

Definitive Plan Submission

209 PURPOSE

The Board requires the submission of definitive plans for all proposed subdivisions. The definitive plan provides the basis for the formal review and approval of the definitive plan, after a public hearing, entitles the applicant to cause such plan to be recorded, and to proceed with the subdivision and improvement of the land as provided by these rules and regulations.

210 PROCEDURE

The final or Definitive Plan shall be prepared by a professional civil engineer registered in Massachusetts from a boundary survey made by a competent land surveyor also registered in Massachusetts.

All surveying shall conform to “technical standards of professional practice for Massachusetts land surveyors for property surveys”, and the land surveyor shall sign and affix his/her stamp to the definitive plan with a statement that the survey conforms to these requirements.

A definitive plan of a subdivision may be submitted by delivery to the Planning Board office, or by registered mail, in care of the city clerk. Such plans shall be considered accepted for submission unless within two weeks the board determines the submission to be incomplete. In the event a subdivision is determined to be incomplete, the submittal date shall be the date the submittal is determined to be complete. A complete submission shall be a submittal that substantially meets the filing requirements and content for definitive subdivision plans as outlined in the Planning Board Rules and Regulations

Definitive plans evolved from preliminary plans shall be submitted within seven (7) months of the submission of preliminary plans

- 1) Two (2) completed “application for approval of a definitive plan” Forms, Form “C” (see Appendix B). One copy is to be delivered to the city clerk.
- 2) Engineer’s certificate on Form D-1 (see Appendix B).
- 3) Surveyor’s certificate on for D-2 (see appendix b).
- 4) A deposit as required, payable as directed, to cover expenses for advertising, notices, and mailings, and public hearings in connection with the submission. Unless otherwise provided for, the planning board, at its discretion, may require the services of a recording secretary, the expenses for which shall be borne by the petitioner or applicant who caused such public hearing to take place. The fees must be paid for in full at the time of submittal.
- 5) An original drawing, as per section 200 6), and required contact prints, dark line on white paper, of the definitive plan, showing the requirements of sections 215 - 221 of these rules and regulations.
- 6) A drainage design analysis as specified in section 314. If the subdivision is to be tied into a public sewer, flow calculations are also required. If a lift station is required, all data pertaining to station capacity, wet well, pump capacities, and stand-by power is required for approval.
- 7) An impact Study (see section 200 5).

211 REVIEW BY LOCAL BOARDS

1) The board will distribute copies of the definitive plan to various city boards and commissions for their review and comment as follows:

Planning Board	2 copies and 1 original
Board of Health	1 copy
City Engineer	1 copy
Water Department	1 copy
Sewer Department	1 copy
Conservation Commission	1 copy
Taunton Municipal Lighting Plant	1 copy
School Department	1 copy
Park and Recreation Department	1 copy
Fire Department	1 copy
Cable Commission	1 copy
Department of Public Works **	1 copy
Tree Warden	1 copy
Zoning Enforcement Office	1 copy

** If applicable

The following requirements must be met before the Taunton Board of Health will review and appraise a proposed subdivision plan as required by chapter 41, section 81-U of the Massachusetts General Laws:

- A. For proposed lots/ subdivisions that will not be serviced by a municipal sewer system:
 1. The Board of Health requires that the applicant demonstrate through deep observation holes and percolation testing that there is 4 four feet of naturally occurring percable material on each lot.
 2. At a minimum, at least one percolation test and observation hole is required per lot. Additional testing may be required at the discretion of the Board of Health or its representative.
 3. Testing must be conducted by a certified soil evaluator and witnessed by an agent of the Board of Health

- B. For proposed lots/ subdivisions that will not be serviced by municipal water;
 1. The Applicant must demonstrate that there is an adequate supply of potable water to service all lots in the proposed development;
 2. The Board will consider individual wells capable of supplying at least 7 gallons per minute of potable water as being adequate to service each dwelling unit;
 3. The board will require a minimum of one test per every five lots
 - a. For each test well the Applicant must determine its safe yield and water quality. The Applicant should contact the Board of Health for a list of parameters to analyze for, which are contained in the Taunton Board of Health's current local well regulations.

- C. The proposed plan detailing the disposition of stumps, woodwastes and any debris existing on the site;

- D. Approval of proper authority on any use, filling or dredging of any wetlands. (see section 200-5).

- E. The approval of sewer department and city engineer for the surface drainage; including any culverts under streets in and adjacent to the subdivision.
- F. Easements and approval of abutting property owners to run or discharge drainage on to or through their property.

Brooks in subdivisions that are to be piped, stone lined, or paved with bituminous concrete shall be in accordance with approved practice..

2) Prior to any Planning Board vote of approval, each subdivision definitive plan shall also be accompanied by the following:

