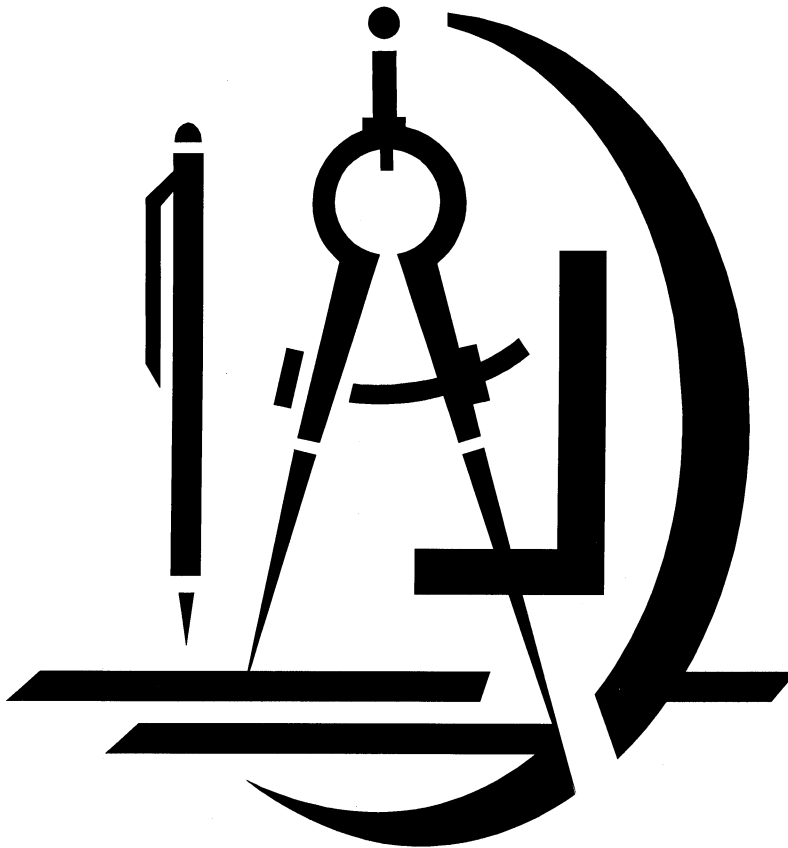


SUBDIVISION

RULES & REGULATIONS

EFFECTIVE – APRIL 30, 2009



TOWN OF LUDLOW
MASSACHUSETTS

\$15.00

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Laura Bull
TOWN CLERK

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RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

PURPOSE

The subdivision control law has been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeals under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for ensuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the Subdivision Control Law that any subdivision plan filed with the Planning Board shall receive the approval of such board if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in Section 81R, such portions of the rules and regulations as is deemed advisable. (Section 81M of Chapter 41, M.G.L.)

AUTHORITY

Under the authority vested in the Planning Board of the Town of Ludlow by Section 81Q of Chapter 41 of the Massachusetts General Laws, said board hereby adopts these Rules and Regulations governing the subdivision of land in the Town of Ludlow.

EFFECT OF SUBDIVISION CONTROL LAW

These Rules and Regulations shall include Section 81K to 81GG inclusive of Chapter 41 of the Commonwealth of Massachusetts General Laws as if these sections were set forth herein at length.

SECTION I GENERAL

A. DEFINITIONS

CALIPER: Diameter of a tree trunk in inches measured six inches above the ground for trees up to and including four inch diameter and 12 inches above the ground for larger trees. (added 6/29/04)

DBH (Diameter at Breast Height): The diameter in inches of the tree trunk (or for multiple trunk trees, the aggregate diameters of the multiple trunks) measured 4 ½ feet from the existing grade at the base of the tree. (added 6/29/04)

DRIPLINE: An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground. (added 6/29/04)

ESSENTIAL ROOT ZONE: An area located on the ground between the tree trunk and 10 feet beyond the dripline of the tree which is required for protection of a tree's root system. (added 6/29/04)

PRELIMINARY PLAN shall mean a plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend, and title "Preliminary Plan"; (b) the names of the record owner and the applicant and the names of the designer, engineer, or surveyor; (c) the names of all abutters, as determined for the most recent local tax list; (d) the existing and proposed line of streets, ways, easements, and public areas within the subdivision, in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate location and widths of adjacent streets; (h) and the topography of the land in a general manner. (Section 81L of Chapter 41, M.G.L.)

SUBDIVISION shall mean the division of a tract of land into two or more lots and shall include resubdivision, and when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time it is made, every lot within the tract so divided has frontage on (a) a public way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the city or town in which the land lies, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.

Such frontage shall be of at least such distance as is then required by zoning or other ordinances or bylaw, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet.

Conveyance or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the city or town in which the land lies into separate lots on each of which one of the buildings remain standing, shall not constitute a subdivision. (Section 81 L of Chapter 41, M.G.L.)

WAY shall mean 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, the Town of Ludlow.

B. PLAN BELIEVED NOT TO REQUIRE APPROVAL

Any person wishing to cause to be recorded a plan of land situated in a city or town in which the subdivision control law is in effect, who believes that his plan does not require approval under the subdivision control law, may submit his plan to the Planning Board of such city or town in the manner prescribed in Section Eighty-One T, and if the board finds that the plan does not require such approval, it shall forthwith, without a public hearing, endorse thereon or cause to be endorsed thereon by a person authorized by it the words "Approval under the subdivision control law not required" or words of similar import with appropriate name or names signed thereto and such endorsement shall be conclusive on all persons. Such endorsement shall not be withheld unless such plan shows a subdivision. If the board shall determine that in its opinion the plan requires approval, it shall, within twenty-one days of such submittal, give written notice of its determination to the clerk of the city or town and the person submitting the plan, and such person may submit his plan for approval as provided by law and the rules and regulations of the board, or he may appeal from the determination of the board in the manner provided in Section Eighty-One BB. If the board fails to act upon a plan submitted under this section or fails to notify the clerk of the city or town and the person submitting the plan of its action within twenty-one days after its submission, it shall be deemed to have determined that approval under the subdivision control law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith the city or town clerk shall issue a certificate to the same effect. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Planning Board, or in the case of the certificate, by the city or town clerk, to the person submitting such plan. The Planning Board of a city or town which has authorized any person, other than a majority of the board, to endorse on a plan the approval of the board or to make any other certificate under the subdivision control law, shall transmit a written statement to the registrar of deeds and the recorded of the land court, signed by a majority of the board, giving the name of the person so authorized. (Section 81-P of Chapter 41, M.G.L.)

C. SUBDIVISION

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the city or town or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided. (Section 81-O of Chapter 41, M.G.L.)

SECTION II
PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. PRELIMINARY PLAN

1. General

A preliminary plan of a residential subdivision may (A preliminary plan of a non-residential subdivision must) be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification, or disapproval by each board. The submission of such a preliminary plan will enable the subdivider, the Planning Board, and the Board of Health, to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed application Form B shall be filed with the Preliminary Plan submitted to the Planning Board. The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval of a Preliminary Plan and said notice shall be accompanied by a copy of the completed application (Form B).

2. Contents

Any person who submits a Preliminary Plan of a subdivision to the Planning Board shall submit the following:

- (1). Seven (7) sets of prints of the plan with a preferable scale of one (1") equals one hundred (100') feet.
- (2). The application fee. (Amount in effect at the time of submission.)
- (3). Application (Form B)

The Plans shall show the following:

- (1) The subdivision name, boundaries, north point, date, scale, legend, and title "Preliminary Plan".
- (2) The names of the record owner and the applicant and the name of the designer, engineer, and land surveyor.
- (3) Names and plan location of all abutters indicating approximate limits of contiguous boundaries and those owners of land separated from the subdivision only by a street, as determined from the most recent tax list.

- (4) The existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner.
- (5) The proposed system of drainage in a general way, the location and direction of flow of adjacent natural waterways, and all water bodies or areas classified as wetlands adjacent to or within the proposed subdivision.
- (6) The approximate boundary lines of proposed lots, with approximate areas and dimensions.
- (7) The names, approximate location, and widths of adjacent streets.
- (8) The topography of the land in a general manner.
- (9) The names of proposed streets.
- (10) Center line grades of the proposed roadways noted on plan.
- (11) A locus plan showing the area of the subdivision and its relationship to the surrounding area and roadways at a minimum scale of 1" = 600'.
- (12) In all cases, a statement shall appear on the first sheet of the subdivision preliminary plan stating that this subdivision does or does not lie within the Aircraft Flight Overlay District of the Town of Ludlow.
- (13) Statement of compliance with the Town of Ludlow Subdivision Rules and Regulations.

3. Approval

The preliminary plan will be studied in order to determine whether it is in compliance with the requirements of design adopted by the board. Within 45 days after submission of the plan, the Planning Board shall tentatively approve, disapprove, or approve with modifications the preliminary plan, noting thereon any changes that should be made. One copy of the plan will be returned to the subdivider. Approval of a preliminary plan does not constitute approval of the subdivision.

