TOWN OF CHILMARK

RULES AND REGULATIONS

GOVERNING

SUBDIVISION OF LAND

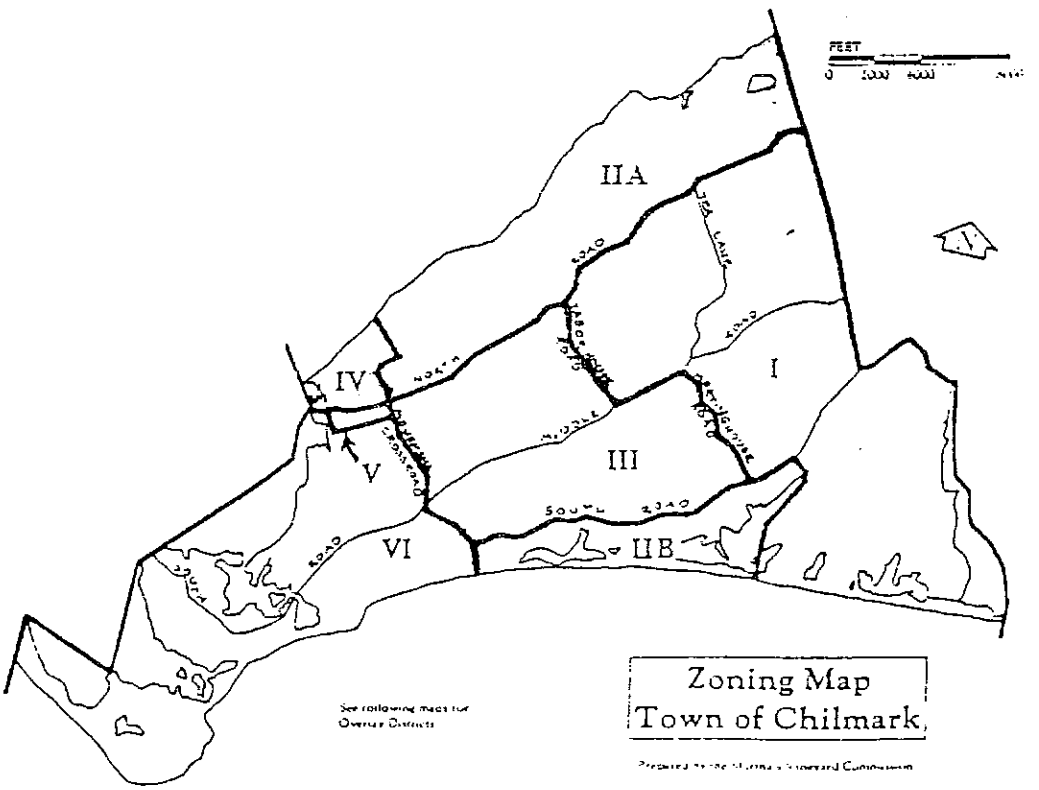

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TABLE OF CONTENTS

Section 1: GENERAL

1.01 Purpose 1
1.02 Authority 1
1.03 Planning Board Approvals 1
1.04 Definition of Subdivision 1
1.05 Divisions not Constituted as Subdivision 1

Section 2: PLAN PROCEDURES

2.01 General 2
2.02 Planning Board Method of Operation 2
2.03 Variations and Waivers 2
2.04 Submission of Plans 2
2.05 Plan Believed Not To Involve Subdivision 2
2.06 Pre-Submission Review 2
2.07 Preliminary Plan 3
2.08 Preliminary Plan Submission 3
2.09 Preliminary Plan Contents 3
2.10 Preliminary Plan Approval 4
2.11 Definitive Plan Submission 4
2.12 Definitive Plan Contents 4
2.12A Proposed Location of Structures 5
2.13 Road Plans and Profiles 5
2.14 Environmental Analysis 6
2.15 Environmental Plan Contents 6
2.16 Impact Statement Contents 6
2.17 Required Information 7
2.18 Board of Health Review 8
2.19 Public Hearing 8
2.20 Performance Guarantee 8
2.21 Approval, Modification, or Disapproval 8

Section 3: DESIGN STANDARDS

3.01 General 9
3.02 Application of Standards 9
3.03 Roads and Paths in General 9
3.04 Road Configuration 9
3.05 Path Configuration 9
3.06 Road and Path Widths 9
3.07 Road Grades 9
3.08 Easements 9
3.09 Storm Water Management 10
3.10 Water Supply and Sewage Disposal 10
3.11 Open Spaces - Recreation 10
3.12 Protection of Natural Features 11
3.13 Written Approvals 11
3.14 Underground Wiring 11

Section 4: REQUIRED IMPROVEMENTS

4.01	General	11
4.02	Roads	11
4.02A	Adequate Access From Public Ways and Private Ways	11
4.03	Water	12
4.04	Sewage Disposal Systems	12
4.05	Cable Utilities	12
4.06	Storm Water Management System	12
4.07	Monuments	12
4.08	Road Signs, Sidewalks, Lighting	12
4.09	Clean-Up	12
4.10	Planting	12
4.11	Ownership of Roads and Common Areas	13
4.12	Record Plans	13
4.13	Work Schedule, Administration	13
4.14	Inspections	13

APPENDICES

A - Development Guidelines A-1

B - Forms

Form A - Approval Not Required B-1

Form B - Application for Approval of a Preliminary Plan B-2

Form C - Application for Approval of a Definitive Plan B-3

C - Procedures for Road Layout Acceptance & Final Construction Approval C-1

D - Inspection & Testing D-1

E - Subdivision Filing Fees E-1

F - Legal References F-1

G - Rate of Development G-1

Section 1: GENERAL

1.01 Purpose

The purpose of these regulations is to protect the health, convenience, safety and welfare of the residents of Chilmark by establishing standards and the means of enforcement for roads, traffic control, water supply, sanitary sewage disposal, drainage, fire-fighting, flood control, protection of natural and other resources and any other public needs as they may be necessitated by the subdivision of land, and to ensure inclusion of open spaces in subdivisions, in proper cases, and compliance with applicable zoning ordinances and by-laws, and the goals and objectives of the Chilmark Master Plan.

1.02 Authority

These rules and regulations are adopted by the Chilmark Planning Board under the authority granted to it by Chapter 41, Section 81A, et seq., Massachusetts General Laws, known as the Subdivision Control Law. The Planning Board must act within the time frames stipulated in the pertinent sections of the above law.

1.03 Planning Board Approvals

No person shall make a subdivision, within the meaning of the Subdivision Control Law, of any land within Chilmark, 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 sub-division has been submitted to and approved by the Planning Board as required by these rules and regulations.

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision for which a Definitive Plan has been approved by the Planning Board, and, to the extent consistent with applicable zoning ordinances, not more than three such buildings shall be erected or placed or converted to such use on any parcel outside such a subdivision, without the prior written approval of the Planning Board. For the purposes of this section, the word "parcel" means any tract of land under common ownership as of the effective date of the Subdivision Control Law in Chilmark (June 17, 1975).

1.04 Definition of Subdivision

"Subdivision" shall mean the division of a tract of land into two or more lots and shall include re-subdivi-sion, and, when appropriate to the context, shall relate to the process of subdivision of land subdivided.

1.05 Divisions not Constituting Subdivision [Form A - Approval Not Required (ANR)]

The division of a tract of land into two or more lots shall not be deemed to constitute subdivision within the meaning of these regulations, if at the time when it is made, every lot has adequate access and the required frontage as is defined by the dimensional requirements in the current Chilmark Zoning Bylaws. This frontage and access must be on:

a. A public way, or

b. A way shown on a plan theretofore approved by the Planning Board; or

c. A way in existence when the subdivision control law became effective in Chilmark having, in the opinion of the Planning Board:

   1) sufficient width,

   2) suitable grades and

   3) 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 utility services for such land and the buildings erected or to be erected thereon.

Adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot 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 Chilmark into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

In exceptional cases, a plan may show lots which comply with the frontage requirements under zoning, but due to the lot configuration, access to such lots would not be safe and convenient for emergency vehicles. In such cases, approval under the subdivision control law would be required.

Section 2: PLAN PROCEDURES

2.01 General

Only those plans which constitute "subdivisions" as that term is defined in Section 1.06 require the approval of the Planning Board. However, plans of land which do not constitute "subdivisions" within the meaning of the Subdivision Control Law must be endorsed by the Board as not requiring approval before such plans will be accepted for recording at the Registry of Deeds or registration at the Land Court.

2.02 Planning Board Method of Operation

In addition to complying with the detailed subdivision standards set forth in these rules and regulations, applicants are encouraged to discuss their proposed subdivision plans with the Board at the earliest possible planning stage to insure compliance with these rules and regulations as well as all applicable zoning by-laws and to avoid later changes to the plans. (See Section 2.06 - Presubmission Review.)

2.03 Variations and Waivers

Strict compliance with all of the requirements of these rules and regulations may be waived in any particular case when, in the judgement of the Planning Board, such action is in the public interest and is not inconsistent with the intent and purpose of the Subdivision Control Law. In the event any such waiver is granted in a particular case, the Board shall state in writing its reasons therefor.

2.04 Submission of Plans

A plan shall be submitted under this section when delivered at a meeting of the Board or when sent by registered mail to the Planning Board. If so mailed, the date of receipt shall be the date of submission of the plan.

2.05 Plan Believed Not To Involve Subdivision

Anyone may submit a plan seeking endorsement that the plan does not require approval under the Subdivision Control Law. The plan and two (2) prints (to be retained) plus the Application **Form A**, a filing fee in an amount as determined by the Board from time to time, and a statement as to why the plan does not require approval under the Subdivision Control Law shall be submitted to the Planning Board, and a copy of Form A should be filed (by delivery or registered mail) with the Town Clerk. If the Board determines that the plan *does not* show a subdivision, it shall endorse the plan "Approval under the Subdivision Control Law Not Required". The Board will return the original plan to the applicant, notifying both him and the Town Clerk of its action.

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

If the Planning Board takes no action within twenty-one (21) days after the Date of Submission as determined by Section 2.04, the plan is automatically deemed not a subdivision plan, and the Town Clerk may so certify.

