Board – Approval with Covenant Contract

One completed form and two copies thereof shall be filed with the Planning Board

The undersigned (Name/Address of Subdivision Owners)

Know all men by these presents that whereas the undersigned has submitted an application dated _____, 20____, to the Framingham Planning Board for approval of a Definitive Subdivision Plan of a certain subdivision entitled _____ and dated ____20____, and has requested the Board to approve such plan without requiring a performance bond

NOW THEREFORE, WITNESSETH THIS AGREEMENT in consideration of the Framingham Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar (\$1.00) in hand paid, receipt whereof is hereby acknowledged, the undersigned therefore covenants and agrees to the terms and conditions as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the necessary site work on the ground has been performed to serve each lot adequately in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed upon that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed upon that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Framingham Planning Board and enumerating the specific lots to be so re-leased.

3. The undersigned represents and covenants that the undersigned is the owner¹ in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
4. The undersigned agrees that all construction in the subdivision shall be completed within a time period of two years from the date of endorsement of approval of the definitive plan. Failure to complete the construction as agreed upon shall render such approval of the sub-division null and void.

In witness whereof, the undersigned, applicant as aforesaid, does hereunto set her/his hand and seal this ____ day of _____, 20____.

Applicant Signature

If Applicant is not the Owner, Owner Signature (if more than one owner all owners must sign)

If there is more than one owner, all individuals must sign this form

Description of Mortgages (provide complete names and Registry of Deeds Reference):

Assents of Mortgagees: _____

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. _____, 20____

Then personally appeared the above named _____
and acknowledged that foregoing has been executed before me as a free act and deed.

Notary Public: _____, Date:

My commission expires: _____

NOTE: If executed by or on behalf of a corporation or other entity, attach proper jurist therefor and a Certificate of Corporate Vote and/or other certificate of authority.

Form 14 – Release of Restrictions

Framingham Planning Board – Release of Restrictions

Project Name: _____

Project Number: _____

Name: _____

[Signature]

[Date]

The undersigned, being a majority of the Planning Board of the City of Framingham, Massachusetts, hereby certify that adequate security has been provided in connection with the work to be performed under a certain covenant contract dated _____ and recorded with the Middlesex South District Registry of Deeds in Book_____, Page_____, and that therefore, conditions restricting the sale of the land shown on said plan, including the sale of individual lots and the construction thereon, are hereby released as to the following enumerated lots:

No conditions contained in the covenants, other than the sale of and construction upon the lots herein above enumerated are hereby released.

FRAMINGHAM PLANNING BOARD

Date: _____

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

Date

Then personally appeared _____ one of the above named members of the Planning Board of the City of Framingham, Massachusetts and acknowledged before me that the foregoing instrument is a free act and deed of said Planning Board.

_____ My commission expires: _____
Notary Public **Date**

[This page is intentionally left blank]

Name of Development _____

Project Address _____

Project # _____

Form 15 A – Performance Cash Bond Agreement

FRAMINGHAM PLANNING BOARD

PERFORMANCE BOND - (CASH BOND AGREEMENT)

This Cash Bond Agreement is entered into on _____, 20____, by _____ (the "Developer") and Framingham Planning Board (the "Planning Board") and secures the obligations of the Developer pursuant to the terms of a Performance Agreement entered into by the Developer and Framingham Planning Board, dated _____, 20____, (the "Agreement"), pertaining to the development of project _____ located at _____ in the _____ District, and

WHEREAS, the Developer has elected to provide a bond in cash to secure performance of the terms and conditions of the Decision and to secure compliance with the Framingham Planning Board Subdivision Rules and Regulations and the Framingham Zoning Ordinances,

NOW, THEREFORE, the Developer, as Principal, and the Framingham Planning Board, agree to the following terms and conditions :

1. The Planning Board acknowledges receipt of the bond amount, _____ Dollars (\$_____), to be held, invested and applied in accordance with the terms of this Bond Agreement.
2. The condition of this Bond is that the Developer, and the heirs, personal representatives, successors and assigns of the Developer are obligated to pay the amount of this Bond in compliance with the terms of this Bond Agreement; this Bond is provided as security for the Developer's performance pursuant to the Planning Board's Decision, Framingham Planning Board Subdivision Rules and Regulations, and the Framingham Zoning Ordinances,
3. The Planning Board shall deposit the stated sum in an interest bearing account in an institution insured by the FDIC for the term of the required performance and any extensions approved by the Treasurer.
4. If the Developer defaults in the performance of all or any part of the obligations of the Agreement, the Planning Board shall give written notice to the Developer, specifying the principal items of breach. Notice given under paragraph 4 of this Agreement shall terminate whatever rights the Developer may have to perform further work under the

Agreement. An affidavit signed by an official of the Planning Board certifying that notice was given shall be sufficient evidence of such notice.