A preliminary plan submitted to the Planning Board, for which written notice has been given to the Town clerk, and any definitive plan evolved therefrom shall be governed by the Subdivision Rules and Regulations and zoning provisions in effect at the time of submission of the preliminary plan, provided the definitive plan evolved therefrom is duly submitted within seven months from the date on which the preliminary plan was submitted.

B. DEFINITIVE PLAN

1. General

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

- a. Seven (7) sets of prints (dark line on white background) shall be submitted to the Planning Board.
- b. A deposit in an amount to cover the cost of advertising and notices.
- c. Application (Form C)
- d. A list, approved by the assessors office, of the abutters within 300' of the proposed subdivision containing the names, addresses, mailing addresses (if different), and Assessors map and parcel numbers.
- e. A statement of deed restrictions, if any.

Every person submitting a definitive plan of land to the Planning Board for its approval, shall give written mail, postage prepaid, that he has submitted such a plan and said notice shall be accompanied by a copy of the completed application (Form C). If the notice is given by delivery, the clerk shall, if requested, give a written receipt therefore to the person who delivered such notice. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land.

2. Contents

The Definitive Plan shall be prepared by a Registered Engineer and Registered Land Surveyor. The plan shall be at a scale of one (1") inch equals forty (40') feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall be of 24" X 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan prints shall contain the following information:

- a. Subdivision names, boundaries, north point, date, scale, and legend.
- b. Name and address of record owner, subdivider, engineer, and land surveyor.

- c. Names, addresses, and plan location of all abutters indicating approximate limits of contiguous boundaries and those owners of land separate from the subdivision only by a street, as they appear in the most recent tax list.
- d. Lines of existing and proposed streets, way, lots, easements, and public or common areas within the subdivision.
- e. Sufficient data to determine the location and length of every street and way line, lot line and boundary, and to establish these lines on the ground. If any part of the subdivision is within five hundred (500) feet of any Massachusetts coordinate survey monument, the subdivision shall be tied to said monument or monuments.
- f. All perimeter monuments shall be set prior to submission of the definitive plan. Show calculated areas of all parcels and streets right of way areas.
- g. Location of all permanent monuments properly identified as to whether existing or proposed.
- h. Location, names, and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- i. Indication and purpose of easements.
- j. Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board and subsequent action by the Town Clerk.
- k. Existing and proposed topography at a contour interval of 2' except of areas of greater than 30% slope where a contour interval of 10' is acceptable.
- l. Existing and proposed profile on the center-line of proposed streets at a horizontal scale of one (1) inch equals forty (40) feet and vertical scale of one (1) inch equals four (4) feet, or such other scale acceptable to the Planning Board. All elevations shall refer to the U.S.G.S. datum.
- m. Proposed layout of storm drainage, water supply, and sewage disposal systems including profiles.
 - 1. A proposed residential subdivision plan shall, for each lot not serviced by a sanitary sewer, show a proposed building envelope and location of septic system (including tank and soil absorption system) which complies with Title V of the state sanitary code. If a private well is required, a well location must be shown which meets the state sanitary code and town bylaws in relation to the proposed building envelope and septic system component locations.

2. If any part of the subdivision is within one thousand (1000) feet of a public sewer of the Town of Ludlow, it shall be connected to the municipal system.

3. If any part of the subdivision is within fifteen hundred (1500) feet of the public water supply serving the Town of Ludlow, the proposed water supply system shall include fire protection service including sufficient fire hydrants to satisfy all requirements of the Ludlow Fire Department. (amended 6/29/04)

n. Location and elevation using the U.S.G.S. datum of at least three (3) benchmarks for the subdivision. The bench marks shall be located within the boundaries of the subdivision.

o. Design calculations, certified by a registered, professional engineer, of the storm water drainage system in compliance with the requirements of Section III.

p. All definitive plans submitted shall include the Town of Ludlow Standard Specifications sheets 1-3 (latest revision) and any other pertinent special specifications and details requested by the Department of Public Works.

q. The survey performed for the establishment of the street and lot lines of the approved subdivision shall meet the standards as outlined in 250 CMR; Board of Registration of Professional Engineers and Land Surveyors, subsection 250 SMR 6.00; procedural and Technical Standards for the Practice of Land Surveying.

r. A construction cost estimate for the project shall be submitted by the subdivider by specific quantity and unit costs, including installation costs, for the following items; 1) roadway, 2) storm drain system, 3) sewer system (if any), 4) sidewalk, 5) loam and seed of tree belts, 6) roadway and lot monumentation, 7) street lighting, 8) as-built drawings on Mylar.

s. In the case of a subdivision which does not encompass or contain the total area of the parcel to be subdivided, the plan shall indicate the proposed land use(s) of the entire parcel.

t. In all cases where the subdivision has more than sixteen (16) lots, a traffic study showing the effect of the subdivision on all public and private streets within one (1) mile shall be prepared by a Massachusetts Registered Professional Engineer.

u. Items K, L, M, and R, are to be submitted on the separate sheets from the definitive plan.

v. All Definitive Plans shall have the following statement attached for all buildable lots: "I hereby certify that lots # _____ as shown on this Definitive Plan meet all the requirements set forth in 310 CMR 15.00 Title V." This statement must be dated and signed by the Developer & Engineer.

w. Location of natural features such as water courses, wetlands, scenic vistas, historic locations, stone walls, location of species of large trees (trees with a DBH of eight (8") or greater), and similar community assets. The plan shall identify which of these features shall be left undisturbed. These features shall be preserved to the maximum extent possible. Removal, modification, or destruction of these features shall only occur with the written approval of the Planning Board. (added 6/29/04)

x. No grade changes will be made to any portion of lots in the subdivision, unless the owners of said lots have previously obtained written approval for said grade changes from the following town Departments; Planning, Public Works, Conservation, and Building. The grade restriction shall run with the land. This statement needs to be on the plan and all relative deeds. (Added 4/30/09)

3. Initial Review

a. Review of the Board of Health

As to suitability of the land. At the time of filing of the definitive plan for initial review, the subdivider shall also file with the Board of Health two contact prints of the Definitive Plan, dark line on white background. The Board of Health shall within forty-five days after filing of the plan, report to the Planning Board in writing, approval or disapproval of said plan. If the Board disapproves said plan, it shall make specific findings as to which, if any of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and, where possible, shall make recommendation for the adjustment thereof.

b. Review by the Department of Public Works

At the time of filing of the Definitive Plan prints for initial review, the subdivider shall also file with the Department of Public Works two (2) sets of prints for review as to conformity with the Town of Ludlow Subdivision Regulations and construction standards, as well as to any objective comments that may be made.

4. Public Hearing

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Ludlow, once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing or if there is no such newspaper in such Town by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertising to the applicant to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

5. Performance Guarantee

Before endorsement of its approval of a Definitive Plan of a subdivision, the subdivider shall agree to complete within two (2) years and without cost to the town all improvements required by this regulation and shall provide security that he will do so, in accordance with the provision of the Subdivision Control Law.

Such security will be by one, or in part by one and in part by another, of the methods described in the following clauses (1), (2), (3), and (4) which method or combination of methods may be selected and from time to time varied by the applicant:

(1) By a proper bond, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan.

(2) By a deposit of money or negotiable securities, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan.

(3) By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed: provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board. A deed of any part of the subdivision

in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three (3) years from the date of such deed.

(4) 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 by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Planning Board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds undisbursed shall be available for completion.

A covenant given under the preceding paragraph and any condition required by the Health Board or officer shall be either inscribed on the plan or contained in a separate document, referred to on the plan.

6. Certificate of Approval

After all comments, corrections, and revisions generated by the public hearing and the review process have been completely addressed and incorporated into the final Definitive Plans, the original black India ink on Mylar drawings, and one (1) set of Mylar reproducibles (made either by the Xerox or the fixed-line Mylar process), each bearing original signatures and stamps of the R.L.S. and P.E. shall be submitted to the Planning Board for final approval and signatures. Also, completed Forms D (Designer's Certificate), Form E (Dedication of Public Areas), Form G (Easements), Form H (Quit Claim Deed), and Form I (Development Agreement) shall be submitted at this time.

The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reason for its action. Approval, if granted shall be endorsed on original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty-day (20) appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk.

In case of approval of a plan by action of the Planning Board, after the expiration of twenty-days (20) without notice of appeal to the superior court or Housing Court, or if appeal has been taken after the entry of a final decree of the court sustaining the approval of such plan, the Planning Board shall cause to be made upon the plan a written endorsement of its approval. In case of the approval of a plan by reason of the failure of the Planning Board to act within the time

prescribed, the city or town clerk shall, after the expiration of twenty-days (20) without notice of appeal to the superior court or Housing Court or if appeal has been taken, after receipt of certified records of the superior court or Housing Court indicating that such approval has become final, issue a certificate stating the date of the submission of plan for approval, the fact that the Planning Board failed to take final action and that the approval resulting from such failure has become final.

The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Planning Board, or in the case of the certificate, by the city or town clerk, to the person who submitted such plan. Except as provided in Section eighty-one E, the existence of an official map in a city or town shall not affect the operation on the Subdivision Control Law therein.

Approval by the Planning Board does not constitute approval of the streets as public ways.