- (A) Statement by the water department supervisor of the conditions on which the city will supply water to the subdivider; also, a statement approving the diameters, lengths, materials, and location of water mains, valves and hydrants proposed within the subdivision;
- (B) Approval by the fire chief of the number, location, and size of fire hydrants and fire alarm boxes proposed - Fire Lanes may be required to be constructed and properly marked (POSTED) by the Head of the Fire Department or his designee. Required Fire Lanes shall be according to the City of Taunton Ordinance and 527 C.M.R. 10.03 (10);
- (C) If interconnection with the Taunton municipal sewerage system is proposed, a statement by the sewer department supervisor of the conditions on which the city will sewer the subdivision, also a statement approving the diameter, location, material, slope and invert elevations of the sanitary sewers proposed within the subdivision;
- (D) If city sewerage be not proposed, approval by the board of health of the means of sewerage disposal proposed, and approval of the soil structure in the disposal locus proposed;
- (E) Location of poles for street lighting and type of light fixture to be installed;
- (F) A certified check payable to the city of Taunton in an amount totaling three thousand dollars (\$3000.00) per drawing sheet, as security for later submission to the planning board of an accurate record plan and profile (a preliminary plan may be draw either in black India ink, or with pencil on some transparent medium, yielding clear, dark line points. A subdivision definitive plan shall be drawn only in compatible ink on tracing cloth, a linen or polyester film single matte : with a thickness of .004 mils, and must have an opacity so as to allow consistent Xerox diazo and microfilm reproduction. Where a proposed shall also be drawn an index diagram of sheet. Preliminary plans shall be drawn to a scale of not more than one hundred (100) feet to the inch, except that index plans, plans of land of the same owner adjoining the section of nearest available public sanitary of not more than four hundred (400) feet to the inch) of roadway pavement, elevations, drainage line, water mains, sewer line, and lighting fixtures as actually installed. Check will be refunded after submission of said as built (see section 505);
- (G) For each subdivision or for a subdivision section covering less than five acres, a fee of seven hundred dollars (*700.00), payable as below:

(H) For each subdivision or a subdivision section covering five acres or more a fee of six hundred dollars (\$600.00) per acre (or fraction thereof) over five acres, shall be tendered in cash or by certified check payable to the city of Taunton at the time of submission of such definitive plan;

(I) A performance guaranty running to said city of Taunton by some one of the methods established by the Massachusetts subdivision control statute. Two options are available under the statute Massachusetts General Laws, Chapter 41, Section 81-U, performance guaranty:

(1) By a proper bond or a deposit of money, 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,

or

(2) 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 such lot before such lot may be built upon or conveyed other than by mortgage deed and which shall also be accompanied by a deposit or bond, as determined by the board to cover the cost of the top course of bituminous concrete (Form "F", Appendix B);

J) An impact statement, as set forward in section 200 5):

K) copy of conservation commission "order of conditions" (see Section 200 - General, Paragraph 5) (1.)

212 PUBLIC HEARING

Before approval or disapproval of the definitive plan, a public hearing shall be held by the Board, notice of time and place of which and of the subject matter suitable for identification shall be given in a newspaper of general circulation in the city, once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertisement to the applicant, and to each owner of land abutting, and others within three hundred (300) feet of land included in such plan as appearing on the most recent tax list. The applicant shall submit a list of the abutters to the Taunton Planning Board.

213 PERFORMANCE GUARANTEE

Before the Board endorses its approval on a Definitive Plan, the applicant shall make such performance guarantees or covenant execution as required by Section 211 of these Rules and Regulations.

214 APPROVAL OR DISAPPROVAL

A definitive subdivision plan may be denied in the event that the requirements of the subdivision rules and regulations pertaining to definitive subdivisions are not met. Final approval of a Subdivision Definitive Plan by the Planning Board may be voted with or without conditions, but only in accordance with the following procedure:

(A) Any person filing a Definitive Plan shall file same with the Board; (16) Copies of the Definitive Plan, incorporating the requirements or Section 216, may be required by the Board *, for distribution by them as follows:

Planning Board	2 Copies
Board of Health	1 Copy
City Engineer	1 Copy
Water Department	1 Copy
Sewer Department	1 Copy

Conservation Commission	1 Copy
Taunton Municipal Light Plant	1 Copy
School Department	1 Copy
Park and Recreation Department	1 Copy
Police Department	1 Copy
Fire Department	1 Copy
Cable Commission	1 Copy
Department of Public Works **	1 Copy
Tree Warden	1 Copy
Zoning Code Enforcement Office	1 Copy

* The Developer should consult with the Planning Board as to the number of copies required by the Board before submitting his application.

** If Applicable

(B) Written notice of the date of submission of such Definitive Plan and accompanying information shall be given by delivering or sending by certified mail to the City Clerk a copy of a cover letter by the subdivider to the Planning Board, listing the sheets of Definitive Plans and other information required by statute to be submitted;

(C) A public hearing shall be held on each Definitive Plan by the Planning Board as required by statute with notice published not less than fourteen (14) calendar days prior to the date fixed for such hearing;

After the public hearing the Planning Board will notify the developer in writing, of its final decision according to the following time schedule as defined in MGL Chapter 699 of the Acts of 1986. From the legal date of submission:

RESIDENTIAL

- (1) 135 Days in the absence of a preliminary plan
- (2) 90 Days if a complete preliminary plan was filed and either granted, granted by default or denied

NON-RESIDENTIAL

- (1) 90 Days (Preliminary Plans are mandatory)

Unless an extension of this time limit has been requested in writing by the applicant and granted by the Board, the Board shall by a majority vote, approve, with or without modifications and conditions, or disapprove such plan. The action of the Board, including any conditions or approval or specific reasons for disapproval, shall be stated in a letter entitled "Certificate of Final Action", and filed with the City Clerk, and a copy thereof sent by the Board to the applicant by certified mail. Unless an appeal is taken to the Superior Court from the action of the Board and written notice of such appeal is received by the City Clerk within 20 days of the City Clerk's receipt of the Certificate of Final Action, the Planning Board shall sign the approved definitive plan, and refer thereon to any conditions or approval or to any instrument describing such conditions. The applicant shall then, at his/her expense, furnish the Board with three sets of full size copies of all drawings comprising the definitive plan, and with one complete set of reproducible drawings and with one copy of the approved plan in a digital format compatible with AutoCad R14 or update on media deemed acceptable by the City Engineer.

The approval by the Board of a Definitive Subdivision plan does not constitute a laying out or acceptance by the city of the streets within the subdivision as city or public ways.