2.06 Pre-Submission Review

Prior to investing in extensive professional design efforts for subdivision plans, it will often prove useful to the subdivider to review the proposed development of a parcel of land with the Planning Board, in order that general

approaches and potential problems can be freely explored. Pencil sketches which need not be professionally prepared, will assist in the discussion, and might show some but not all of the information shown on a Preliminary Plan. In some cases, especially small projects, this pre-submission review may eliminate need for such a Preliminary Plan. As a result of pre-submission review, the requirements for the Preliminary Plan will be established. The Planning Board strongly recommends the use of Pre-Submission Review of any project.

2.07 Preliminary Plan

"Preliminary Plan" shall mean a plan of a proposed subdivision or re-subdivision of land drawn on tracing paper, or a print thereof, showing:

a. The subdivision name, boundaries, north point, date, scale, legend and title 'Preliminary Plan';

b. The names of the record owner and the applicant and the name of the designer, engineer or surveyor;

c. The names of all persons owning rights in property abutting the proposed subdivision, including surface, mineral and security rights, as determined from the most recent local tax list and land records;

d. The existing and proposed lines of roads, ways, easements, and any public areas within the subdivision in a general way;

e. The proposed system of drainage, including adjacent existing natural water-ways, in a general manner;

f. The approximate boundary lines of proposed lots, with approximate areas and dimensions;

g. The names, approximate location and widths of adjacent roads;

h. An outline of wetlands and all areas within the Wetland and Watershed Protection Districts;

i. Physical, geological, environmental and other characteristics unique to the site;

j. The topography of the land at two-foot contour intervals; and

k. Approximate location of house sites and building envelopes.

A Preliminary Plan of a subdivision may be submitted to the Planning Board, with copies to the Board of Health and the Conservation Commission for discussion. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, Conservation Commission and other municipal agencies, and persons owning rights in property abutting the subdivision to discuss and clarify the problems of such subdivision before engineering drawings for a Definitive Plan are prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case except those where a Pre-Submission Review has adequately clarified all issues. During the discussion of the Preliminary Plan, the information required for the Definitive Plan will be developed.

2.08 Preliminary Plan Submission

A Preliminary Plan submitted under Section 2.07 shall be filed by delivery or registered mail with the Town Clerk, along with a copy of the completed application (Form B). A properly executed Form B also shall be filed with the Planning Board along with two (2) copies of the Preliminary Plan and the current filing fee as determined by the Board.

2.09 Preliminary Plan Contents

A Preliminary Plan submitted under Section 2.07 shall be drawn at a scale of 100 feet to one inch or other scale approved by the Planning Board, and shall be identified as a Preliminary Plan. A Preliminary Plan shall have contents as defined in Section 2.07. In addition, to promote better understanding of the impact of the Plan on the town, the following should be submitted:

a. A locus plan of the subdivision, showing its road configuration in relation to the surrounding area, at a scale of 1"=2000;

b. In the case of a subdivision covering less than all of the land owned by the subdivider in the area of the subdivision, a plan showing in a general manner the proposed overall development of all such land;

c. Preliminary findings, with as much detail as possible, of the Environmental Impact Analysis required at Section 2.14.

d. Copies of any existing easements, covenants and/or restrictions.

2.10 Preliminary Plan Approval

Within forty-five (45) days after the Date of Submission, the Planning Board shall give each Preliminary Plan either its tentative approval (with or without modification), or disapproval of the plan. In the case of disapproval, the board shall state in detail its reasons therefor. Tentative approval does not constitute approval of a subdivision.

2.11 Definitive Plan Submission

The applicant shall file by delivery or registered mail with the Town Clerk and the Board of Health (see Section 2.18) a copy of executed Form C and shall similarly file with the Planning Board:

a. Two (2) contact prints of the Definitive Plan and other required drawings, dark line on white background (additional prints must be supplied upon the Board's request);

b. Two (2) copies of properly executed application Form C; (including copies of any existing easements, covenants and/or restrictions).

c. The current filing fee as determined by the Board.

d. Copies of any existing easements, covenants and/or restrictions.

2.12 Definitive Plan Contents

The Definitive Plan, including the Environmental analyses, shall be prepared by an interdisciplinary team that includes a Registered Land Surveyor, Professional Civil Engineer, and Registered Architect or Registered Landscape Architect, unless otherwise agreed to by the Board. The Definitive Plan shall be clear and legible and shall not exceed 24" x 36". The Plan shall be at the scale of one inch equals 100 feet, or such other scale as the Board may accept, to show details clearly and adequately. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following:

a. The subdivision name, boundaries, north point, date, scale, and legend;

b. The name and address of the record owner, subdivider, surveyor, and other professionals engaged in the design;

c. Location and names of all owners of record of properties abutting or within 300 feet of the subdivision, including surface, mineral and security rights, as determined from the most recent local tax list and land records; assessors' map numbers, designation of zoning districts;

d. Existing and proposed lines of roads, ways, (including ancient ways), paths, lots, easements, and public or common areas within the subdivision;

e. Sufficient data to determine the location, direction, and length of every road and way, easements, lot line and boundary line, and to establish those lines on the ground. If any part of the subdivision is within 500 feet of a Massachusetts Co-Ordinate System Island Zone Survey Monument, the sub-division shall be tied to said system;

f. Road centerline stationing, referenced to the Road Plans and profiles;

g. Lot numbers and sizes;

h. Location of all permanent monuments, properly identified as to whether existing or proposed;

i. Location , names, and present widths of all roads and ways bounding, approaching or within reasonable proximity of the subdivision;

j. Existing and proposed watercourses, ponds and wetlands;

k. An outline of all areas located within or adjacent to the proposed subdivision which are subject to the Wetlands Protection Act and Chilmark's Wetlands Protection Bylaws, any orders, designations or other actions under Massachusetts General Laws, Ch. 21, S8 et seq., the Federal Watershed Protection and Flood Prevention Act, the Federal Coastal Zone Management Act, or located within the Wetland and Watershed Protection Districts, or within any Districts of Critical Planning Concern;

l. Topography of the land at two foot contour intervals;

m. Proposed location of sewage disposal systems, whether individual or central, with detailed results of soil percolation tests on each location;

n. Proposed location of water supply for each lot;

o. Suitable space to record the action of the Board and the Town Clerk's certification;

p. Proposed location of structures, in some cases, as provided.

q. Any waivers necessary.

r. A locus plan of the subdivision, showing its road configuration in relation to the surrounding area, at a scale of 1"=2000;

s. In the case of a subdivision covering less than all of the land owned by the subdivider in the area of the subdivision, a plan showing in a general manner the proposed overall development of all such land;

t. Preliminary findings, with as much detail as possible, of the Environmental Impact Analysis required at Section 2.14.

2.12A Proposed Location of Structures

Where, owing to circumstances relating to the soil conditions or topography of the land or shape of the lots in the proposed subdivision, the board deems it necessary for carrying out the purpose of the Subdivision Control Law and compliance with town zoning by-laws the Board may require that the plan show the perimeter of the designated building area for some or all of the lots in the subdivision.

2.13 Road Plans and Profiles

For every Road in a subdivision, there shall be a separate plan at 1"=40', and profile at 1"=40' horizontal, and 1"=40' vertical, showing the following data:

a. Exterior lines of the way, with sufficient data to determine their location, direction and width.

b. Existing centerline profile to be shown as a fine full line. Existing centerline profile for intersecting roads to be shown for at least 100 feet each side of the intersection of road centerlines. When required by the Board, existing right sideline shall be shown as a dashed black line, left sideline as black dots. Elevations shall be based on the U.S.C.G.S. bench marks if such exist within 1,000 feet of the subdivision.

c. Finished, designed profile to be heavy full line, with elevations shown every 50 feet (25 feet on vertical curves).

d. Existing and proposed water courses, ponds and wetlands.

e. All drainage and flood control facilities to be shown on the plan and profiles in red, showing sizes, invert elevations and slopes.

f. Location and size of existing and proposed domestic water supply and firefighting water facilities.

g. Location of existing and proposed cable utilities and their appurtenances.

h. Location of road surfacing and paths, as well as any other improvements required by the Board.

2.14 Environmental Analysis

Any subdivision creating frontage potentially allowing five or more lots shall be based upon an Environmental Analysis, and, in addition, the Board may require for subdivisions of fewer than five lots that certain of the following be submitted where such information is necessary to evaluate the plan because of special circumstances of the location or proposal. An Environmental Plan and an Impact Statement shall be submitted as documentation of the Environmental Analysis.

2.15 Environmental Plan Contents

A set of plans at uniform scale shall be submitted, encompassing the entire subdivision on a single sheet not larger than 42" x 60" , showing the following:

a. The same data as on the definitive plan, reproduced as a clear acetate or mylar overlay.

b. Topography at two-foot contour intervals, with graphic drainage analysis; indication of annual high water mark, flood plains, 100-year flood level, if known; location of existing structures, including fences and wall.

c. Present and proposed vegetative cover analysis, including identification of general cover type (wooded, thicket, grassland, fresh wetland, etc.), location and identification of all major tree groupings plus other outstanding trees or other botanical features, important wildlife habitats, and identification of areas not to be disturbed by construction.

d. Soil types, groundwater level, location and results of soil percolation or other subsurface tests.

e. Visual analysis, including analysis of scenic vistas, and locations of visual prominence.

2.16 Impact Statement Contents

A narrative statement shall also be submitted assessing the effects of the proposed subdivision on the public safety, health and welfare, with reference to the above maps as germane, with specific emphasis on the following:

a. Impact upon surface water quality and level.

b. Impact upon groundwater quality and level.

c. Impact upon water circulation and runoff.