If within two (2) years from the date of the agreement with a subdivider, the terms and conditions have not been performed, the Board will, upon the motion of the Planning Board or on the petition of any person interested, rescind the agreement and its approval of the plan, provided no lots, sites or divisions which have been sold or mortgaged in good faith and for a valuable consideration subsequent to the approval of the plan, or any sites, appurtenant thereto shall be affected unless the owner and the holder of the mortgage or mortgages of the same shall consent in writing. If, however, at the end of two (2) years an attempt in good faith to fulfill the terms of said agreement has been prevented by events beyond the control of the subdivider, the Board will consider extension of the time limit. If, at the expiration of two years, the work has not been performed acceptable to the Planning Board, any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of such town as provided in Section eighty-one Y of Chapter 41 upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to such town of completion of such construction and installation. See Fee Schedule for fee pertaining to extensions. (amended 6/29/04)

7. Rescission

Failure of the developer to record the Definitive Plan within six (6) months of its endorsement or to comply with the construction schedule of the performance agreement (Covenant or Performance Bond) shall constitute sufficient reason for the rescission of such approval, in accordance with the requirements of the Subdivision Control Law.

8. Reduction of Bond or Surety

The penal sum of any such bond, or the amount of any deposit held under clause (1) or (2) above, may from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of a covenant, a new plan of the portion to be subject to the covenant may be required.

9. Release of Performance Guarantee

Upon the completion of the construction of ways and the installation of municipal services in accordance with the rules and regulations of the Planning Board, security for the performance of which was given by bond, deposit, or covenant or upon the performance of any covenant with respect to any lot, the applicant shall send by registered mail to the city or town clerk and the Planning Board a written statement that the said construction or installation in connection with which such bond, deposit, or covenant has been given has been completed in accordance with said rules and regulations, such statement to contain the address of the applicant. If the Planning Board determines that said construction or installation has been completed, it shall release the interest of the town in such bond or the deposit to the person who furnished same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded. If the Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the clerk of the city or town the details wherein said construction or installation fails to comply with its rules and regulations and upon failure to do so within forty-five (45) days after receipt by said clerk of said statement all obligations under the bond shall cease and terminate by operation of law, and deposit shall be returned and any such covenant shall become void. In the event that said forty-five (45) day period expires without such specification or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the said clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

The proceeds of any such bond or deposit shall be made available to the Town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed one hundred thousand (\$100,000.00) dollars, the expenditures may be made without specific appropriations under Section Fifty-three of Chapter Forty-five; provided, however, that such expenditure is approved by the Board of Selectmen.

C. PLANS NOT REQUIRING APPROVAL UNDER THE SUBDIVISION CONTROL LAW (Chapter 41, Section 81-P)

1. Plans submitted to the Board for endorsement which are believed not to require approval shall be accompanied by Form A, a sample of which is included in the section entitled Sample Document Forms. A copy of the latest deed shall accompany the Form A.

2. Plans submitted under Chapter 41, Section 81-P of the Subdivision Control Law shall have the following statement attached for all buildable lots: "I hereby certify that lots #_____ as shown on this ANR plan meet all the requirements set forth in 310 CMR 15.00 Title V." This statement must be signed by the surveyor.

SECTION III **DESIGN STANDARDS**

A. STREETS

1. Location and Alignment

- a. Proposed streets shall be in harmony with existing streets appropriate to the topography, and designed to afford a safe access to the abutting lots giving due consideration to contours and natural features. Where required by the Board, provisions shall be made in the proper locations for extension of streets to abutting undeveloped land.
- b. The proposed streets shall conform, so far as practicable, to the Strategic Plan as adopted in whole or in part by the Planning Board.
- c. Provision satisfactory to the Planning Board shall be made for the proper protection of streets, or for access to adjoining property which is not yet subdivided.
- d. Subdivisions that abut any property, all or in part, which is classified as agriculture or horticulture land under M.G.L. Chapter 61A, or has been used in the past year for crop land, pasture, meadow, or orchard as determined by the Planning Board, shall retain and include an open space strip (undisturbed) of not less than twenty-five (25') feet directly abutting said land, and shall be shown on the plan. The buffer strip shall remain in its natural state, and at the discretion of the Planning Board, be conveyed in the form of a deed restriction, deed, or easement to the town or homeowner's association.
- e. Street junctions with center line directly opposite or with offsets of less than one hundred and twenty-five (125) feet shall be avoided.
- f. The minimum center line radii of curved streets shall be one hundred and fifty (150) feet. Greater radii may be required for principal streets.
- g. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than an angle of seventy-five (75) degrees.
- h. Property lines at street intersections are to be designed to provide a minimum of ten (10) feet from the finished curb or berm radius.
- i. All subdivisions containing more than eight (8) lots shall provide no less than two (2) street entrances from an existing roadway. (Amended 4/30/09)

2. Width

- a. The minimum width of street right-of-ways shall be fifty (50) feet. Greater width may be required by the Planning Board when deemed necessary for present and future vehicular travel.
- b. The minimum width and alignment or roadway pavement within the right-of-way shall be shown on the Standard Construction Details.

3. Grade

- a. Grades of streets shall be not less than 0.5%. Grades shall not be more than 6.0% for connector streets, and not more than 8.0% for minor and major residential streets. As far as practicable, all roads shall follow natural contours.

4. Dead-end Streets

- a. Dead-end streets shall not be longer than one-thousand (1,000) feet, unless in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.
- b. Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred and thirty (130) feet, and a property line diameter of at least one hundred and fifty (150) feet. A center island shall be installed with a diameter of seventy (70) feet. The return radius from the cul-de-sac to the street intersection shall have a radius of twenty-five (25) feet and the corresponding property line shall be designed to leave a minimum of ten (10) feet from the finished curb or berm radius. Land inside the turnaround shall be landscaped to match the surrounding area.

5. Street Classifications

- a. **Minor Residential Street** – A street which provides access to less than ten (10) residential only properties and has no future potential for expansion on continuation.
- b. **Major Residential Street** - A street which serves only the subject subdivision and does not provide connection between two existing streets nor which would be subject to non-subdivision traffic and which has no abutting property, either used or zoned for business or industry and which is not a minor residential street.
- c. **Collector Street** – Any street not classified as Major or Minor Residential Street.

B. EASEMENTS

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary, and shall be at least thirty (30) feet wide.
2. Where the subdivision is traversed by a water course drainage way, channel, or stream, the Planning Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel, or stream, and to provide for construction or other necessary purposes.
3. Where the limits of highway slopes exceed the limits of the highway, slope easements shall be provided in favor of the Town of Ludlow.
4. Drainage easements outside of the area of the subdivision, but occasioned by it, may be required of the subdivider.

C. OPEN SPACES

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

D. PROTECTION OF NATURAL FEATURES

All natural features, such as large trees (greater than 8 inches in diameter DBH), water courses, wetlands, scenic points, historic locations, stone walls, and similar community assets which will contribute to the attractiveness and value of the property shall be shown on the plan and preserved. Appropriate reseeding and replanting of the non-paved areas of the public way is a component part of the construction of the subdivision, and is to be completed by the developer prior to acceptance.

Existing vegetation shall be disturbed at a minimum. Except where necessary to conform to road design, driveways, safety, and drainage, major earth grading shall be avoided. The Board, at its discretion, shall require portions of the public way to be planted with groups of shrubs or trees for aesthetic value and effect as to enhance the property. At least two trees per lot shall be preserved or planted within the right-of-way or within 10 feet of the right-of-way. (amended 6/29/04)

E. UTILITIES

1. Storm Water System

a. Storm water drains, including any of their related structures, shall be designed and installed by the applicant, wherever and whenever, in the opinion of the Planning Board, such are necessary to provide adequate disposal of surface water from all streets and lots within the subdivision and those lands and roadways immediately adjacent to the subdivision.

b. The storm drainage system shall be designed and constructed in accordance with the A.S.C.E. Manual of Practice No. 37, Design and Construction of Sanitary and Storm Sewers. Computations supporting the design of the drainage system may be required by the Board. The area to be used in the design computations of the storm drainage system, shall include the entire natural drainage basin tributary to the area being developed, including adjacent undeveloped land which shall be based on the ultimate development of the area in accordance with the existing zoning laws.

c. The hydrology calculations for the subdivision must be submitted showing the 1, 2, 5, 10, 25, 50, and 100 year storm curves using the TR-55 system.

d. The piping for the storm water drainage system shall be designed using the 10-year storm curve for street drains and the 25-year storm curve for culverts over existing natural water ways.

e. Catch basins shall be designed for both sides of the proposed way, on continuous grades, at intervals of not more than three hundred (300) feet, at low points and sags in the way, and near the corners of the way at intersected ways.

f. All storm water systems that eventually outlet to either a detention pond or a wetland area shall have hoods installed in all catch basins within the system.

g. The following are minimum sizes and strengths of storm water pipes. Existing conditions and design criteria, using Engineering Department standards, shall determine the actual sizes and strengths of pipe to be used in all cases.

