

AMENDMENTS TO THE WILBRAHAM PLANNING BOARD'S RULES AND REGULATIONS  
GOVERNING THE SUBDIVISION OF LAND  
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AFTER A PUBLIC HEARING OF THE PLANNING BOARD OF THE TOWN OF WILBRAHAM HELD ON FEBRUARY 10, 1993, WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN ROBERT GAYNOR, FREDERIC FULLER, RICHARD FAILLE AND JAMES MCEATHRON, IT WAS UNANIMOUSLY VOTED (4-0) TO AMEND THE WILBRAHAM PLANNING BOARD RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND REVISED AND AMENDED TO DECEMBER 5, 1977, AS FOLLOWS:

- 1A. AMEND SECTION 2.1 (DEFINITIONS) BY DELETING SECTION 2.1.1 (APPLICANT) IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 2.1.1 TO READ AS FOLLOWS:

2.1.1 Applicant (Developer, Subdivider) The person (or persons) who applies for the approval of a plan within the meaning of the Subdivision Control Law. The Applicant must be the owner of the land referred to in the application filed with the Planning Board or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. In the case of a general or limited partnership, all general partners must join in the application and must submit documentation of the legal existence of the partnership and its authority to do business in Massachusetts. In the case of a trust, all trustees must join in the application and submit documentation of the legal existence of the trust and its authority to do business in Massachusetts. In the case of a corporation, the application shall be made by the President, shall have the corporate seal affixed, and shall be accompanied by a list of all officers and directors, plus documentation of the legal existence of the corporation and its authority to do business in Massachusetts. An agent, representative, or assignee may act for an owner, provided a properly executed power of attorney (or other acceptable written evidence of such fact) is submitted to the Board.

- 1B. AMEND SECTION 2.1 (DEFINITIONS) BY INSERTING A NEW SECTION 2.1.7 (CUL-DE-SAC) TO READ AS FOLLOWS:

2.1.7 Cul-de-sac That portion of a street or series of streets which affords the exclusive legal means of access to abutting property and which must be entered and exited from the same point, said point being the junction with the nearest connector or through street. A continuous street or series of looping streets which has exclusive points of entry and exit within four hundred (400) feet of each other on the same street shall be functionally classified as a cul-de-sac.

- 2A. AMEND SECTION 2.2.4 BY DELETING THE WORD "FOURTEEN" AND SUBSTITUTING THE WORD "TWENTY-ONE (21)" THEREFOR.

- 2B. AMEND SECTION 3.1.6 BY DELETING THE WORD "SIXTY (60)" AND SUBSTITUTING THE WORD "FORTY-FIVE (45)" THEREFOR.

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2C. AMEND SECTION 3.4.5 BY DELETING SECTION 3.4.5. IN ITS ENTIRETY AND  
SUBSTITUTING THEREFOR A NEW SECTION 3.4.5 TO READ AS FOLLOWS:

3.4.5 Within ninety (90) days after submission of a definitive plan which evolved from a preliminary plan, or one hundred and thirty-five (135) days after submission of a definitive plan which did not evolve from a preliminary plan, the Planning Board shall summarize the findings of the various municipal departments, boards, and agencies and shall certify by majority vote whether said application has been approved, approved with modifications, or disapproved. In the case of disapproval, reasons shall be given. The certificate of action including any conditions of approval, waivers granted, or specific reasons for disapproval shall be filed with the Town Clerk, and shall be sent by certified mail to the applicant. Failure of the Planning Board to take action or to file a certificate of its action with the Town Clerk within the above referenced review period, or such further time as may be mutually agreed upon in writing by the Planning Board and the applicant, shall be deemed approval of the definitive plan.

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3. **AMEND SECTION 3.4.5 BY INSERTING A NEW SECTION 3.4.5.1 TO READ AS FOLLOWS:**

3.4.5.1 Preparation of Legal Documents

Prior to plan endorsement, the Planning Board may require a subdivision agreement or contract between the Subdivider and the Planning Board which describes any conditions or restrictions of approval. Under normal circumstances, the Planning Board and its staff shall be responsible for the preparation of the Subdivision Agreement and related attachments to that agreement including deeds, easements and special agreements. A copy of the standard forms used by the Planning Board can be obtained from the Planning Office. The subdivider may be assessed a fee to cover the cost incurred for the preparation of legal documents as specified in the Appendix.