2.16 Impact Statement Contents (cont'd)

d. Material effects upon important wildlife habitats, outstanding botanical features, scenic or historic environs.

e. Capability of soils, vegetation cover and proposed erosion control efforts to support proposed development.

f. Changes in flora, fauna and other life supporting vegetation resulting from resuspension of sediment, over-boarding spoils, increased ingredients in water, toxic ingredients and contaminants, biocides, and other changes in water quality and quantity.

g. Compatibility of the proposed development with the Massachusetts Wetlands Protection Act, the Federal Coastal Zone Management Act and other state and federal laws relating to protection and enhancement of the environment.

h. Effects of increased permanent and peak seasonal population.

i. Effects of increased vehicular traffic.

j. Effects on ambient noise levels caused by increased vehicular traffic, construction work, etc.

k. Effects on ambient air quality caused by pollutants from automobiles, heating systems and related energy sources, such as home electricity and street lighting.

l. Effects of increased demand for various municipal services such as drinking water, sewage treatment, education, medical services, social services, police and fire protection, road maintenance, and estimated increased assessed valuation of property.

m. Effects on collection and disposal of solid waste generated by the subdevelopment.

n. Impact on use of, access to, or quality of open space, conservation and recreation areas.

o. Elimination, contamination, reduction or changes in production of non-renewable and renewable resources.

p. Housing for residents of the town of Chilmark and for persons of low and moderate income.

2.17 Required Information

The following shall accompany submission of a Definitive Plan:

a. Typical road cross-section for each type of road within the subdivision, drawn at 1"=4', showing location of all elements within the right-of-way and typical cross-sections of any altered drainage courses or off-road paths.

b. A locus plan of the subdivision, showing its road configuration in relationship to surrounding roads at 1"=2,000'.

c. Identification of development elements, based on Appendix A Development Guidelines, and a narrative statement of proposed means of ensuring compliance by purchasers of lots with these guidelines, i.e., in the form of covenants and restrictions.

d. Language of any easements, covenants or restrictions applying or proposed to apply to the area being subdivided.

e. If requested by the Board, drainage calculations, traverse notes, evidence of owner-ship, rights and easements obtained for utilities or drainage outside of the subdivision, description of erosion control methods to be employed.

f. All work must comply with State DEP and or Town Conservation Regulations.

2.18 Board of Health & Conservation Commission Review

At the time of filing of the Definitive Plan with the Planning Board, the applicant shall also file a copy with the Board of Health and the Conservation Commission. Those Boards shall report to the Planning Board in writing their approval or disapproval of said plan within 45 days. If the Board of Health disapproves of said plan, it shall make specific findings as to any lots that cannot be used for building sites without injury to the public health. This includes such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. If, after the public hearing, consideration of the report of the Board of Health and any independent investigation which the Planning Board may conduct, the Board finds that any of the lots shown of the plan cannot be used for building sites without injury to the public health, or that the plan otherwise does not comply with the Subdivision Control Law, these rules or regulations, or the recommendations of the Board of Health, the Board shall modify and approve or disapprove the plan.

Any approval by the Planning Board of a plan which contains any lots as to which specific findings of injury to public health were made by the Board of Health or the Planning Board, shall be given only on the condition that such lot or lots shall not be sold for any building or structure built thereon without prior consent of the Board making such findings. The Planning Board shall endorse on the plan such conditions, specifying the lots or land which said conditions apply.

2.19 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 the hearing and of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in Island newspapers of general circulation in the Town of Chilmark, once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all persons owning rights in land abutting the land included in such plan as determined from the most recent local tax list and land records.

2.20 Performance Guarantee

Before the Planning Board approves a Definitive Plan, the developer shall agree to complete without cost to the Town all improvements required by Section IV of these regulations, and shall provide security that he will do so by covenanting not to sell or build upon any lots until completion of the improvements (which covenant must be referred to on the plan and registered or recorded with it). The Board may release the developer from the covenant upon receipt of an agreement with terms satisfactory to the Board, executed by the applicant and by the holder of a first mortgage on the premises providing for retention of funds and their availability to the Town upon default. Full security shall not be released until the integrity of road surface and drainage has been verified following a full winter of use, until trees and other vegetation have been established, until either fee to the streets has been conveyed to the Town, or other provisions for their continued maintenance have been accepted by the Board and until the record plans have been received.

2.21 Approval, Modification, or Disapproval

The action of the Board in respect to such Definitive Plan shall be by vote of a majority of the Board. Copies of said vote shall be certified and filed with the Town Clerk and a copy sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action.

Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and the clerk has notified the Board that no appeal has been filed.

Following endorsement of the Plan by the Board, the applicant shall provide the Board with a reproducible copy and two (2) contact prints of the Definitive Plan and of the Road Plan and Profile, a copy of final covenants and restrictions for its files and such other documents or plans as the Board shall reasonably require for its records.

Approval of the Definitive Plan or release of security does not constitute the laying out or acceptance by the town of streets within a subdivision.

Section 3: DESIGN STANDARDS

3.01 General

Chilmark is a rural town that traditionally has supported fishing and farming activities as well as simple residence areas with a minimum of commercial activity unrelated to farming or the sea. The Planning Board actively encourages recognition of this by subdividers and has approved the **Development Guidelines** attached as **Appendix A** to assist developers in their plans.

3.02 Application of Standards

Any subdivision shall be designed consistent with these Design Standards, and with the Master Plan for Chilmark as adopted and amended from time to time by the Planning Board.

3.03 Roads and Paths in General

All roads and paths in any subdivision shall be designed so that, in the opinion of the Board, they will provide safe pedestrian and vehicular travel. Due consideration shall also be given by the subdivider to the consequences of the road layout upon the livability, amenity, and environmental impact of the subdivision.

3.04 Road Configuration

Roads shall be laid out with maximum concern for the topography, favoring winding, irregularly curved lines where appropriate to the topography and consistent with safety requirements.

Road configuration shall be designed together with reserved open space to minimize the number of lots having frontage exclusively on principal roads within the sub-division.

Intersections shall be designed to suit the topography unless safety otherwise requires.

Property lines at road intersections shall be rounded or cut back to provide for a curb radius of not less than thirty (30) feet.

3.05 Path Configuration

Existing trails and paths (including bicycle and bridle paths) shall be preserved and new trails and paths shall be created in locations where they would be appropriate because of traffic, access to public or recreational facilities, or other reasons, not necessarily following the roads.

3.06 Road and Path Widths

The minimum width of road and path rights-of-way shall be prescribed in Appendix C. Greater widths may be required by the Planning Board when deemed necessary for present and future vehicular travel.

3.07 Road Grades

Road grades should be such as to preserve the topography of the land, permit proper maintenance of the road, and permit adequate year round access to all lots by two wheel drive vehicles, all as specified in Appendix C or as approved in each case by the Planning Board.

3.08 Easements

Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary, and shall be at least twelve (12) feet wide, unless a smaller width is determined by the Board to be adequate for the purpose.

Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water or drainage easement of a minimum width of twenty (20) feet to conform

3.08 Easements (cont'd)

substantially to the lines of such water course, drainage way channel, or stream, and to provide for construction or other necessary purposes.

Drainage easements outside of the area of the subdivision but caused by it, may be required of the subdivider.

Slope easements shall be provided where cut or fill slopes cannot be contained within road rights-of-way.

3.09 Storm Water Management

Storm drainage, culverts and related facilities shall be designed to permit the unimpeded flow of all natural water courses, to ensure adequate drainage of all low points along roads, to control erosion and to intercept storm water runoff along roads at intervals reasonably related to the extent and grade of the area drained. To the maximum extent feasible, storm water shall be recharged rather than piped to surface water, and peak stream flows at the boundaries of the development shall be no higher following development than prior to development.

Storm sewers, retention basins and leaching basins shall be based on a twenty-five (25) year frequency storm, and culverts shall be based of a fifty (50) year frequency storm, and on coastal flooding to ten feet elevation (MSL). Design shall employ tide gates, backflow valves, or other devices as necessary, to avoid damage from reverse circulation of flood waters.

Design shall be based upon either the Rational Method or Manning Formula. Water velocities shall be between two and five feet per second. The coefficient of runoff used shall be not less than 0.45 for subdivided areas. All developable land tributary to facilities being designed shall be assumed to be subdivided. Leaching basins or catchbasins to manhole systems of drainage is required, with no storm sewers of less than 12-inch inside diameter, and with catchbasins at all low points and sags, near the corners of the roadway at intersecting streets, and at intervals of not more than 350 feet on continuous grades. Where used, leaching basins shall be cross connected. The Board may require test borings at leaching basin locations where percolation is in doubt.

All designs must meet current DEP specifications.

3.10 Water Supply and Sewage Disposal

All water supply and sewage disposal systems shall be designed:

a. To meet the requirements of the Planning Board in consultation with the Board of Health as set forth herein and as further established for each subdivision based upon the plans;

b. To meet the requirements of the Planning Board, on the advice of the Fire Chief, as to the adequacy of firefighting water;

c. So as to neither be impaired or contribute to contamination in the event of flooding;

d. To meet all federal and state requirements including particularly the Federal Safe-Drinking Water Act of 1974 (P.L. 93-523).

3.11 Open Spaces - Recreation

Before approval of a plan, the Planning Board shall in proper cases require the plan to show open space suitably located for playground or recreation purposes or for providing light and air, for the use and enjoyment of residents of such subdivision. The open space shall be of reasonable size in relation to the land being subdivided and to the respective uses of such land. The Planning Board may by appropriate endorsement on the plan, require that no building be erected upon such open space without its prior approval.

3.12 Protection of Natural Features

Due regard shall be shown to protect all natural features, such as large trees, water courses scenic points, historic spots and other community assets, which, if preserved, will enhance the welfare of inhabitants of Chilmark and add attractiveness and value to the subdivision.

3.13 Written Approvals

No Definitive Plan will be approved unless the developer submits written certification of approval of the design by all utilities which are to provide services within the subdivision.

3.14 Underground Wiring

All wiring, cables, and other appurtenances of electric power, communications, and fire alarm systems shall be placed underground within the limits of the road right of way. Electric power cables shall not be less than 30" below finish grade.

Section 4: REQUIRED IMPROVEMENTS

4.01 General

The following improvements shall be made by the developer without cost to the town. All improvements shall be made in accordance with the best practices available at the time of the improvement.

4.02 Roads

The developer shall build roads in accordance with the method designated and specified by the Planning Board for the subdivision or any part thereof. Because of the rural nature of Chilmark, road construction requirements may vary substantially. Details of roadbed preparation and material, finished grade, surface material, berms, and related matters are specified in Appendix C.