(1) Main Lines

A. Twelve (12”) inch reinforced concrete Class IV unless volume indicates a larger size is required. Minimum Slope - .005 (1/2 foot per 100 feet)

OR:

B. Twelve (12") inch smooth interior polyethylene drain pipe minimum slope - .005 (1/2 foot per 100 feet)

(2) Catch Basin Connections

A. Twelve (12") inch reinforced concrete pipe, Class IV, minimum slope - .005 (1/2 foot per 100 feet)

OR:

B. Twelve (12") inch smooth interior polyethylene drain pipe, minimum slope - .005 (1/2 foot per 100 feet)

2. Sanitary System

a. Sanitary sewers and their related equipment shall be designed and installed in conformance with the requirements of the Town of Ludlow Department of Public Works.

b. Whenever septic tanks, or other similar systems, are allowed by the Board of Health of the Town of Ludlow, they shall be designed and constructed in conformance with their requirements and standards.

c. The following are minimum sizes and strengths of sanitary sewers. Existing conditions and designs criteria using Engineering Department Standards, shall determine the actual sizes and strengths of pipe to be used in all cases:

(1) Main Line – eight (8") inch, PVC (poly-vinyl chloride) sewer pipe, type RSM SDR-35, ASTM standard specifications D-3034 (latest revision), minimum slope -.004.

(2) House Laterals – six (6") inch PVC sewer pipe, type PSM, SDR-35, ASTM standard specifications D-3034 (latest revision), minimum slope – 1/4" per foot.

3. Water Systems

a. Water Mains, including house laterals, and their related equipment, shall be designed to serve all lots on each street within the subdivision, in conformance with the specification of the Water Department of the City of Springfield.

b. Whenever a well, or other private water system is allowed by the Board of Health of the Town of Ludlow, it shall meet the required standards of said Department.

4. Electrical Transmission Lines

a. All line and/or wires used for the transmission of electricity and/or intelligence shall be placed underground within the subdivision, in a location as approved by the Planning Board, and in accordance with the Building Code of the Town of Ludlow as amended.

(1) All lines and appurtenances for the distribution of electricity shall be buried at a minimum of three (3) feet below the approved final grade of streets, walks, or tree belts.

(2) Street lights shall be installed by the servicing power company at the developer's expense and the developer shall be responsible for the cost of street lighting until the street shall be accepted by the Town of Ludlow. The street lights and standards shall be the type (Town & County Decorative Light) used by the servicing power company and shall be installed on a street prior to any occupancy of any building. The Town of Ludlow will not be financially responsible for lighting fixtures that are more costly to operate and/or replace, than the standard lighting fixtures the Town already maintains. (Amended 4/30/09)

(3) All lines and appurtenances for the distribution of intelligence shall be buried at a minimum depth of eighteen (18") inches below the approved final grade of the streets.

(4) In areas serviced by cable television, appropriate provisions shall be included for such services.

5. Gas Transmission Lines

a. All main or distribution pipelines used for the transmission of gas shall be placed underground within the subdivision, in a location and at a depth approved by the Planning Board. Related equipment and accessories shall be installed in conformance with the Department of Public Safety Standards.

F. SIDEWALKS

1. Sidewalks having not less than (5') feet width are required on one side of the street. (Amended 4/30/09)

2. The alignment of sidewalks shall be shown on the Standard Construction Details.

3. Sidewalks shall be pitched at the rate of three sixteenths (3/16") to the foot, as shown on the Standard Details.

G. DRIVEWAY APRONS

1. Driveway aprons shall be six (6') feet wider than the driveway width, with a minimum width of fourteen (14') feet and shall have a two (2') foot radius at the gutter line.
2. The grade of the driveway apron shall be as shown on the Standard Construction Details.
3. The nearest line of the driveway shall not be any closer than fifty (50') feet from the intersection of any two (2) street lines.
4. The driveway aprons shall be constructed within the tree belt of the subject property determined by the projection, in a continued straight line, of the property lines to the edge of the roadway surface.

H. MONUMENTS

1. Reinforced concrete or granite monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Planning Board, permanent monuments are necessary.

All subdivision site boundary monuments are to be set prior to signature of the Definitive Plan. No permanent monument shall be installed until all construction which would destroy or disturb that location is completed.

2. Iron pins shall be placed at the corners of all lots within the subdivision that are not monumented with reinforced or granite monuments.
3. Large radius curves with a length which exceeds 300 feet shall have monumentation installed along the curve at a maximum spacing of 300 feet.

I. CONSTRUCTION METHODS AND STANDARDS

1. Construction of all elements of subdivision streets within the street lines shall conform to the latest revision of the Standard Construction Details.
2. All utility lines shall be constructed with laterals of appropriate size installed to the street line and appropriately staked and located on the "As-built" plans.
3. In areas served by cable television, appropriate provisions shall be included for such service.
4. The roadway surfacing shall be installed in two stages as follows:

(a) The binder course and berm shall be installed during the initial roadway construction immediately following installation of underground utilities and the gravel base.

The Building Commissioner shall not issue any permit for the erection of a building until phases 1 through 6 of Form L "Certificate of Inspection" have been completed. No lot shall be built upon until such ways and services have been provided to serve such lot, and any security being held on such lot has been released by the Planning Board. (amended 6/29/04)

(b) The top course shall be installed only after the binder course has been cleaned and a tack course applied. (Refer to Section IV, Item F, Paragraph 1) the top course shall be installed only after the binder course has been subject to one winter and thaw cycle, and when authorization has been requested and received from the Town Engineer;

(c) And only after all deficiencies from the time of initial construction, including cleaning and installation of tack course, have been corrected.

5. Street Shade Trees (added 6/29/04) (See also Section K)

(a) Street shade trees shall be on both sides of subdivision streets in the right-of-way or within ten (10) feet of the right-of-way. There shall be one tree planted or preserved an average of forty (40) feet along street frontage and not less than two trees per lot. Trees that will be preserved shall be mature deciduous trees of at least 8" DBH and of a species approved by the Tree Warden, or newly planted trees no less than 2.5 inch caliper at time of installation. Species, size and planting procedure for such trees shall be as approved in writing by the Tree Warden.

(b) Planting operations and requirements for trees and planting contained herein shall be in accordance with the standards and specifications of the American Nurserymen Association and the Associated Landscape Contractors of Massachusetts, and shall have a two (2) year growth warranty and shall be guaranteed by a security deposit by the developer for a period of two (2) years. The trees must be planted prior to the issuance of the Certificate of Occupancy. Any tree deemed unsatisfactory by the Planning Board within two years shall be removed at the direction of the Tree Warden and replaced at the expense of the developer. Such replacement must occur within six months.

6. Tree Protection During Construction: (added 6/29/04) (See also Section K)

(a) During construction, all vegetation to be retained shall be surrounded by temporary protective fencing at least 3.5 feet high, or other approved protective measures, before any clearing or grading occurs. Such fences shall be maintained until all construction and site work is completed. Barriers shall be large enough

to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fences shall be retained in an undisturbed state. No storage of materials or equipment may occur within the fenced areas.

(b) Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect the root system of trees.

(c) Any tree that is to be preserved that is subsequently damaged during construction shall be removed and replaced as directed by the Tree Warden and at the expense of the developer. Replacement shall be on the basis of ½ inch caliper of new tree(s) for each inch of DBH of tree(s) removed. The replacement shall occur within six months from the event that damaged the tree. The species of the replacement tree(s) shall be approved by the Tree Warden.

J. RETENTION/DETENTION PONDS – STANDARDS

Retention Pond – A pond designed without a pipe outlet. Water cap is percolated into the soil substrata.

Detention Pond – A pond designed with a pipe outlet.

All ponds shall comply with U.S. Department of Agriculture Standards, available at 4 Walley Street, Hadley, MA 01035.

1. Last manhole before entry of piped water to enter pond shall be accessible to paved area of street.
2. Exit pipe shall be equipped with a trash rack of at least ½ inch metal with openings of no more than 4 inches in one direction.
3. All retention/detention ponds shall be provided with an emergency spillway capable of passing the 100 year flood event, and satisfactory to the Planning Board, the Board of Public Works and the Conservation Commission.
4. Computation for the sizing of the pond shall be provided with definitive plan submission. Said computation shall be based on a 1, 2, 5, 10, 25, 50, and 100 design storm and a zero increase in runoff assumption. All outlet structures shall have a three stage design.
5. Construction details of the pond shall be provided with the definitive plan. Included in the detailing shall be typical section through the pond (and berm); pipe inlet and outlet works; outletting channel (if channel lining is used, provide computations); energy dissipaters; grading plan; and landscaping.

6. An easement shall be provided for Town access. Said easement shall be sufficient in dimensions to allow for Town vehicles and personnel to perform routine maintenance work.

7. If embankment is higher than eight (8') feet above main water level, or depth of pond is in excess of two (2') feet in a 10 year design storm, it must be fenced.

K. STREET SHADE TREES (added 6/29/04) (See also Section I, #5 & 6)

(a) Street shade trees shall be on both sides of subdivision streets in the right-of-way or within ten (10) feet of the right-of-way. There shall be one tree planted or preserved an average of forty (40) feet of street frontage, and not less than two trees per lot. Trees that will be preserved shall be mature deciduous trees of at least 8" DBH and of a species approved by the Tree Warden, or newly planted trees of a species approved by the Tree Warden, no less than 2.5 inch caliper at time of installation, and nursery grown. No more than 35% of any one species shall be newly planted throughout the subdivision.