5. In the event of default as provided in paragraph 4 above, the Planning Board shall apply the cash bond and any accrued interest to the cost of completion of the obligations required by this Agreement. Any amounts, including interest, remaining after completion, shall be returned to the Developer. If the amount of the cash bond is insufficient, the Developer agrees to pay the amount of any deficiency, and shall do so within thirty (30) days of the date of notice to the Developer fulfilling the deficiency.
6. Computation of damages attributable to Developer's breach and chargeable against the bond shall include not only the direct cost of completion or correction of work not completed, but also procurement costs, litigation costs, reasonable attorney's fees, reasonable administrative costs incurred by the Planning Board, expenses due to delay caused by the Developer, in addition to maintenance and repair costs, and inspection fees.
7. The parties collectively, if more than one, referred to in this Agreement as the "Developer," shall each be fully, jointly and severally liable for all obligations of this Agreement, including performance and payment.
8. Any required notice shall be deemed effective if given in writing, by registered or certified mail, return receipt requested, to the Developer in the name and at the address stated below; provided that any change of address shall be effective if given in accordance with this paragraph. Any notice to the Planning Board shall be given to the Planning Board Office, 150 Concord Street, Framingham, Massachusetts 01701. Notice of any change of address or change in legal status of the parties shall be given to the Planning Board immediately.

The signatures and seals of the parties are set out below in acknowledgment of this Bond Agreement.

Name of Development _____

Project Address _____

Project # _____

FRAMINGHAM PLANNING BOARD

SUBDIVISION PERFORMANCE AGREEMENT

THIS SUBDIVISION PERFORMANCE AGREEMENT (“the Agreement”) is entered into on the _____ day of _____, 20_____, by _____, (“the Developer”), and the Framingham Planning Board, (“the Planning Board”).

IN CONSIDERATION OF the approval of the Planning Board, of a subdivision plan entitled “ _____,” by _____, dated _____, _____, the Developer for itself and its personal representatives, assigns, and other successors in interest, agrees to construct, install and complete all of the physical improvements and facilities necessary to comply with all statutory and other requirements, including all provisions of the Rules and Regulations Governing the Subdivision of Land in Framingham (“Subdivision Rules and Regulations”), including the Framingham Zoning Ordinances, and the conditions of final approval established by the Planning Board Decision (“the Decision”). Any reference in this Agreement to completion or construction of improvements shall be deemed to include all functions, goods and services and design and engineering work necessary to conform to the Decision.

The Developer shall complete all facilities and improvements in conformance with the Decision and in conformance with approved plans and revisions. Approved plans are incorporated as part of this Agreement only to the extent that they meet requirements of the Decision. Facilities and improvements shall be completed within two (2) years of the date of the recording of the subdivision plan, or, in the case of residential subdivision, upon the occupancy of one-third (1/3) of the residences in the subdivision, whichever occurs first. Extensions of time for completion may be granted by the Planning Board in accordance with the Subdivision Rules and Regulations and procedures of Framingham.

If, in the opinion of the Planning Board Administrator (“the Administrator”), the approved plans are inadequate to ensure that construction and development will conform to the Decision, the Developer, upon request of the Administrator, shall submit revised plans conforming to the Decision and shall construct and complete improvements in accordance with the revisions. If in the opinion of the Administrator, the actual improvements made or facilities constructed do not conform to the plans or the Decision, the Developer shall, upon the Administrator's request, design, redesign, construct or reconstruct all such facilities or improvements so as to comply.

DEVELOPER FURTHER AGREES:

1. To comply with all requirements of the Subdivision Rules and Regulations and any conditions or requirements imposed by the Framingham Planning Board, including any utility agreements, and to maintain any stormwater management, detention or

Name of Development _____

Project Address _____

Project # _____

retention facilities associated with the development and not either maintained by the Department of Public Works (“DPW”).