4.02A Adequate Access From Public Ways and Private Ways

Where, in the opinion of the Board, the road system within a proposed subdivision does not connect with or have access to a public way having a width, surface, configuration, contour and other characteristics adequate to provide safe and convenient access to the lots in the subdivision or the private ways connecting the subdivision to a public way do not provide such adequate access, the Board may, as a condition of approval of a plan, require that such adequate access be provided by the subdivider, including requiring the subdivider to perform some or all of the following actions:

a. In the case of a public way, acquire and dedicate to the public a parcel(s) of land abutting the public way or an easement over such land for the purpose of alterations and improvements at least commensurate with that required within the subdivision;

b. In the case of a private way or ways connecting the subdivision to a public way, acquire and dedicate to the owners of such private way or ways a parcel(s) of land abutting such way or ways, or an easement over such land, for the purpose of altering and improving the connecting way or ways to a width at least commensurate with that required within the subdivision;

c. Make such physical improvements to and within such public way or connecting private way or ways so that said ways conform, at a minimum, to the standards required for roads within the subdivision; and

d. Such other actions with respect to the public way and connecting private access ways as the board may deem necessary to provide for safe and convenient access to all lots in the subdivision for the amount of traffic expected to be generated by such subdivision in addition to existing traffic on such ways.

All costs and expenses incurred in connection with such dedication of land and work performed within such public way and connecting private way or ways, as hereunder required, shall be borne solely by the subdivider.

4.03 Water

Prior to the sale of each lot in a subdivision, the developer shall drill and pump a well which produces water of a quality and at a rate satisfactory to the Board of Health and the Planning Board. Each such well shall be constructed in accordance with specifications of the Chilmark Board of Health.

4.04 Sewage Disposal Systems

Prior to the sale of each lot in a subdivision, the developer shall obtain a Disposal Works Permit from the Board of Health.

4.05 Cable Utilities

The developer shall install all cable utilities (electric, communications, or other) underground prior to the sale of any lot.

4.06 Storm Water Management System (See Appendix C)

A complete storm water management system shall be installed as shown on the Road Plans and Profiles and as follows:

a. Piping shall be concrete unless protected corrugated aluminum is approved by the Board. Piping with less than 18 inches cover shall be of reinforced concrete.

b. Catchbasins and manholes shall be at least six (6) feet deep and four (4) feet diameter (inside measurements), constructed of concrete blocks or precast concrete units. They shall be backfilled for at least one foot all around all sides with 1 1/2" washed stone, topped with pea stone. Leaching basins shall be cross-connected with 12 inch drainpipe.

c. Open brooks or tributary ditches which are to be altered shall be shaped to a cross section and gradient and provided with stream bottom hardening, all acceptable to the Board, the Chilmark Conservation Commission and State Environmental policies.

4.07 Monuments

Monuments shall be installed at all intersections, at all points of change in direction or curvature or roads and at other points required by the Board. They shall not be spaced farther than 500 feet apart. Such monuments shall be of either granite or concrete, not less than thirty (30) inches long and five (5) inches square, with dressed top and 1/2-inch drill hole in the center, and shall be set above finish grade. No permanent monuments shall be installed until all construction which would destroy or disturb their location is completed.

4.08 Road Name Signs, Sidewalks, and Lighting

No sidewalks or public lighting shall be constructed unless specifically required by the Planning Board, and if so required, shall be in accordance with specifications then supplied by the Board.

Road identification signs must comply with town regulations.

4.09 Clean-Up

Before sale of any lot, in the subdivision, the subdivider shall remove and properly dispose of any debris caused by street construction, installation of utilities or otherwise.

4.10 Planting

Every effort shall be made to preserve and protect existing vegetation. The subdivider may be required to plant trees and other vegetation where necessary in quantities determined by the Board. Before the trees are planted,

4.10 Planting (cont'd)

a plan showing their proposed location and species shall be submitted to the Planning Board for approval. Trees to be retained shall not have the grade changed over their root areas more than six (6) inches.

All untraveled areas within the road layout shall be stabilized with retained vegetation, topsoil and grass, well rooted low-growing plantings, bark, or other organic materials acceptable to the Board.

4.11 Ownership of Roads and Common Areas

The developer shall either:

a. Retain ownership of such roads and common areas and make provisions satisfactory to the Town for perpetual maintenance thereof;

b. Agree to convey such roads and common lands to an association of lot owners under terms satisfactory to the Board, or

c. A combination of (a) and (b). The Definitive Plan shall carry a notation as to which alternative will be followed and the terms thereof.

4.12 Record Plans

Upon completion of construction and before release of the performance guarantee, the subdivider shall have prepared and submit Record Plans at 1"=40', which shall indicate the actual location of the following:

a. Road lines;

b. Edge of traveled way and path locations;

c. All permanent monuments

d. Location and inverts to utilities and drainage required to be installed by the developer;

e. Location of any other underground utilities, such as gas, electricity and communications.

The accuracy of such Record Plan shall be certified by a Registered Professional Land Surveyor.

4.13 Work Schedule, Administration (See Appendix C)

4.14 Inspections

Inspections shall be arranged for and conducted as specified in Appendix D - Inspection Procedures, unless otherwise required by the Board.

APPENDIX A

DEVELOPMENT GUIDELINES

[A copy of these Guidelines shall be given to all: a) persons applying for a subdivision; b) purchasers of lots and their architects; c) persons applying for a building permit.]

Historical Background

Chilmark is the most geologically complex section of Martha's Vineyard, due to the intermingling of the three latest terminal moraines which, with the relatively small section of the outwash plain (on the South shore), provide the town with its natural assets of physical beauty, variety of landscapes, irregular terrain, hills, ponds and shorelines.

A. Purpose of these Guidelines

To minimize the impact of all development in Chilmark to protect the Town's rural, scenic and natural qualities and adhere to the goals of Chilmark's Master Plan, Open Space Plan and Zoning By-Laws.

B. Preservation of Open Space

1. Preserve sufficient open space so that the uninhabited areas of the town are predominate.
2. Protect natural features of the landscape such as scenic points, water courses, large trees, historic spots and similar community assets.
3. Protect agricultural land and uses.
4. Retain existing woodland areas large enough to be sanctuaries for wildlife. Retain existing trails; create new ones.
5. Do not disturb wetlands; check with the Conservation Commission before doing any work near wetlands and coastal areas. Do not use pesticides or herbicides in these areas.
6. Avoid altering the natural landscape. Minimize the size of lawns and recreational facilities. (Chemical pesticides and fertilizers are not allowed in some areas. Organic products are permissible.)
7. Use native species for landscaping; retain natural vegetation on slopes.
8. Use flexible siting (Article 6.7 of the Chilmark Zoning By-Laws) to provide dedicated open space.

C. Roads and Driveways

1. Minimize grading. Build roads that curve to fit the landscape and that require slow speeds. Add speed bumps where necessary.
2. Retain natural buffer areas to screen structures and parking areas from roads, water bodies and neighboring houses.
3. Provide shared driveway entrances where possible.
4. For details of road construction refer to Appendix C of the Planning Board Rules and Regulations.

D. Siting and Design of Structures

1. Maintain the visual integrity of ridge lines and hilltops by keeping roof-tops and other construction below the ridge line and at least 10 feet below the average height of trees on wooded ridges or hilltops.

2. Grading and earth removal should be executed so that contours of the land are the same as those previously existing on the site and adjacent to it.

3. In open land, site houses behind fields against the background of adjoining woodlands.

4. Site all structures to minimize visibility from roads, water bodies, and neighboring properties. Take care not to block neighbors' views.

5. Design structures that harmonize with the landscape and are compatible with the scale and character of existing Chilmark architecture.

6. Use materials, textures and colors which are typical of Chilmark's architectural traditions.

7. Place all wiring and appurtenances of electric power, communications and fire alarm systems underground.

8. Preserve visibility of the night sky by shielding all external lights (see Article 5 in Zoning Bylaws).

Chilmark's Zoning Bylaws are available at the Town Hall, the Chilmark Library and on the Internet at www.ci.chilmark.ma.us.

APPENDIX B

FORM A
APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one complete form with three (3) copies of the plan and the filing fee with the Planning Board and one copy of the complete form with the Town Clerk in accordance with the requirements of the Rules and Regulations.

Chilmark, MA _____, _____
Date

To the Planning Board:

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

1. Name of Applicant _____ Phone _____
   Address _____
2. Name of Engineer/Surveyor _____ Phone _____
   Address _____
3. Location of Property: Assessors Map _____ Parcel _____
   Deed of Property Recorded in Year _____, Book _____, Page _____
4. Is any part of this property within the boundaries of a District of Critical Planning Concern, as described in Article 11 of the Chilmark Zoning By-Laws? _____
5. Are there any wetlands on any part of the property? _____ If Yes, please show on plan.
6. Any existing or proposed way providing vehicular access from a lot to a public road within the Chilmark Roadside District shall be shown on the attached plan.
7. If the plan does not conform to the standards described in Section 1.05 of the Chilmark Subdivision Regulations, attach a narrative statement to this application furnishing the information described in that section as well as indicating utility easements, wells, and on-site sewage disposal locations.
8. The undersigned agrees to provide the Board with any additional information and material the Board deems appropriate to make its decision.

Signature of Owner _____

Address _____

APPENDIX B

FORM B
APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

File one complete form with the Planning Board and one copy with the Town Clerk.

Chilmark, MA _____ (date), _____

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of the property located in the Town of Chilmark for approval under the requirements of the Subdivision Control Law and the Planning Board's Rules and Regulations governing the Subdivision of Land in the Town of Chilmark.

A list of names and addresses of all persons owning rights in property abutting the proposed subdivision, including surface, mineral and security rights, is attached. These names are as they appear on the most recent tax list and land records.

1. Name of Subdivider _____ Phone _____

   Address _____

2. Name of Engineer/Surveyor _____ Phone _____

   Address _____

3. Deed of Property Recorded in Year _____, Book _____, Page _____

4. Location and description of Property: Assessors Map _____ Parcel _____

   _____

5. Is any part of this property within the boundaries of a District of Critical Planning Concern, as described in Article 11 of the Chilmark Zoning By-Laws? _____

6. Are there any wetlands on any part of the property? _____ If Yes, please show on plan.

Signature of Owner _____

Address _____

Two contact prints of all sheets making up the Preliminary Plan shall be filed with the Planning Board with the required Filing Fee.