(b) If a street tree would be unable to survive under normal conditions due to soil, slope, or other natural conditions, alternate planting arrangements can be made with the agreement of the Tree Warden. The alternate planting arrangements include:

- 1) Planting in line with an existing row of street trees;
- 2) Elsewhere on the property;
- 3) Payment into a tree mitigation fund of an amount equal to the cost of the tree(s), material, and labor needed to meet the requirements of this section. Such amount shall be set by the Planning Board.

SECTION IV
REQUIRED IMPROVEMENTS IN AN APPROVED SUBDIVISION

A. GENERAL

1. All improvements hereinafter specified shall be constructed or installed, or caused to be constructed or installed, by the applicant, in conformity with the approved Definitive Plan and with:

a. These rules and regulations: and

b. Whenever applicable (sections referring to payment are never applicable) with specifications of the Massachusetts Highway Department), as outlined in the current edition of Standard Specifications for Highways, Bridges, and Water Ways. hereinafter referred to as Standard Specifications, as amended, and in the 1966 edition of the Massachusetts Department of Public Works Construction Manual, Construction Standards, Part 3.

(1) Whenever, in said Standard Specifications, reference is made to the Commonwealth of Massachusetts it shall mean the Town of Ludlow. The District Engineer or Engineer shall mean the Town Engineer acting through the Planning Board.

c. The latest revision of the Standard Details of the Engineering Department of the Town of Ludlow, which are made a part of these regulations, as appropriated and as amended.

2. Sectional installation of utilities and construction of roadway is permitted, PROVIDED that each section shall be for not less than five hundred (500) lineal feet of roadway.

3. Wetland Protection Act – The provisions of the Wetlands Protection Act, Chapter 131, S. 40, M.G.L., shall be complied with, if applicable, before any construction commences on an approved subdivision plan.

4. Effluent Discharge Permit – No person shall discharge pollutants into the waters of the Commonwealth, nor make a new outlet for such discharge or any treatment works without obtaining a permit pursuant to Chapter 21, S. 43, M.G.L.

5. Street Opening Permit

No opening or obstruction shall be made in nor, except as provided in Section 12 of the Chapter, shall any material be placed on a public way or a way

under control of the Town of Ludlow, either by a department of the Town or a private individual or corporation, unless a permit therefore shall first be obtained from the Superintendent of Public Works and the Board of Public Works. Before such a permit is granted, an applicant, other than a town department may be required to file a bond in a sum satisfactory to the Board of Public Works conditioned upon the faithful discharge and performance of every duty and requirement imposed by statute, bylaw of the Town or regulation of the Board of Public Works applicable thereto, and upon the conformance to all directions to the Superintendent of Public Works relating to the work to be done under such permit and upon the payment of all expenses and damages incurred by the town or recovered from it by reason of or in connection with such occupation, opening or work. Each applicant for a permit to open a street shall deposit with the Town Treasurer an amount prescribed by the Town Engineer as a condition to the issuing of the permit to cover the cost of resurfacing after the opening has been closed, provided however, than an applicant may be excused from making such payment in advance when a satisfactory guarantee is given.

6. Development Within Flood Plain Districts

a. All subdivision proposals and other proposed development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Flood Plain District established under the Zoning Bylaw, it shall be reviewed to assure that:

- (1) the proposal is designed consistent with the need to minimize flood damage, and
- (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage, and
- (3) adequate drainage systems shall be provided to reduce exposure to flood hazards, and
- (4) base flood elevation (the level of the 100 year flood) data shall be provided for proposals greater than 50 lots or 5 acres, whichever if the lesser, for that portion within the Flood Plain District.

Special permit is also required in accordance with Section 5.0 of the Zoning Bylaw.

b. All mobile homes within the Flood Plain District shall provide that:

- (1) stands or lots are elevated on compacted fill or on pilings so that the lowest flood of the mobile home will be at or above the base flood level, and

(2) adequate surface drainage and access for a hauler are provided, and

(3) in the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart, and reinforcement is provided for piers more than six feet above ground level.

B. INSPECTION OF CONSTRUCTION

1. All inspections shall be completed by the Town Engineer or his designee.

C. PREPARATION OF ROADWAY

1. The entire area within the exterior lines of all streets in the subdivision shall be cleared, excavated or filled as necessary, and graded in accordance with the then current Standard Specifications, Division II, Sections 101 and 405 inclusive.

a. The minimum depth of the gravel base course, after rolling, shall be twelve (12") inches. It shall be greater if so directed by the Planning Board of its Engineer.

D. UTILITIES

1. Storm water systems shall be constructed in accordance with:

a. The then current Standard Specifications Division II, Section 200, as applicable and/or the Standard Details of the Town of Ludlow as applicable.

2. Sanitary sewer systems to serve each lot within the subdivision shall be constructed, where possible, in accordance with the specifications of the Department of Public Works of the Town of Ludlow as outlined in these Rules and Regulations.

3. Septic tank systems shall be constructed in accordance with the current specifications of the Board of Health of the Town of Ludlow.

4. The applicant shall cause, where possible, water mains and their related accessories to serve each lot within the subdivision to be installed as shown on the approved Definitive Plan, and in accordance with the Rules and Regulations of the Board of Water Commissioners of the City of Springfield.

5. Individual potable water supply (wells) systems shall be constructed in accordance with the current specifications of the Board of Health of the Town of Ludlow.

6. The applicant shall cause primary and secondary lines and/or wires used for the transmission of electricity and/or intelligence, and their related accessories to serve each lot within the subdivision.

E. CURB CONSTRUCTION

1. All ways shall have their entire gutter lines curbed with bituminous concrete berm, (Cape Cod berm), as per Standard Specifications of the Department of Public Works of the Town of Ludlow. (Amended 4/30/09)

F. STANDARD BOTTOM AND TOP COURSES OF PAVEMENT

1. The base course shall be primed with an acceptable asphaltic oil, at a rate of up to one-half (1/2) gallon per square yard of roadway surface, or by any other treatment acceptable to the Planning Board or its Engineer.

2. A bottom and top course of bituminous concrete at the depths to be determined by chart called for in the Standard Details Sheet, Roadways & Pavement, Sheet #1 of 3 shall be laid in accordance with the then current specifications for Type I-1 Bituminous Concrete Pavement, as described in Standard Specifications, Division II, Section 420 and 460. All ways shall be brought up to the finish grade, as shown on the approved Street Plot and Profile Plan of the Definitive Plan.

G. SIDEWALK CONSTRUCTION

The Standards to be used shall be the current Standard Specification, Division II, Section 701.

H. DRIVEWAY APRON CONSTRUCTION

The standards to be used shall be the then current Standard Specifications, Division II, Section 701.

I. STREETS AND TRAFFIC SIGN

Street name signs, standards, and other appropriate traffic direction signs of a design, materials, or number required by the Safety Committee of the Town of Ludlow shall be secured, furnished and installed, or caused to be installed by the applicant.

J. GRASSED AREAS

All unpaved areas, between an exterior right-of-way line and a curb line, and within that area contained by a paved turn-around circle, shall be graded, loamed with at least four (4") inches of loam after compacting, and seeded with a suitable cover of seed. All work and material standards shall be the then current Standard Specifications, Division II, Sections 751 and 765.

K. MONUMENTS

1. Monuments, or bounds, as required under Section III, Subsection H, shall be as set forth herein.
2. Reinforced Concrete Monuments: 3’ - 0” in length, 4” square at top, 5” square at bottom as shown on Town of Ludlow Standard Specifications on sheet #1 of 3, Roadways and Pavements , shall be used.
3. Iron Pins: Minimum of 1” diameter, Minimum of 2’ – 0” length.

L. CLEARING UP OF RIGHT-OF-WAY

All rights-of-way within the subdivision shall be cleared of any and all materials, tools, or structures used in the development work but not intended to be a permanent part thereof, prior to the request for release of Performance Guarantee, Security, or Covenant.

M. SUPPLEMENTAL WATER SUPPLY (added 6/29/04 & amended 4/30/09)

All plans submitted to the Planning Board of the Town of Ludlow for consideration as Definitive Subdivision plans, by any individual, partnership, or corporation (hereinafter, the developer) which propose to build three or more residential structure, or commercial or industrial structures of three thousand square feet (3000 S.F.) or larger, shall meet the following criteria for fire control supplemental water supply.

1. Acceptable Fire Control Systems

A. Municipal Water Supply Extension

1. Where any part of the proposed subdivision lies within a distance of one thousand five-hundred (1,500) feet from an existing municipal water supply which can provide the minimum acceptable fire flow, the developer shall include plans to extend the existing municipal water supply so that a hydrant served by the municipal water supply shall be no more than five hundred (500) feet from the nearest point of the farthest structure to be built as part of the proposed subdivision.
2. Such municipal water supply extension shall be constructed along the route that fire apparatus would be expected to travel, and shall be reviewed and approved by the Fire chief or his designated Fire Prevention Officer (hereinafter, the Fire Chief).
3. Developer shall provide a “will serve” letter from the appropriate Municipal water authority.