2. In the event that the subdivision includes public roads:
 - a) The Developer is responsible for acceptance of the streets and any other improvements needed to a dedicated right-of-way; to comply with all requirements of the street acceptance and to make prompt final application upon completion of the required work for acceptance.
 - b) The Developer shall maintain such road until such time as it is accepted into the system wherever a road intended for public use has not been accepted. The Developer shall furnish to the Framingham Planning Board a maintenance and indemnification bond with surety to secure such maintenance in accordance with the Subdivision Rules and Regulations.
 - c) The Developer shall provide and maintain adequate all weather access, including snow removal and ice control, from all occupied structures to a public roadway, until such time as roads in the subdivision are accepted.
3. The Developer is required to request inspections, file applications and take any other actions that are customarily required of the Developer for the purpose of effecting acceptance or approval of completed improvements by the appropriate governmental entity.
4. The Developer is required to acquire on behalf of the City of Framingham any property rights necessary for completion of all obligations of this Agreement in the event of default by the Developer, or for the purpose of maintenance by a governmental entity, if applicable, or to pay all costs of acquisition of such property rights.
5. The Developer shall submit to the Planning Board Administrator all as-built plans for review and approval to ensure compliance. The Developer understands and agrees that no required construction or public improvement shall be considered complete until it is accepted by the governmental body that is to have ultimate responsibility for its maintenance, and if applicable, approval of the Planning Board has been confirmed by the Administrator that the project is in compliance with the Decision and as-built plans certified by a professional engineer or certified land surveyor.
6. Default shall be deemed to have occurred on the part of the Developer if the Developer shall fail to complete its obligations under this Agreement within the specified time or any extensions; or prior to the expiration of such period, if in the judgment of the Administrator, the Developer has:
 - a) Abandoned the performance of its obligations under the Agreement; or,
 - b) Renounced or repudiated its obligations under the Agreement; or,
 - c) Demonstrated through insolvency, inaction, or otherwise, that its obligations under the Agreement cannot be completed within the time allotted under the Agreement.

Name of Development _____

Project Address _____

Project # _____

7. In the event of default, the Developer shall be responsible for payment of administrative costs of ten percent (10%) of the cost of construction or correction of the improvements, in addition to the cost of construction. The cost of construction or correction shall include all functions, goods and services, and design and engineering work necessary to construct improvements conforming to the Decision.
8. The security shall be provided and maintained in the form of a cash bond, letter of credit or surety bond in an amount and with content acceptable to the Administrator and in a form acceptable to the City to provide and maintain security satisfactory to the City as well as to secure performance of this Agreement.. Evidence of continuing validity of the security shall be provided to the City upon request. In the event all improvements are not completed thirty days prior to the expiration of any bond or letter of credit, the Developer shall provide substitute security documents on that date, or shall be deemed to be in default and shall pay the full cost of completion of those improvements.
9. To defend and indemnify the City and hold the City harmless for all loss or damage to property, or injury, or death of any and all persons; for any suits, claims, liability or demands in connection with the physical improvements and facilities, however caused, including those arising directly or indirectly from construction, failure to maintain, or use of such improvements prior to final acceptance.
10. That no building permits shall be issued within the subdivision if any lot or development of any portion of the subdivision does not meet all requirements of the Subdivision Rules and Regulations, including the Framingham Zoning Ordinances, all other applicable laws, proffered conditions or the terms of any special exception or permit; nor shall any building permits be issued within the subdivision at any time during which the Developer is not in complete compliance with this Agreement, including the requirement that the Developer maintain security satisfactory to the County.

If any clause or portion of this Agreement is found to be invalid and non-binding, the remainder shall continue in full force and effect.

The failure or refusal of the City to take any action, proceedings, or step to enforce any remedy or exercise any right under this Agreement or the taking of any action, proceeding, or step by the City, acting in good faith upon the belief that same is permitted shall not in any way release the Developer from the obligations of this Agreement.

This Agreement shall be administered and interpreted in accordance with the laws of the Commonwealth of Massachusetts. Any actions arising out of this Agreement, bonds or other obligations securing the obligations of this Agreement shall be filed and maintained in the Middlesex South District Registry of Deeds or the Middlesex South Registry District of the Land Court.

The parties, if more than one, collectively referred to in this Agreement as the "Developer", shall each be fully, jointly and severally liable for all obligations of this Agreement, including

Name of Development _____

Project Address _____

Project # _____

performance and payment. This Agreement shall be recorded in the Middlesex South District Registry of Deeds or the Middlesex South Registry District of the Land Court, and shall be binding on the Developer's successors in interest.

The purpose and effect of this Agreement is to secure the completion of all improvements required by the Subdivision Rules and Regulations, the Framingham Zoning Ordinances, and all other applicable statutes. The County does not waive or modify any provision or requirement of those statutes or regulations by this Agreement. Any approved plan or revision referred to anywhere in this Agreement is incorporated for reference purposes only to the extent that it meets, at a minimum, the unmodified requirements of those statutes, ordinances, and/or by-laws.

Any notice required by this Agreement shall be effective only if such notice is given by receipted mail or delivery, to Developer or to the Framingham Planning Board in the name and at the address given below and provided that change of address shall be effective if given in accordance with this paragraph. The Developer agrees to notify the Planning Board immediately of any change of legal status or of address.

The parties have acknowledged this Agreement by their signatures and seals set out below.