APPENDIX B

FORM C
APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

File four (4) completed forms: two (2) with the Planning Board, one (1) with the Town Clerk, and one (1) with the Board of Health, together with the required filing fees.

Chilmark, MA _____ (date), _____

To the Planning Board & Board of Health:

The undersigned herewith submits the accompanying Definitive Plan of the property located in the Town of Chilmark for approval under the requirements of the Subdivision Control Law and the Planning Board's Rules and Regulations governing the Subdivision of Land in the Town of Chilmark.

A list of names and addresses of all persons owning rights in property abutting the proposed subdivision, including surface, mineral and security rights, is attached. These names are as they appear on the most recent tax list and land records.

1. Name of Subdivider_____Phone_____
   Address _____
2. Name of Owner_____Phone _____
   Address _____
3. Name of Engineer/Surveyor_____Phone_____
   Address _____
4. Deed of Property Recorded in Year_____, Book _____ , Page_____
5. Location and description of Property: Assessors Map(s) _____ Parcel(s) _____
   _____
   _____
6. Is any part of this property within the boundaries of a District of Critical Planning Concern, as described in Article 11 of the Chilmark Zoning By-Laws? _____
7. The following are all the mortgages, liens, easements, restrictions and other encumbrances on the whole or any part of the land within the proposed subdivision_____
   _____
   _____
8. The following are the easements and restrictions appurtenant to the land within the proposed subdivision over the land of others:_____
   _____
   _____

9. Check where applicable:

_____No Preliminary Plan of this proposed subdivision has been submitted to the Board.

_____A Preliminary Plan of this proposed subdivision, to which this plan conforms, was approved by the Board on _____ .

_____A Preliminary Plan of this proposed subdivision, to which this plan conforms, was approved by the Board with modifications, which modifications have been incorporated in the plan herewith submitted on _____

10. The applicant(s) covenant(s) and agree(s) for himself (themselves) and his (their) heirs, executors, administrators, successors and assigns:

a. To construct and complete the required improvements as finally approved by the Board within one year from the date of this application, or within such further time as the Board may allow in accordance with the specifications set forth in the Rules and Regulations of the Board.

b. That, before the approval of the plan to which this application relates becomes effective, he (they) will cause to be filed with the Board a covenant satisfactory to the Board. Such covenant shall run with the land, and shall be properly recorded or registered. The covenant shall provide that no lot in the subdivision shall be sold and that no building shall be erected on any lot until the required improvements are completed in accordance with the specifications laid down by the Board so as to adequately serve such lot. If this application is approved, he (they) will fulfill such condition until compliance therewith is evidenced by a certificate by the Board.

c. That if this application is approved, he (they) will cause the Definitive Plan of the subdivision to be recorded in the Registry of Deeds of Dukes County within fifteen days after such approval and that he (they) will not sell, or offer to sell, any of the lots within the subdivision until such plan is recorded and all other conditions specified by the Board have been carried out.

11. This application is accompanied by an original drawing of the Definitive Plan and all other plans, maps and material required as part of the Definitive Plan, and the required number of print copies of each, all on the forms and in the manner prescribed by the Board, and the necessary fee(s) as required under the Rules and Regulations of the Board.

WITNESS the signature(s) and seal(s) of the undersigned applicant(s) this _____ day of _____ , _____ .

_____ _____

(Address of Owner) (Mortgagees)

Assented to: _____

APPENDIX C

APPLICATION FORM
ROAD SPECIFICATION ACCEPTANCE AND FINAL CONSTRUCTION APPROVAL

Note: See Appendix C, Road Construction Specifications
File the original form with the Planning Board

Subdivision Name: _____

Subdivider (Owner): _____

Representative: _____

Location (Map & Parcel): _____ Date of Plan: _____

Revised: _____

This application must be completed and signed by the subdivider or his agent and the Layout must be accepted by the Planning Board as a condition of approval of the subdivision.

Unless waived, or delayed under a covenant agreed to between the Planning Board and the subdivider, the roadway and installation of utilities must be completed and that completion approved by the Board prior to sale or transfer of any lot and prior to commencement of any new building on any subdivision lot.

Acceptance of Layout

Agent, Planning Board: _____ Date: _____

Construction Stages for Inspection and Approval
(The Planning Board Agent shall be notified at least 48 hours prior to a requested inspection.)

1.	Water Diversion Methods	Agent: _____	Date: _____
2.	Roadway Base	Agent: _____	Date: _____
3.	Utility Completion	Agent: _____	Date: _____
4.	Roadway Completion	Agent: _____	Date: _____
5.	Installation of Permanent Surveyor's Markers	Agent: _____	Date: _____
6.	Clean-up	Agent: _____	Date: _____
7.	Other _____	Agent: _____	Date: _____

Approval of Completed Roadway Agent: _____ Date: _____

Chairman, Planning Board: _____ Date: _____

APPENDIX C

PROCEDURES FOR ROAD LAYOUT ACCEPTANCE AND FINAL CONSTRUCTION APPROVAL

The application must be initiated and completed by the subdivider and have received:

Acceptance by the Planning Board before the subdivision plan will be approved by the Board; and

Approval by the Planning Board before the sale or transfer of any lot or building on any lot in the subdivision will be permitted.

Acceptance of this application by the Board means that an on-site analysis has been made along the full length of all of the right-of-ways of the subdivision by the subdivider (and/or his representative) and the Planning Board Agent; that the construction details have been drawn up by the subdivider, to scale, on a Roadway Layout, and that the layout has been approved by the Board's Agent and the Planning Board.

Approval of this application by the Board means that the roadway construction has been completed as specified on the layout, and has been approved by the Board Agent and the Planning Board.

This application shall be governed by the following:

Appendix C, Road Construction Specifications
Appendix D, Inspection and Testing

Roadway Layout

Step 1. Before any trees are cut, mark and mow a path wide enough for walking indicating the approximate center line of the proposed road then notify the Planning Board for preliminary inspection.

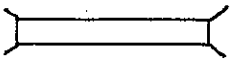
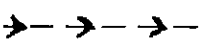
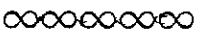
Step 2. Before execution of this application is undertaken, the permanent markers shall be in place and at least one side of the right-of-way shall be flagged true to the meter and bounds shown on the subdivision plan, and cleared sufficiently for walking.

Step 3. The subdivider (and/or his representative) and the Planning Board Agent shall make an on-site analysis along the subdivision right-of-ways and determine the specific requirements for the road layout.

Step 4. From this determination the subdivider shall prepare a layout, to scale, employing the symbols illustrated below. After approval by the agent it shall be attached to the application and submitted to the Planning Board for acceptance.

Step 5. Once accepted by the Planning Board the application with the layout attached shall constitute the official document for the construction of roads, utilities and water diversion methods within the subdivision, and the original shall remain in the Planning Board's files.

Roadway Symbols

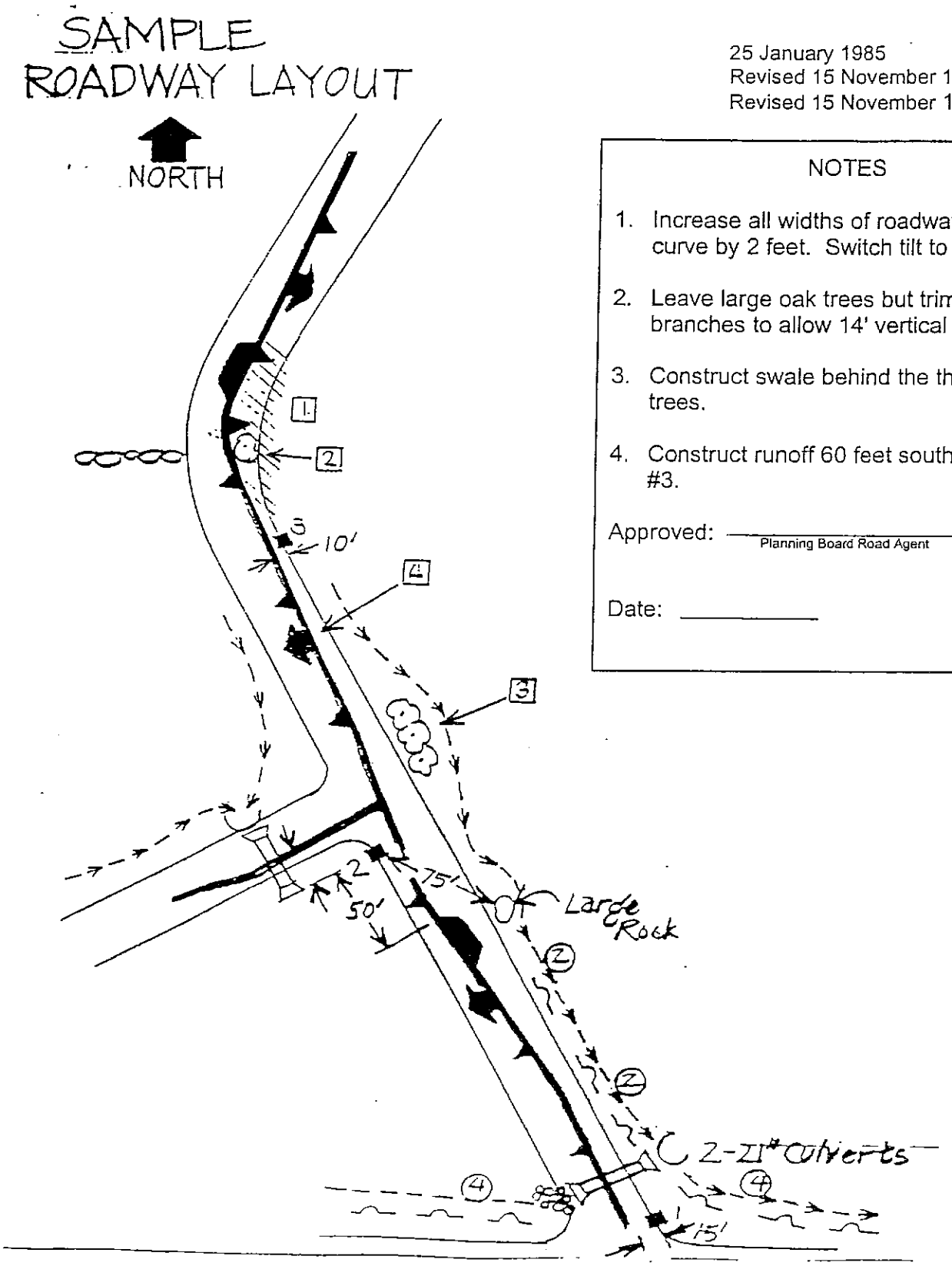
1.		Tilted Road
2.		Turnout
3.		Culvert
4.		Culvert End Section
5.		Swale
6.		Berm
7.		Water Runoff
8.		Drainage Basin
9.		Rip Rap
10.		Depth or Height
11.		Visual Clearance
12.		Bound
13.		Note
14.		Stone Wall
15.		Right of Way

A sample layout on page 3 of these procedures shows the proper use of these symbols.