4. The following minimum fire flows must be achieved from the extended municipal water system:
 - Residential- Five hundred (500) gallons per minute for twenty (20) minutes.
 - Commercial, Industrial- One thousand (1,000) gallons per minute for twenty (20) minutes.

B. Dry Hydrant or Cistern Systems

1. In cases where a sufficient municipal water supply is not available within one thousand five hundred (1,500) feet or the required minimum fire flows cannot be achieved, a Dry Hydrant or Cistern system shall be provided. Certain specifications of these systems are given below.
2. The dry hydrant or cistern shall be located no more than two thousand (2,000) feet from the nearest point of the farthest structure to be built as part of the proposed subdivision.
3. Such system shall be for the exclusive use of fire and maintenance personnel.
4. The capacity of the Dry Hydrant or Cistern system shall be in compliance with NFPA 1142, *Standard on Water Supplies for Suburban and Rural Firefighting*, and shall be based upon the required fire flow for the number and size of structures being proposed. The minimum capacities shall be twenty thousand (20,000) gallons for residential subdivisions and thirty thousand (30,000) gallons for commercial or industrial projects.
5. Cisterns are to be designed in accordance with NFPA 1142. The tank(s) are to be constructed of reinforced concrete lined with an approved plastic liner or rubber membrane or constructed of other approved materials designed in accordance with good engineering practice and consistent with the requirements of NFPA 1142. The design of a cistern should be trouble-free and last a lifetime.
6. The plans detailing the design and location of the cistern along with a permit application as required by Massachusetts Fire Prevention Regulations 527 CMR 1.04 & 10.03 (15), shall be submitted to the fire chief or his designee for approval prior to construction. All plans shall be signed by a licensed/registered professional engineer.
7. Suction piping to be constructed of schedule 40 steel. Suction piping to be painted red. Suction piping shall terminate with a six (6) inch National Standard Thread (NST) female coupling with a matching male

D. Fire Protection Sprinkler System

1. Sprinkler systems may be installed in accordance with NFPA 13, 13D, 13R, 231, and 231C in place of extending the municipal water supply, dry hydrants or cisterns, at the developer's option, provided that all structures within the development are so equipped, and that adequate water supply can be demonstrated.

2. Review and Approval of Fire Control Plans

Prior to approval of a Definitive Subdivision plan, all fire control and water supply plans shall be reviewed, signed, and sealed by a Certified Fire Protection Engineer, and shall be approved by the Fire Chief.

3. Testing and Verification

Prior to the issuance of a building permit for a third residential structure in a subdivision, or an occupancy permit for commercial or industrial structure(s), the developer shall submit "as-built" drawings of the fire control and water supply installation to the Fire Chief and to the Department of Public Works, and all fire control systems shall undergo acceptance testing by the Fire Chief to verify that they are fully operational.

4. Access

Land upon which any supplementary water supply installation sits, and access thereto from a public way, shall be either deeded to the Town of Ludlow in fee by the owner, or an easement granted to allow access by Town maintenance and fire personnel.

5. Performance and Maintenance

The developer shall provide a five-year performance bond in an amount to be determined by the Fire Chief, to be used in case of major failure of the fire control system.

The developer shall ensure that the Fire Department has all necessary equipment to connect to the fire control system and to reach target structures. Any new equipment that is required shall be provided by the developer at his expense.

The developer shall provide funds necessary for the anticipated maintenance of the fire control system for a period of five years after

acceptance of the Subdivision by the Town. Unexpended funds shall be refunded to the developer at the conclusion of the fire-year period.

6. Definitions:

Acceptance Testing: A test conducted by the Ludlow Fire Department utilizing the system for a predetermined period of time. The purpose of this test is to ensure proper operation and recharge.

Cistern: See NFPA 1142, B. 3. 1 through B. 3. 4.

Developer: Shall include applicant, owner, or his agent or representative, or his assigns.

Dry Hydrant System – See NFPA 1142

Fire Chief: The Fire Chief or his designated Fire Prevention Officer

NFPA: National Fire Protection Association

NFPA 13: The current edition of Installation of Sprinkler Systems.

NFPA 13D: The current edition of Sprinkler Systems in One and Two-Family Dwellings and Mobile Homes.

NFPA 13R: The current edition of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height.

NFPA 1142: The current edition of Water Supplies for Suburban and Rural Fire Fighting.

SECTION V
ADMINISTRATION

A. VARIATION

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgement of the Planning Board, such action is in the best interest of the Town and not inconsistent with the Subdivision Control Law.

B. REFERENCE

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

C. VALIDITY

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

D. RESUBDIVISION

A subdivision plan that has been approved by the Planning Board and duly recorded in the Registry of Deeds, may not be changed in any line or grade until the petitioner has followed the same procedure as that required for a new subdivision. In addition, the Planning Board shall consider what developments have taken place in the said plan, by individuals, in their reliance on its official records in the Registry of Deeds and whether the granting of the requested change or changes would affect any individual right required thereunder. The Planning Board shall require the petitioner to secure releases to himself from all abutters who may be affected within the tract, relieving him of all damages which may be caused by any action taken under the proposed change. The new subdivision plan shall contain a clear and distinct reference to the former subdivision plan and to the book and page on which it is recorded in the Registry of Deeds and shall show revisions or departures from the original in red ink.

E. LEGAL INSTRUMENTS

The developer shall cause to be executed and submit to the Planning Board all legal instruments necessary for the approval of the subdivision. These instruments shall be in a form satisfactory to the Town Counsel. Sample forms for these Instruments have been included at the end of these regulations.

F. AS BUILT DRAWINGS

The subdivider shall, at the completion of the sanitary sewer installation, submit to the Department of Public Works one (1) set of prints of the definitive subdivision plans clearly showing the sanitary house lateral locations with tie distances and depths at the capped ends of the installed laterals.

The developer shall also submit to the Planning Board, after the final inspection of the subdivision has been made and approved by the Town Engineer or his representative, one (1) set of Mylar reproducible As-Built plans showing the following items:

1. Clearly showing the sanitary house lateral locations with distances and depths at the capped ends of the installed laterals.
2. Actual locations, frames and cover elevations, final street elevations, and inverts of all sanitary sewer and storm water structures and underground piping that differ significantly from the approved definitive subdivision plans.
3. Actual water piping locations.
4. All lines and/or wires used for the transmission of electricity and/or intelligence.
5. Location of street light poles.
6. All main or distribution pipe lines used for the transmission of gas or liquid fuels.
7. Changes in the location of sidewalks.
8. Location of any installed fencing used for retention or detention ponds.

DATE: _____

FORM A

**APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED TO NOT REQUIRE APPROVAL**

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section I-B.

To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the Town of Ludlow does not constitute a subdivision within the meaning of the Subdivision Control Law, hereby submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant _____
Address _____
2. Name of Licensed Land Surveyor _____
Address _____
3. Deed of Property recorded _____ Registry, Book _____, Page _____
4. Location and description of property _____

Signature of Owner _____

Address _____

Received application fee of \$ _____ for _____ lots.

Signature for Planning Board

DATE: _____

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirement of Section II-A.

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Ludlow for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Ludlow.

1. Name of Applicant _____ Individual
Partnership
Corporation
Address _____
2. Name of Engineer _____
3. Name of Licensed Land Surveyor _____
Address _____
4. Deed of property recorded in _____ Registry, Book _____, Page _____
5. Location and description of property _____
- _____

Signature of Owner _____
Address _____

Received application fee of \$ _____.

Signature for Planning Board

DATE: _____

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section II-B.

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Ludlow for approval as a subdivision under the requirements of the Subdivision control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Ludlow.

- Individual
Partnership
Corporation
1. Name of Record Owner _____
Address _____
 2. Name Of Engineer _____
 3. Name of Licensed Land Surveyor _____
Address _____
 4. Deed of property recorded in _____ Registry, Book _____, Page _____
 5. Location and description of property _____
-

Signature of Owner _____
Address _____

Received application fee of \$_____.

Signature for Planning Board

FORM D

DESIGNER'S CERTIFICATE

I hereby certify that the accompanying Plan entitled _____

dated _____, 20____, is correct; that it is a subdivision of (part of or all of) the lands conveyed by _____

to _____

by deed dated _____, 20 ____, and recorded in _____

County Registry Book _____, Page _____, and that Parcel monuments are set as indicated on the Plan.

I further certify that (none, some, or all) of the Parcel is within the Aircraft Flight Overlay District.