4. **AMEND SECTION 3.9.3 (COST OF INSPECTION) BY DELETING SECTION 3.9.3 IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 3.9.3 TO READ AS FOLLOWS:**

**3.9.3 Cost of Inspection**

3.9.3.1 The subdivider shall assume all costs incurred for all inspections.

3.9.3.2 If the Planning Board requires that inspections be made by the Town Engineer, the subdivider shall pay to the Town of Wilbraham an inspection fee per linear foot of road measured along the centerline as specified in the Appendix. The total inspection fee shall be paid to the Town prior to the endorsement of the definitive plan.

Separate fees may also be assessed by the Board of Water Commissioners and the Sanitary Sewer Commission.

5. INSERT A NEW SECTION 3.14 "FIRE PROTECTION" TO READ AS FOLLOWS:

**3.14 Fire Protection**

Provision shall be made for fire protection in the subdivision. The Applicant shall review plans for fire protection with the Wilbraham Fire Chief as to the method of providing adequate fire protection. A subdivision plan shall be approved only upon presentation of evidence to the Planning Board that adequate provisions for fire protection have been made.

6. INSERT A NEW SECTION 3.15 "ENFORCEMENT" TO READ AS FOLLOWS:

**3.15 Enforcement**

The enforcement of the provisions of these Rules and Regulations, or any approval or condition of approval granted by the Planning Board under the provisions of these Regulations, may be enforced by the Chairman of the Planning Board or the Planning Administrator, acting as Agent to the Planning Board, by non-criminal complaint pursuant to the provisions of Chapter 40, Section 21D of the Massachusetts General Laws, as amended. The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense and each provision of the Rules and Regulations or subdivision approval that is violated shall constitute a separate offense.

7. AMEND SECTION 5.1.5 BY DELETING SECTION 5.1.5 IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 5.1.5 TO READ AS FOLLOWS:

**5.1.5 Access to Adjacent Communities**

No subdivision plan shall be approved where the roads are designed so as to provide the exclusive legal access to building lots in an adjacent city or town. Subdivision roads shall not be designed to provide access to adjoining property in another community unless said road will connect with a subdivision road in the adjacent community which has adequate through access to principal streets of that community.

Conversely, no subdivision plan shall be approved where the exclusive access to the subdivision is from an adjacent community.

8. AMEND SECTION 5.6.5 "BINDER AND FINISHED COURSE" BY DELETING SECTION 5.6.5 IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 5.6.5 TO READ AS FOLLOWS:

**5.6.5 Binder and Finished Courses**

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- 5.6.5.1 No paving work shall be performed on the binder or finished courses without the presence or approval of a duly appointed representative of the Planning Board.
- 5.6.5.2 The binder and finished courses shall be composed of mineral aggregate, mineral filler, and bituminous material, plant mixed and laid hot to a minimum depth of two (2) inches and one and one-half (1.5) inches, respectively. Neither the binder nor finished courses shall be laid until the surface upon which it is to be laid has been inspected and approved in writing by a duly appointed representative of the Planning Board.
- 5.6.5.3 All road paving shall conform to the specifications of the "Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges" as currently on file in the Office of the Town Engineer and shall also conform to the "Wilbraham Planning Board Standards".
- 5.6.5.4 No road pavement surfacing shall be permitted during the period from November 15 to April 1 of the following year.
- 5.6.5.5 The finished roadway surface shall not be applied until at least one (1) winter season has passed since the installation of the binder course. The finished course shall be applied on top of a tack coat to insure proper adhesion to the base course. The finished course shall be laid hot to a minimum depth of two (2) inches if three (3) or more winter seasons have passed since the installation of the binder course.
- 5.6.5.6 No pavement cuts shall be allowed in the finished course without prior written approval of the Town Engineer.

9. **AMEND SECTION 5.7.3 "SPECIES" BY DELETING SECTION 5.7.3 IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 5.7.3 TO READ AS FOLLOWS:**

**5.7.3 Species**

The trees shall be primarily Sugar Maple interspersed with Marshall Ash and Linden, or such other species as approved by the Tree Warden. The location of overhead wires or obstructions shall be considered in determining the location and species acceptable to the Tree Warden.

10. **AMEND SECTION 5.11 "SIDEWALKS" BY DELETING SECTION 5.11 IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 5.11 TO READ AS FOLLOWS:**

**5.11 Sidewalks**

- 5.11.1 Sidewalks shall be required on one side of each street intersecting those principal streets named in the

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Appendix and along other subdivision streets as deemed necessary by the Planning Board.