Any variations from, or additions to, the Standard Roadway shall be listed in a box entitled "Notes" as shown in the sample layout.

Include line for date and signature of the Board Agent.

SAMPLE
ROADWAY LAYOUT



25 January 1985
Revised 15 November 1989
Revised 15 November 1989

NOTES

1. Increase all widths of roadways at their curve by 2 feet. Switch tilt to the east.
2. Leave large oak trees but trim lower branches to allow 14' vertical clearance.
3. Construct swale behind the three existing trees.
4. Construct runoff 60 feet south of bound #3.

Approved: _____
Planning Board Road Agent

Date: _____

Road Construction Specifications

C01 Definitions

a. Traveled Way - the finished road surface
b. Roadway - the road system including the traveled way and its shoulders
c. Right of Way - legal bounds of the road, which shall be 40 feet from side to side
d. Road Layout - a graphic layout, to scale, of specific construction requirements for the roadway including water dispersal methods
e. Utility Layout - a graphic layout of all utilities and drains with related equipment. All service connections shall be installed to the lot lines.

C02 Standard Roadway

The Standard Roadway is described as a single-lane, traveled way with the following dimensions and conditions:

a. Fourteen (14) feet Roadway cleared of trees, stumps, rocks and brush to a height of 14 feet.

b. Twelve (12) feet Roadway stripped of loam and filled and compacted with "hardener".

c. Ten (10) feet Traveled Way surfaced with a 5" compacted layer of processed stone.

d. Three (3) inches minimum of seeded loam of shoulders flush with the processed stone road surface on the down-slope side but above on the up-slope side.

e. Center line of a, b, c, and d are one and the same.

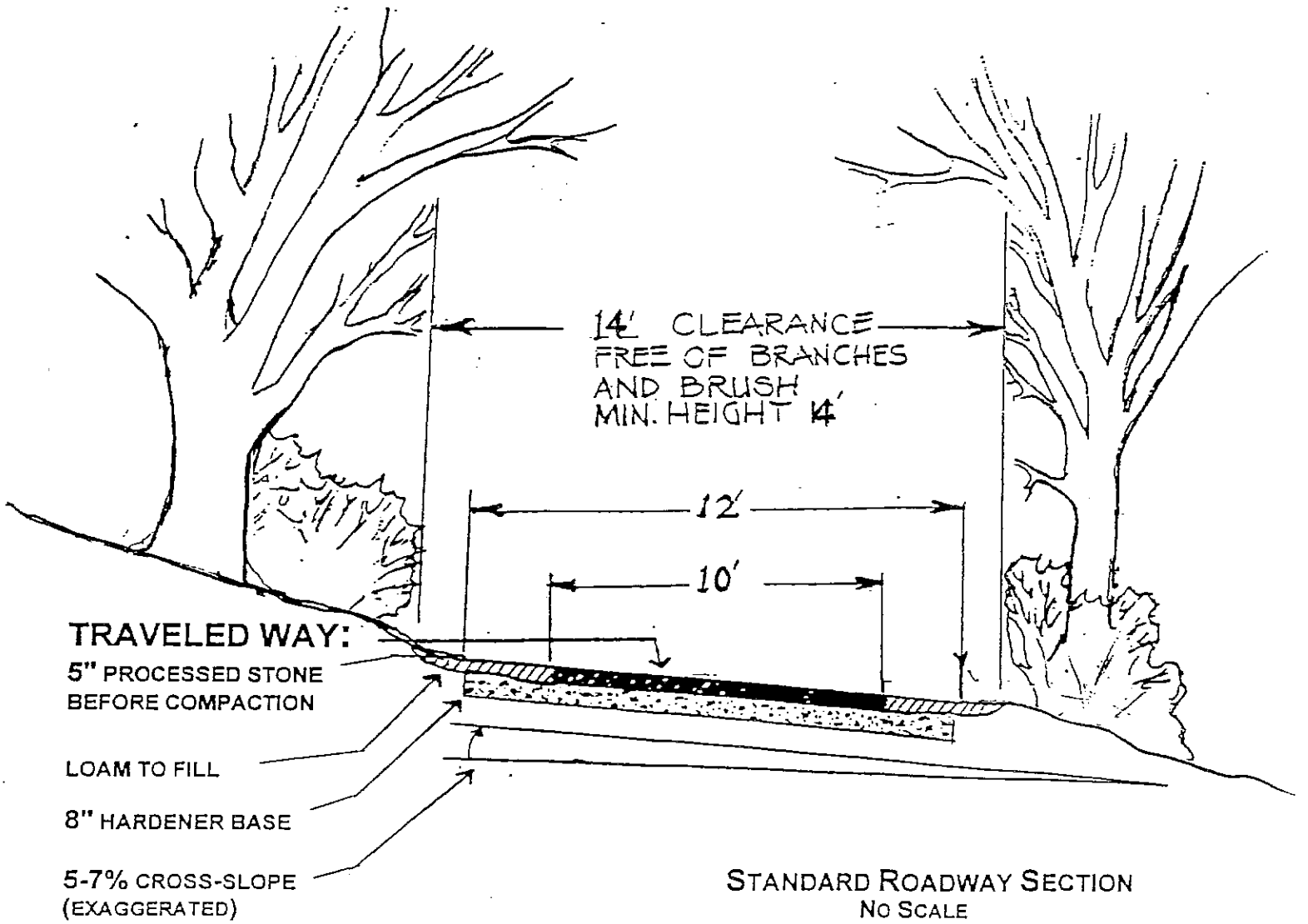
f. The traveled roadway is tilted to one side or the other, at a pitch of 5-7%. Turnouts are constructed at appropriate places on the up-tilt side along the roadway and extra clearing of the shoulders provides safe visibility. At sharp curves, roadway widths may be wider.

g. The traveled way is protected from water intrusion from below and water erosion from above by the construction of such water diversion methods as swales, berms, runoffs, culverts and rip-rapped areas.

h. The grade of the traveled way is no steeper than 10%. Side slopes of cut areas should be 2:1, filled areas 3:1.

C03 Graphic Description of a Standard Roadway

Road Construction requirements for subdivisions shall conform to the Standard Roadway described and illustrated below, unless exceptions indicated on the Road Layout have been approved by the Planning Board. Exceptions to these specifications may either be required by the Board or accepted by the Board due to special conditions or the potential amount of use of the roadway.



STANDARD ROADWAY SECTION
NO SCALE

C04 Standard Roadway Construction Specifications

Water, gaslines, cable utilities and drains shall be placed with related equipment. All service connections shall be installed to the lot lines unless jacking across the road is feasible without breaking or weakening the road surface;

a. Preparation of sub-grade

After the roadway has been cleared of rocks, stumps and other debris, it shall be stripped of loam down to a solid base of clear earth, or to a minimum depth of 8 inches. The loam is to be used in covering the shoulders, bare ground, and slopes resulting from the road construction operations. All excess loam shall remain within the subdivision.

It may be necessary to "cut" and "fill" along certain portions of the roadway in order to maintain a gradual grade free of dips and ridges. The grade shall not exceed 10%. Resulting banks shall not exceed 2:1 in cut and 3:1 in fill. Bare earth shall be covered with a minimum

Repeated forward grading followed by reverse compaction with the grader's wheels and/or blade shall continue until the surface is flat and tilted to the 5-7% requirement and shows no signs of ruts, rills, "birdbaths," or protruding stones.

Note: **Inspection** and **"Approval"** is required at this stage before the processed stone is spread.

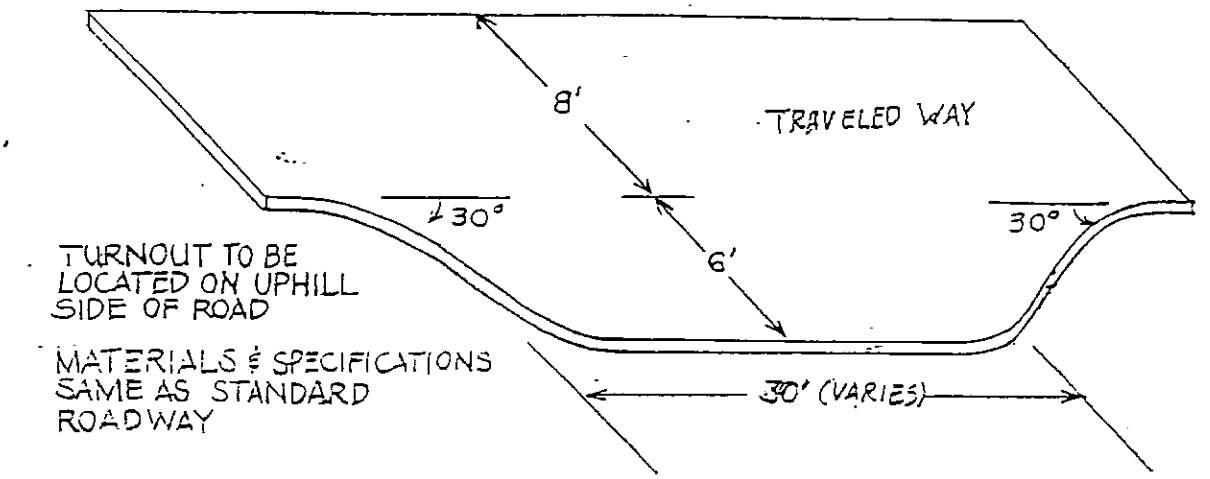
b. Base: Hardener Composition and Application	Sieve Size	% Passing by Wt.
Hardener conforming to the material gradations listed to the right shall be laid down to a minimum depth of 8 inches, or to a depth which brings hardener up to 3 inches below the level of the undisturbed loam shoulder on the uphill side.	3/4"	90-100
	#4	85-100
	#16	85-90
	#30	40-60
	#50	25-40
	#100	8-15
	#200	3-7

c. Surfacing: Processed Stone Composition & Application

Processed stone, 5" thick before compaction and conforming to the specifications listed to the right, shall be laid down the center of the roadway to a width of 8' (5-7% tilt) with a material spreader and the whole surface compacted with a roller. Any remaining ruts or "birdbaths" shall be eliminated by filling, compacting and grading.	3/4"	90-100
	#4	85-100
	#30	40-60
	#50	25-40
	#100	8-15
	#200	3-7