Date _____

Designer

Date _____

Subdivider

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

Date: _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

FORM F

COVENANT

(Corporate)

The undersigned, _____
of the _____, a corporation
duly organized and existing under and by virtue of the laws of _____
having a principal place at _____
_____ County, _____
hereinafter called the "Covenantor", having submitted to the Planning Board of the Town of
Ludlow a Definitive Plan of a subdivision entitled " _____
_____ " owned by _____
_____ drawn by _____
_____ dated _____ 20 _____, and scale:
_____ " = _____, do(es) hereby covenant and agree with said Planning Board and the
successors in office of said Board, pursuant to G.L. (Ter.Ed.) C.41, Section 81U, as amended,
that:

1. The Covenantor is the owner of record of the premises shown on said Plan; see Hampden County Book _____, Page _____, and Book of Plans _____, Page _____;
 2. This covenant shall run with land and be binding upon the executors, administrators, heirs, and assigns of the Covenantor, and his/her/their/its successors in title to the premises on said Plan;
 3. The construction of ways and the installation of municipal services shall be provided to serve any lots in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of his covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot; provided, however, that prior to the release of a lot or lots to be built upon or conveyed the Board may require a deposit of money sufficient in the opinion of the Board to secure Subdivision as shown on the Definitive Plan;
 4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the Subdivision Plan of all lots previously released by the Planning Board without first providing such ways and services;
- Form F (Corporate) – Page 2 -
5. This covenant shall take effect upon approval of said Plan;
 6. Reference to this covenant shall be entered upon said Plan and this covenant shall be recorded when such Plan is recorded.

IN WITNESS WHEREOF, the said _____
has caused by these presents to be signed, acknowledged, and delivered in its name on its behalf,
by _____, its _____
hereto duly authorized, this _____ day of _____, 20 _____.

Witness:

by

Witness:

by

Witness:

by

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

Date: _____

On this _____ day of _____, 20____, before me, the undersigned notary public,
personally appeared _____, proved to me through satisfactory evidence of
identification, which were _____ to be the person whose name is signed
on the preceding or attached, and acknowledged to me that he/she signed it voluntarily for its
stated purpose.

Notary Public

My Commission Expires: _____

FORM F

COVENANT

(Individual)

The undersigned, _____
(a) natural person (s), of _____

_____ County, _____

hereinafter called the "Covenantor", having submitted to the Planning Board of the Town of Ludlow a Definitive Plan of a subdivision entitled " _____

_____", owned by _____

_____, drawn by _____

dated _____ of 20 _____, and scale: _____" = _____, do(es) hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to G.L. (Ter.Ed.) C.41, Section 11U, as amended, that:

1. The Covenantor is the owner of record of the premises shown on said Plan; see Hampden County Book _____, Page _____, and Book of Plans _____, Page _____;

2. This covenant shall run with land and be binding upon the executors, administrators, heirs, and assigns of the Covenantor, and his/her/their/its successors in title to the premises on said Plan;

3. The construction of ways and the installation of municipal services shall be provided to serve any lots in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of his covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot; provided, however, that prior to the release of a lot or lots to be built upon or conveyed the Board may require a deposit of money sufficient in the opinion of the Board to secure Subdivision as shown on the Definitive Plan;

4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the Subdivision Plan of all lots previously released by the Planning Board without first providing such ways and services;

5. This covenant shall take effect upon approval of said Plan;

6. Reference to this covenant shall be entered upon said Plan and this covenant shall be recorded when such Plan is recorded.

EXECUTED as a sealed instrument this _____ day of _____, 20 _____.

Witness:

by:

Witness:

by:

Witness:

by:

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

Date: _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

FORM F

COVENANT

(Partnership)

The undersigned, _____
a Partnership duly organized and existing under and by virtue of the laws of _____
_____, having a principal place at _____
_____ County, _____
hereinafter called the "Covenantor", having submitted to the Planning Board of the Town of
Ludlow a Definitive Plan of a subdivision entitled " _____
_____", owned by _____
_____ drawn by _____
_____ dated _____ of 20 _____, and
scale: _____" = _____, do(es) hereby covenant and agree with said Planning Board and the
successors in office of said Board, pursuant to G.L. (Ter.Ed.) C. 41, Section 81U, as amended
that:

1. The Covenantor is the owner of record of the premises shown on said Plan; see Hampden County Book _____, Page _____, and Book of Plans _____, Page _____;
2. This covenant shall run with land and be binding upon the executors, administrators, heirs, and assigns of the Covenantor, and his/her/their/its successors in title to the premises on said Plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lots in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of his covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot; provided, however, that prior to the release of a lot or lots to be built upon or conveyed the Board may require a deposit of money sufficient in the opinion of the Board to secure Subdivision as shown on the Definitive Plan;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the Subdivision Plan of all lots previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval of said Plan;

6. Reference to this covenant shall be entered upon said Plan and this covenant shall be recorded when such Plan is recorded.

EXECUTED as a sealed instrument this _____ day of _____, 20 ____.

Witness:

by

Witness:

by

Witness:

by

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

Date: _____

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

FORM G
EASEMENTS

KNOW ALL MEN BY THESE PRESENTS, that we, _____
_____, of _____
_____.

GRANT to the Town of Ludlow, a municipal corporation of Hampden County, Massachusetts, with quit claim covenants, the Sanitary Sewer and Stormwater Drain Easements in a Subdivision entitled _____, located in said Town of Ludlow. All as shown on the Definitive Plan for said Subdivision, said Plans now on file in the office of the Town of Ludlow Planning Board. Together with the right to enter upon said easements to lay, maintain and repair pipes and their appurtenant structures, to pass sewerage or stormwater runoff through said pipes, and to discharge stormwater runoff on land of the Grantor.

SAID EASEMENTS being more particularly described as follows:

EXECUTED as a sealed instrument this _____ day of _____, 20 _____.

Witness

by

Witness

by

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

Date: _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

FORM H
QUIT CLAIM DEED

Sanitary Sewers and Stormwater Drains

KNOW ALL MEN BY THESE PRESENTS, that we, _____
_____, of _____

GRANT to the Town of Ludlow, a municipal corporation of Hampden County, Massachusetts, with quit claim covenants, the sanitary sewer and stormwater drains in a Subdivision entitled _____ and located in said Town of Ludlow. All as shown on the Definitive Plan for said Subdivision, said Plans now on file in the office of the Town of Ludlow Planning Board. Together with the right to enter upon the ways of said subdivision to install, maintain and repair pipes and their appurtenant structures, to pass sewerage or storm water runoff through said pipes, and to make connections to said pipes from the lots adjacent to the ways of said subdivision.

THIS INSTRUMENT shall take effect upon completion of all work called for in the Development Agreement or Covenant entered into by _____ and the Town of Ludlow Planning Board dated _____, 20 _____.

EXECUTED as a sealed instrument this _____ day of _____, 20 _____.

Witness

by

Witness

by

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

Date: _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

FORM I

DEVELOPMENT AGREEMENT

AGREEMENT made as of this _____ day of _____, 20 _____,
between _____, of _____
Name of Developer Address

(hereafter the “Developer”) and the TOWN OF LUDLOW, a Massachusetts municipal corporation acting by and through its Planning Board with a place of business at 488 Chapin Street, Ludlow, Massachusetts (hereafter the “Planning Board”).

The Developer has petitioned the Planning Board for approval of a definitive plan (hereafter the “Plan”) and profile of a subdivision entitled _____
Name of Subdivision

(hereafter the “Subdivision”). The Planning Board is willing to approve the Plan provided that the Developer agrees to develop the Subdivision in accordance with the Plan and in accordance with the Rules and Regulations of the Planning Board which incorporate by reference the standard specifications for highways and bridges issued by the Massachusetts Department of Public Works which are incorporated in this Development Agreement by reference. The Planning Board is also willing to approve the Plan on the condition that the Developer agrees to complete the improvements shown in the Plan within two years from the date of the Development Agreement. The parties therefore agree as follows:

1. The Developer agrees to construct the ways and installation of municipal services as shown on the Plan for the Subdivision as approved by the Planning Board on _____
Date of Approval. The construction and installation shall be completed in accordance with the Plan and in accordance with the Rules and Regulations of the Planning Board and in accordance with current requirements of the standard specifications for highways and bridges of the Massachusetts Department of Public Works in effect at the time of the construction and installation.

2. The Developer agrees to complete the construction of ways and installation of services as set forth in Paragraph 1 by the date which is two years from the date of approval of the Plan by the Planning Board.

3. The Planning Board shall have the right to seek enforcement of this Development Agreement in any court of competent jurisdiction in the Commonwealth of Massachusetts. The Developer agrees that, in the event the Planning Board seeks enforcement of this Development Agreement, it will pay the reasonable attorneys fees and expenses incurred by the Planning Board in seeking such enforcement.

4. In addition to the enforcement actions set forth in Paragraph 3, the Developer agrees that in the event it fails to perform its obligations pursuant to this Development Agreement, the Planning Board, in its sole discretion, shall have the right to determine that the cost of the construction of ways and installation of services shall constitute a "municipal charge" pursuant to the Town of Ludlow General Bylaws, Part I, Chapter II, §36 which, among other things, permits the Town of Ludlow to deny, revoke or suspend any license or permit issued to the Developer for failure to pay the municipal charge evidenced by the Developer's obligations pursuant to this Development Agreement. The Developer further agrees that its failure to perform its obligations pursuant to this Development Agreement shall constitute a basis, in the sole discretion of the Planning Board, to withhold approval of any subdivision plan or any other request for approval, certification, or other action by the Planning Board in the future.

IN WITNESS WHEREOF, the parties hereto have executed this Development agreement as of the date first above written.