- 5.11.2 Sidewalks shall be four and one-half (4 1/2) feet in width, and shall be located between the roadway and the right-of-way line, as close to the latter as practicable, and generally parallel with the roadway.
- 5.11.3 Sidewalks shall be poured portland cement concrete having a twenty-eight day compressive strength of 4,500 p.s.i. The sub-grade shall be compacted to an even, firm surface. Gravel shall be added upon the sub-grade, wetted, and compacted to a depth of eight (8) inches with a self-propelled roller of no less than one (1) ton. Stone larger than one and one-half (1 1/2) inches shall not be used. Upon completion of the gravel base, forms will be set to the established lines and grade. Concrete shall be poured monolithic to a thickness of four (4) inches. A dummy joint shall be scored every five (5) feet with a three-eighths (3/8) inch expansion joint provided every twenty (20) feet. At all driveways, the concrete shall be a minimum depth of six (6) inches and reinforced with four (4) inch square wire mesh or equivalent.
- 5.11.3 Sidewalks shall be properly sloped to meet the adjacent pavement courses for bicycles and handicapped accessibility.

**11. TO INSERT A NEW SECTION 5.19 TO READ AS FOLLOWS:**

**5.19 As-Built Plans**

After final approval of all street construction and before final release of the performance security, one (1) reproducible original and two (2) copies of the definitive plan revised into an accurate as-built plan and profile shall be furnished to the Board. The as-built plan and profile shall show all bounds and iron pins (see section 5.5), road grades, the centerline elevation of all roads at fifty (50) foot intervals, drainage lines, sewers, water mains and all other utilities and appurtenances, as actually installed with inverts and sufficient ties including depths shown as profiles for proper and accurate identification and location.

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12. TO AMEND THE APPENDIX BY DELETING THE EXISTING FEE SCHEDULE AND  
SUBSTITUTING THEREFOR A NEW FEE SCHEDULE TO READ AS FOLLOWS:

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APPLICATION AND REVIEW FILING FEES:  
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1. NONSUB (APPROVAL NOT REQUIRED) PLAN..... \$50.00
2. PRELIMINARY SUBDIVISION PLAN..... \$500.00
3. CONVENTIONAL DEFINITIVE SUBDIVISION PLAN  
(IF A PRELIMINARY PLAN WAS FILED)..... \$1,000.00  
plus \$100.00 for each lot over 10  
plus cost to publish public hearing legal notice
4. CONVENTIONAL DEFINITIVE SUBDIVISION PLAN  
(IF A PRELIMINARY PLAN WAS NOT FILED)..... \$1,500.00  
plus \$100.00 for each lot over 10  
plus cost to publish public hearing legal notice
5. FLEXIBLE DEFINITIVE SUBDIVISION PLAN..... \$1,000.00  
plus \$100.00 for each lot over 10  
plus cost to publish public hearing legal notice
6. AMENDMENT TO AN APPROVED DEFINITIVE PLAN..... \$500.00

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ADMINISTRATION FEES - APPROVED DEFINITIVE PLAN:  
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1. ENGINEERING INSPECTION..... \$2.00 per linear foot
2. LEGAL DOCUMENTS PREPARATION..... \$300.00  
plus cost to record endorsed plan and legal documents
3. TRANSFER FROM COVENANT TO BOND/BANKBOOK..... \$100.00
4. PERFORMANCE SECURITY SUBSTITUTION..... \$100.00
5. PERFORMANCE SECURITY REDUCTION (PARTIAL RELEASE)..... \$50.00
6. PERFORMANCE SECURITY FINAL RELEASE..... \$50.00

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WILBRAHAM PLANNING BOARD

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I, MARY A. IRLA, WILBRAHAM TOWN CLERK, HEREBY CERTIFY THAT THIS IS A TRUE COPY OF AMENDMENTS TO THE WILBRAHAM PLANNING BOARD RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND ADOPTED BY THE PLANNING BOARD AFTER A DULY ADVERTISED PUBLIC HEARING ON FEBRUARY 10, 1993 AND FILED WITH ME ON FEBRUARY 11, 1993.

A TRUE COPY.  
ATTEST:

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MARY A. IRLA, TOWN CLERK