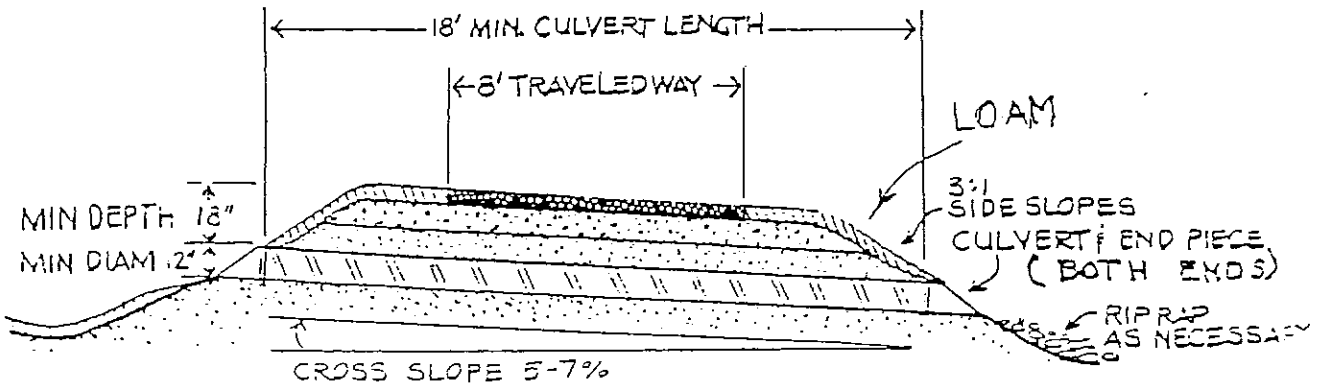
d. Turnouts

Turnouts at selected places shall be constructed along straight sections of the roadway, at driveway entrances, and on the uphill side of the roadway whenever possible.



e. Culverts

Culverts shall be installed where the volume of sheet water runoff across the road will cause erosion.



The following table provides the proper culvert diameter for a 50-year storm. In no case should a culvert be used that is less than 12" in diameter.

Watershed Acres	Single Culvert Diameter	Equivalent Multiple Culverts 12"	15"	18"
0-1½	12"			
1½-3	15"			
3-6	18"	2		
6-10	21"	3	2	
10-15	24"		3	2
15-20	30"			3

If the watershed is over 20 acres, the services of a professional engineer must be obtained. The watershed size can be determined by reference to the Watershed Map or Topographic Map in the town's Master Plan, which in turn will determine the number and size of the culverts required.

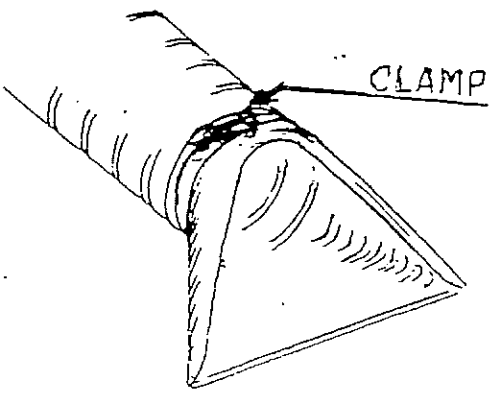
The culvert shall be backfilled and compacted manually with earth which is free of rocks, roots, and clods, in multiple layers up to 3/4 of the height (diameter) of the culvert, after which it may be backfilled and compacted by machine.

It shall conform to Federal Specifications --Pipe, Corrugated Aluminum Alloy: W-P-402.

Other materials, such as pre-stressed concrete box culverts, may be allowed in special circumstances.

f. End Sections

End sections shall be installed on all metal culverts at both the inlet and outlet ends. Materials shall conform to the same specifications as for the culverts in Section 5 above.



g. Drainage Basins

A drainage basin shall be constructed at the entrance to each culvert. It is a circular bowl with sloping sides of 2:1 and smoothly covered bottom and edges. Its bottom shall be at least 1 foot below the entrance to the culvert end section.

h. Rip-rap

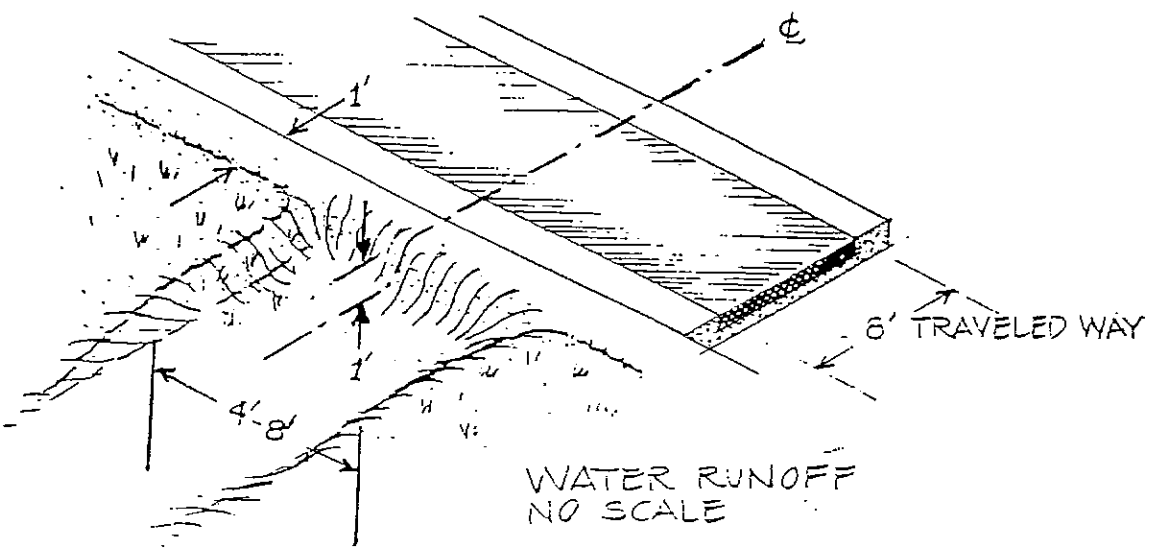
Rip-rap is an area which contains stones, a minimum of 3" in size, and is used where erosion might occur, as at the inlet or outlet end of a culvert or on the bottom of a large, steep swale. A rip-end of a culvert or on the bottom of a large, steep swale. A rip-rapped area at the end of a culvert shall be a minimum of twice the diameter of the culvert.

i. Water Runoffs

Runoffs shall be constructed as required to remove water before its volume can attain cutting velocity. The water is dispersed into the underbrush terrain, into a ditch, or over a rip-rapped area.

The water runoff design is of major importance in getting water off a roadway. It will be specified often in hilly terrain. Water runoffs are cuts in the road bank at right angles to the roadway on the down-slope side. They are best cut by a front-end loader. (See diagram below.)

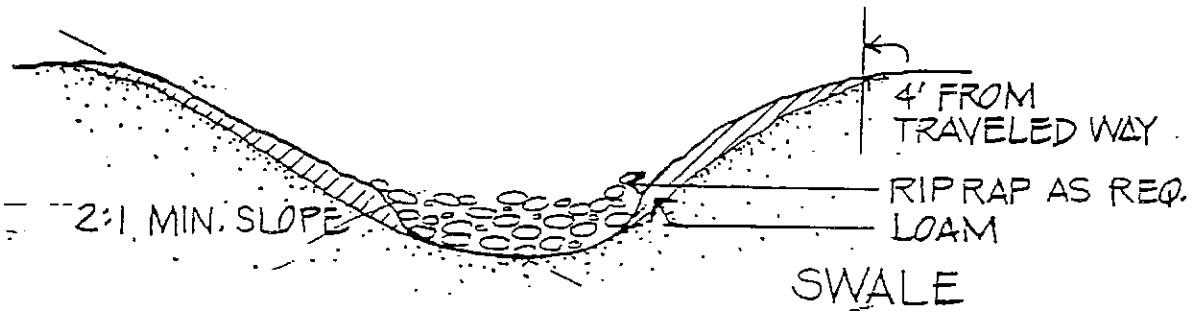
Note that runoff construction is begun by making at its center line a 2:1 down-sloping cut to a 1-7% descending slope until the cut blends into the undisturbed terrains. If the cut cannot be "run out," it will trap water. If this occurs, the runoff is in the wrong place and a swale parallel to the road may be necessary to divert the water to a more suitable place for runoff.



j. Swales

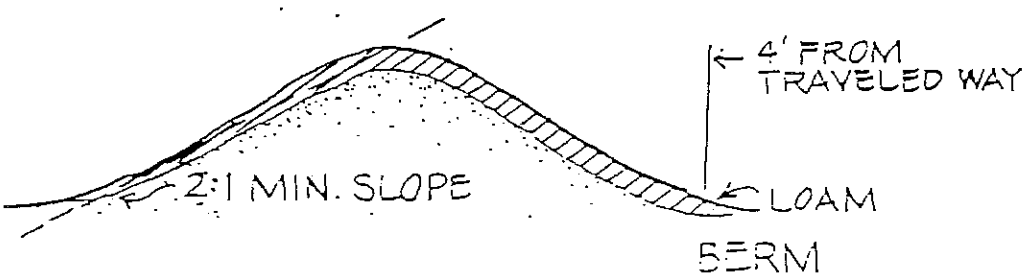
Swales shall be constructed as illustrated below and shall be free of trees, brush, rocks, and sharp edges. After construction bare earth shall be covered with 3" of loam and seeded.