TOWN OF LUDLOW

Witness

BY: _____

Witness

BY: _____

Witness

BY: _____

A majority of the members of its Planning Board

Name of Developer

Witness

BY: _____

FORM I(a)

EXTENSION OF DEVELOPMENT AGREEMENT

The undersigned are parties to a Development Agreement (the "Development Agreement") dated as of _____, with respect to a subdivision known as _____, in Ludlow, Massachusetts.

The undersigned parties hereby ratify the extension of the Development Agreement from the initial date of its Expiration to _____, and the undersigned developer hereby agrees to complete the development of the subdivision described in the Development Agreement by _____.

The parties agree that in all respects the Development Agreement has been in effect from _____ to the date of Extension and that the term of the Development Agreement shall remain in full force and effect until _____, except as amended by this Extension.

Executed as a sealed instrument as of _____

DEVELOPER

TOWN OF LUDLOW
PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

Date: _____

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

FORM J

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we _____
_____ of _____
(hereinafter called "Principal") as Principal, and _____
_____, a corporation organized and existing under the
laws of the State of _____ and authorized to transact business in the
Commonwealth of Massachusetts (hereinafter called "Surety"), as Surety are held and firmly
bound unto the Town of Ludlow Planning Board (hereinafter called "Obligee") in the penal sum
of _____ DOLLARS, we bind ourselves, our heirs,
administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above abounded Principal has entered into a certain Development Agreement
with the above named Obligee, dated the _____ day of _____, 20 __, covering _____

which contract is hereby referred to and made a part hereof as fully and to the same extent as if
copies at length herein,

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS THAT,
whenever the Principal shall be in default under the Contract, having been so declared by the
Obligee, the Surety shall promptly remedy the default. This obligation shall remain in full force
and effect until released in writing by a majority of the Town of Ludlow Planning Board.

EXECUTED as a sealed instrument this _____ day of _____, 20 __.

Witnesses:

Signed:

Principal

Surety

By _____

FORM K

RELEASE OF COVENANT

(Corporate)

The undersigned, being a majority of the Planning Board of the Town of Ludlow, Massachusetts (hereinafter referred to as the Board), hereby certify that the requirements for work on the ground called for by a certain covenant by and between the Board and _____, a Massachusetts Corporation, dated _____, 20__, and recorded with the Hampden County Registry of Deeds, in Book _____, Page _____ have been completed to the satisfaction of the Board as to the following enumerated lots shown on a Plan entitled _____, which Plan is recorded with said Covenant, and in Book of Plans _____, Page _____, and said lots are hereby released from the restrictions as to sale and building specified thereon.

Said Lots are designated on said Plan as follows: _____

Town of Ludlow Planning Board

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

Date: _____

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

FORM K

**RELEASE OF COVENANT
(Individual)**

The undersigned, being a majority of the Planning Board of the Town of Ludlow, Massachusetts (hereinafter referred to as the Board), hereby certify that the requirements for work on the ground called for by a certain Covenant by and between the Board and _____ (an) individual(s), dated _____ 20____, and recorded with the Hampden County Registry of Deeds, in Book _____, Page _____ have been completed to the satisfaction of the Board as to the following enumerated lots shown on a Plan entitled _____ which Plan is recorded with said Covenant, and in Book of Plans _____, Page _____, and said lots are hereby released from the restrictions as to sale and building specified thereon.

Said Lots are designated on said Plan as follows: _____

Town of Ludlow Planning Board

Date

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

Date: _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

FORM K

RELEASE OF COVENANT

(Partnership)

The undersigned, being a majority of the Planning Board of the Town of Ludlow, Massachusetts (hereinafter referred to as the Board), hereby certify that the requirements for work on the ground called for by a certain Covenant by and between the Board and _____ a Massachusetts General Partnership, dated _____ 20____, and recorded with the Hampden County Registry of Deeds, in Book _____, Page _____ have been completed to the satisfaction of the Board as to the following enumerated lots shown on a Plan entitled _____, which Plan is recorded with said Covenant, and in Book of Plans _____, Page _____, and said lots are hereby released from the restrictions as to sale and building specified thereon.

Said Lots are designated on said Plan as follows: _____

Town of Ludlow Planning Board

Date

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

Date: _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

FORM L

CERTIFICATE OF INSPECTION

Subdivision: _____ Street _____

Phase: _____ Planning Board Approval Date: _____

Developer's Name: _____ Phone: _____

General Contractor's Name: _____ Phone: _____

NOTE: 72-Hour written notice required on all inspection stages. Notice shall be submitted to the Planning Board and Engineering Department.

Stage 1: Clearing of right-of-way and roadway embankment construction
Date Insp. Requested _____ Insp. by: _____ Date _____

Stage 2: Installation of sanitary sewer system
Date Insp. Requested _____ Insp. by: _____ Date _____

Stage 2A: Testing of sanitary sewer system
Date Insp. Requested _____ Insp. by: _____ Date _____

Stage 3: Installation of stormwater drainage construction
Date Insp. Requested _____ Insp. by: _____ Date _____

Stage 4: Roadway sub-grade construction
Date Insp. Requested _____ Insp. by: _____ Date _____

Stage 5: Roadway base (gravel) and fine grading inspection - Certification of gravel required
Date Insp. Requested _____ Insp. by: _____ Date _____

Stage 6: Roadway pavement base course (binder – bituminous concrete) construction
Date Insp. Requested _____ Insp. by: _____ Date _____

Stage 7: Roadway pavement top course (bituminous concrete) construction (after one (1) full winter season)
Date Insp. Requested _____ Insp. by: _____ Date _____

Stage 8: Final inspection (berm, loaming and seeding of tree belt, sanitary and storm water structures, sidewalks (including gravel sub base), stone bounds, etc. and any other inspection deemed necessary by the Town Engineer or his representative to ensure conformity with the Subdivision Rules and Regulations.
Date Insp. Requested _____ Insp. by: _____ Date _____

Stage 9: Installation of street lights.
Date Insp. Requested _____ Insp. by: _____ Date _____

DEVELOPER NOTICE: The **developer** shall reimburse the Town of Ludlow for the cost of the inspector.

NOTE: AS BUILT DRAWINGS
Upon acceptance of the work as complete, the developer shall revise the original plans to show the subdivision as built. The As Built Drawings, on Mylar, shall be on file with the Planning Board before the Performance Guarantee is released.

I, _____, Town Engineer (or representative of the Town of Ludlow), do certify that the above-listed stages of road construction have been inspected and were found to have been properly executed and in accordance with the Subdivision Rules and Regulations.

Representative of Town of Ludlow

Date

DEFINITIVE PLAN CHECKLIST FORM

All definitive plan submittals **must** be stamped by the Town Clerk and brought to the Planning Board. The Planning Board will distribute the plans to the following departments for comments: Building Department, Department of Public Works, Board of Health, Fire Department, Safety Committee, and Conservation Commission.

All submissions must include:

- Filing Fee
- Copy of the deed
- 7 sets of prints
- A locus plan
- A plan showing overall development showing all easements and the purpose of each
- Abutters as listed by the Assessors
- Storm drainage study calculations
- A copy of the sanitary discharge application, where applicable
- An estimated cost of the subdivision
- Traffic study if sixteen (16) lots or more
- A written request for any waivers from the standard rules and regulations
- A signed and dated copy of this form

STATEMENT OF COMPLETENESS

I have personally verified the completeness and accuracy of my application. I personally attest to its completeness with regard to the above-listed items as well as any other requirements of the Town of Ludlow. I understand that compliance with this checklist alone does not guarantee the completeness of my application. Further, I understand that the Planning Board is required, within ninety (90) days with a preliminary or 135 days without preliminary, to take action on my definitive plan and that an incomplete submission cannot be approved.

Developer

Date

TOWN OF LUDLOW
RECOMMENDED TREE SPECIES

Mature Height of 15 ft. to 30 ft.

Amure Maple, Kousa Dogwood, Thornless Hawthorn, Crabapple Species, Japanese Tree Lilac, Eastern Redbud.

Mature Height of 25 ft. to 40 ft.

Hedge Maple, Paperbark Maple, Imperial Honeylocust, Amur Corktree.

Mature Height of 40 ft. to 90 ft.

Red Maple, Sugar Maple, Ginkgo (male), Honeylocust, Blackgum (black tupelo), Oak Species, Linden.

Trees prone to storm damage in New England: Norway Maple, Sycamore, Silver Maple, London Plane Tree, and Willow.

SUBDIVISION FEE SCHEDULE

ANR Plans: \$100.00 – Initial Lot &
 \$50.00 – each additional lot

Preliminary Subdivision Plan: \$1/linear foot of roadway & \$50/lot

Definitive Subdivision Plan: \$4/linear foot of roadway & \$200/lot

Engineering Inspection: \$.50/linear foot of roadway, \$200 minimum

Performance Guarantee:

Reduction/ Release:	\$100
Type of Substitution (e.g. Covenant > Bond):	\$100
Lot Substitution	\$100

Extension of Development Agreement: \$250.00 per lot for each six-month extension.

Condominiums: \$50 per parking space

Resubmittal for Grading Change: The amount of affected linear footage to be regarded, divided by the total linear footage, times the original filing fee.

Effective May 17, 2007