The edge nearest the road must be at least 4 feet from any traveled way and the swales may curve around large trees and rocks, as long as their invert (bottom) is descending, in order to prevent pools or sumps.



k. Berms

Berms shall be constructed as illustrated below and their edge must be at least 4 feet from any roadway. After construction, bare earth shall be covered with 3" of loam and seeded.



l. Visual Clearance

Brush, scrub, and sapling trees shall be removed at inside curves and intersections to allow for safe visibility. A few larger trees may remain if lower branches are removed to allow a 14-foot vertical clearance.

m. Bounds

Bounds shall be in place before final approval.

APPENDIX D

INSPECTION AND TESTING

D01 General

All work performed under these Rules and Regulations shall be subject to the review of the Planning Board (hereafter referred to as the Board), which shall approve and accept, or disapprove and reject, each phase or portion of such work.

D02 Planning Board Agent

The Board will designate an agent to inspect the work to insure compliance with these Rules and Regulations. The Agent shall report to the Board his recommendations as to approval or disapproval of the work. The Agent will make inspections as prescribed herein in order to check the adequacy of the work at each stage (prior to such work being covered by subsequent work). The Board, its Agent, and such other designated persons shall have the right to inspect the work at any time. Therefore, the applicant shall at all times provide safe and convenient access to all parts of the work for inspection by the Board or its authorized agents.

D03 Disapproved Work

All work which is not acceptable to the Board shall be removed and replaced or otherwise corrected to comply with the requirements of the Board. Any work which has been covered by subsequent work prior to acceptance or is otherwise not available or obscured to the point of rendering inspection difficult shall be considered to be not acceptable to the Board. Such subsequent work shall be removed as directed by the Board's Agent to insure that the work can be inspected as required. The release of performance guarantee shall depend upon the acceptance of all work prescribed herein, on the Definitive Plan, or as directed by the Board.

D04 Inspections: General

The construction of the required improvements shall be inspected by the Agent at the conclusion of each stage. Unless approval of the completed work, including approval of materials used, to each such point has been given in writing, no further work shall be commenced. Such inspections may include the taking of samples for laboratory analysis or testing. In such cases, the applicant shall insure that the Agent is not obstructed in the collection of such samples. Where samples are removed from the completed work, the applicant shall replace and restore such work, to the satisfaction of the Agent. Other Inspections and tests may be required by the Board.

D05 Material Inspections: Tests

The Board's Agent may require certified copies of delivery receipts or bills of lading or other certification as to the description of materials used or incorporated in the work. The Agent may also require a sample of any materials or supplies which may be incorporated in the work. Such samples shall be furnished at the expense of the applicant. The applicant shall be liable for all costs and fees incurred by the Board as a result of transporting and testing such materials.

D06 Inspection Procedures

The Board will notify the applicant of the name and address of the Agent designated as its representative to perform the inspections as required herein and otherwise act as the Board's agent to insure compliance with these Rules and Regulations. The applicant shall keep the agent fully informed as to the status and progress of the work. Applicant shall notify the Agent directly in writing at least forty-eight (48) hours in advance, that the work has progressed to a

stage that an inspection is required. The applicant shall also submit samples for testing one (1) week in advance of the date the test results are needed.

D07 Alternate Agent

If the Agent is unable to make the inspection within for forty-eight (48) hours after the work is completed, the applicant shall notify the Planning Board to such effect, which will designate an alternate to make such inspection and shall so notify the applicant.

D08 , Additional Inspections

If the Agent makes an inspection of the work at the time designated and finds that such work

a. is not at the proper state of completion or
b. has been covered or otherwise obscured

the Agent shall notify the applicant and the Board as to the additional steps the applicant shall take to complete the work. The agent has the authority to require the work be uncovered or exposed to full view. The applicant shall be liable for all costs and fees incurred by the Board as a result of requests by the applicant for an inspection of the work which, in the opinion of the Board, was not at an acceptable stage of completion for such inspection.

D09 Lines and Grades

The Planning Board Agent will advise the Board at any time during the construction if he believes that the work has not been laid out to the lines and grades as shown on the Definitive Plan.

D10 First Inspection

An inspection will be made of the physical layout of all stakes bounding the rights of way, the travelled ways, the areas designated for utilities and any other elements designated on the Definitive Plan.

D11 Second Inspection

An inspection will be made of the work upon completion of all clearing, grubbing and excavation and all work incidental thereto as may be required or implied by the Board's Rules and Regu-lations or shown on the Definitive Plan. No fill shall have been placed at the time of this inspection.

D12 Third Inspection

An inspection will be made of the completed drainage system (without backfill) as required or implied by the Board's Rules and Regulations or shown of the Definitive Plan. At the same time, or such other time as the work may be available, an inspection will be made of the completed utility installations (without backfill) as required or implied by the Board's Rules and Regulations or shown of the Definitive Plan. The inspection of the required services will be made by the agency responsible for the particular service. Each agency so involved will notify the Planning Board Agent of the approval of such work in writing.

Backfill of any portion of the drainage system, utility installations or other services shall not be made until after receipt of notification of approval or acceptance by the Planning Board Agent or agency responsible.

D13 Fourth Inspection

The inspection of the construction of the ways shall include the inspection of the back-filling and compaction of all utility trenches as may be installed by utility companies, and such work shall be performed in the manner as required by these Rules and Regulations. It shall be the applicant's responsibility to insure compliance with these requirements. If, in the opinion of the Board, the back-filling and compaction of utility trenches has not been performed properly, the Board may not release the covenant applicable until such work has been performed to the satisfaction of the Planning Board.

An inspection will be made of the compacted fill required to bring the roadways to their proposed grades. The applicant shall notify the Planning Board Agent as to his source of gravel for fill as soon as such information is known, so that samples may be taken and analyzed by the Planning Board Agent. The applicant is hereby advised not to proceed with the filling operation until such time as the Agent notifies the applicant that the gravel proposed for the fill is acceptable. If the applicant proceeds with the fill prior to such notice, he does so at his own risk. The applicant shall not use a gravel source other than the one designated without prior notice to the Agent.

D14 Fifth Inspection

An inspection will be made of the binder course and the required finish course. Samples of the mix may be taken by the Planning Board Agent for purposes of performing an extraction test in order to compare the samples with the job-mix formula previously submitted.

D15 Sixth Inspection

An inspection will be made of topsoil, curbing (where required), paths, side slopes, monuments, bounds, road signs and plantings of grass, trees and other vegetation.

D16 Seventh Inspection

A final inspection will be made of all subsequent work as required herein or as shown of the Definitive Plan to include the final clean-up.

D17 Report of Planning Board Agent

The Agent will submit a complete report to the Board for each right of way in a subdivision. Such report will be similar to that given herein and will be augmented by such additional information as the Board may require to describe any special problems or situations which may arise during the construction of the required improvements.

The Planning Board Agent will report to the Board that the work has been performed in accordance with these Rules and Regulations and the Definitive Plan, or the agent will advise the Board that the work is not acceptable and state in writing the reasons therefor.

At any time during the progress of the work, the Agent will advise the Board, immediately, of any factors which may adversely affect the progress of the work.

APPENDIX E

SUBDIVISION FILING FEES

Type of Submission	General Fee	Plus Fee Per Lot
Presubmission Review	None	None
Plan Not Requiring Approval (Form A)	$100	$150*
Preliminary Plan (Form B)	$75	None
Definitive Plan (Form C):		**
3 lots or less	$300	$150
4-6 lots	$600	$250
over 6 lots	$900	$350
Board of Health		
perc tests required		Current rate

In the case that an engineer or professional consultant is called in for water, sewage, or road review, the cost will be covered by the developer.

* There will be no per-lot fee on a youth lot.

** $50/lot total will be deducted for lots with flexible siting and/or which include public walking trails. There will be no per-lot fee on a youth lot.

APPENDIX F

LEGAL REFERENCES

State Laws: (References are to Massachusetts General Laws.)

Subdivision Control Law, Chapter 41, Sections 81K to 81GG

Planning Board Enabling Law, Chapter 41, Sections 81A to 81J

Scenic Rivers Act, Chapter 21, Section 17B

Controls over Conservation Districts, Chapter 21, Section 18, et seq.

Protection of Coastal Wetlands, Chapter 130, Section 105

Protection of Inland Wetlands, Chapter 131, Section 40A

"Hatch Act" (Wetlands Control), Chapter 131, Section 40

Chapter 30, Sections 61-62 (Environmental Impact)

Rivers Protection Act (310 CMR 10.99)

MA Stormwater Management Policy prepared by MA DEP and CZM and the related MA Erosion and Sediment Control Guidelines for Urban & Suburban Areas

Federal Laws:

Watershed Protection and Flood Prevention Act, 16 USC 1001, et seq.

Coastal Zone Management Act of 1972, 16 USC, 1451, et seq.

Safe Drinking Water Act of 1974, 42 USC 300 f., et seq.

Federal Water Pollution Control Act, 33 USC 1251, et seq.

Clean Air Act, 42 USC 1857, et seq.

APPENDIX G

RATE OF DEVELOPMENT
Chilmark Planning Board
July 14, 1980

The Rate of Development of a subdivision is established as a part of the evaluation of a Definitive Plan and shall be calculated as follows:

A. Add the total acreage of all lots which, because of their size, restrictive covenants or conservation restrictions, cannot be re-subdivided. (The road system is not included.)

B. Subtract from the total of A, above, the non-buildable land, which because of soil conditions or topography is not buildable, within the lots covered by A including:

   1. Each pond over 1 acre
   2. Each wetland over 1 acre
   3. Beach and Salt marshlands

C. Add to the result of A and B, above, the allowable minimum lot size acreage for the district in which the subdivision is located for each lot which can be re-subdivided. (For example: a seven acre lot in a three acre zoning district will be considered 3 acres for the purpose of this calculation.)

D. Divide the result of C, above, by the minimum lot size allowable for the district in which the subdivision is located. The Rate of Development each year equals 10% of this number.