

To be advertised in the Sun Chronicle on Tuesday, February 13, 2018 and Tuesday, February 20, 2018:

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**TOWN OF SEEKONK
PLANNING BOARD
PUBLIC HEARING NOTICE**

In accordance with Chapter 41, as amended, a Public Hearing will be held at the **Seekonk Town Hall, 100 Peck Street, Seekonk, MA** on **Tuesday, February 27, 2018 at 7:00 p.m.** in the **Seekonk Town Hall Meeting Room** relative to the following:

The Planning Board is seeking to amend the **Rules and Regulations Governing the Subdivision of Land in Seekonk, Mass** described as follows:

- Revise Section III - Approval Not Required** (typographical corrections and §3.6 regarding recordation of ANR plans)
- Revise Section IV - Preliminary Plan** (typographical corrections and §§4.2 and 4.4 regarding notice of preliminary plan review)
- Revise Section V – Definitive Plan** (typographical corrections, §5.1 regarding notice, §5.6 regarding the Seekonk Master Plan), and 5.9.2 regarding recordation of final definitive plans)
- Revise Section VI – Performance Guarantee** (typographical corrections and §6.11 regarding covenants)
- Revise Section VII – Design Standard** (typographical corrections)
- Revise Section VIII – Construction of Ways and Installation of Utilities** (typographical corrections and §8.3.3 regarding Tanker Truck fee)

These amendments may be reviewed in the Planning Department located in the Seekonk Town Hall or on our website www.seekonk-ma.gov. Any person interested or wishing to be heard on the application may appear at the Public Hearing at the time and place designated above.

PLANNING BOARD
David Sullivan, Jr., Chairman

Rules and Regulations Governing the Subdivision of Land in the Town of Seekonk
Seekonk Planning Board
Rules and Regulations Subcommittee
2018 Revision and Update

Please note: The Planning Board will need to conduct a public hearing on the amendments proposed for adoption.

Amendment 1: Amend **SECTION II DEFINITIONS** as follows:

AASHTO American Association of State Highway and Transportation Officials

MassDOT Massachusetts Department of Transportation previously MassHighway and Mass D.P.W. Any references to MassHighway or Mass D.P.W. shall be considered references to MassDOT.

Yield Plan: A preliminary subdivision plan depicting the maximum number of lots that could reasonably be expected to be constructed on a parcel in full conformance with all Subdivision, Zoning, Conservation, and Health regulations of the Town of Seekonk. The Planning Board, in determining the acceptance of a yield plan, shall take into consideration the extent to which the plan takes such regulations in consideration.

Note: These amendments add definitions for AASHTO and MassDOT to the definitions.

Amendment 2: Amend **SECTION IV PRELIMINARY PLAN** as follows:

4.2.7 Fee of \$300 per plan shall be in accordance with the currently adopted fee schedule set forth in Attachment B of the Seekonk General By-laws

Amendment 3: Amend **SECTION V DEFINITIVE PLAN** as follows:

5.1 Submission

The Definitive Plan shall be an original drawing conforming to the rules and regulations of the Registry of Deeds. The plan shall be at a scale of one (1) inch equals forty (40) twenty (20) feet. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:....

5.2 Contents

16. Separate plans and profile of every street in the subdivision showing the following data:

1. Scales shall be horizontal 1" = 40"20', vertical 1" = 4'.

These amendments would required 1"=20' plans versus the currently required 1"=40'.

Amendment 4: Amend **SECTION II DEFINITIVE PLAN** as follows:

16. All planned underground utilities, including sewer, drainage*, water, gas, electricity, telephone and cable TV. The size and location of all connections from the street to each lot shall be shown.

(*) Such as subdrains~~Subdrains~~, downspout drains, storm drains, etc., from private property shall not to be tied into public drains unless otherwise authorized pursuant to the General By-laws of the Town of Seekonk.

Note: This amendment would clarify that only stormwater connections, as authorized under the Town's General By-laws, are permitted.

Amendment 4: SECTION V DEFINITIVE PLAN

5.2 Submission

1.2.3 A plan shall be consider to have been submitted ...~~Plans and applications Revised plans and amended applications submitted after the initial filing of an application~~ are to be received by the Board at least five business days prior to the next regularly scheduled meeting at which they are to be discussed

Note: This amendment clarifies that revised plan and materials are to be submitted five business day in advance of the meeting at which they are to be discussed.

Amendment 5: SECTION V DEFINITIVE PLAN

5.3 Contents

The Definitive Plan shall be an original drawing conforming to the rules and regulations of the Registry of Deeds. The plan shall be at a scale of one (1) inch equals ~~fortytwo~~
~~(4020)~~ feet. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

17. All planned underground utilities, including sewer, drainage*, water, gas, electricity, telephone and cable TV. The size and location of all connections from the street to each lot shall be shown.

(*) Such as subdrains~~Subdrains~~, downspout drains, storm drains, etc., from private property shall not to be tied into public drains.

17. Separate plans and profile of every street in the subdivision showing the following data:

17.9 Proposed street names in conformance with the provisions of Section II Definitions Streets and Ways

Note: These amendments require 1"=20' scale plans, prohibits stormwater connections to public stormwater systems (without a waiver), and directs applicants to the proposed street naming provisions of Section II

Amendment 6: SECTION V DEFINITIVE PLAN

5.3 Contents

23. Application fee in accordance with the currently adopted fee schedule set forth in Attachment B of the Seekonk General By-laws.

Note: This amendment adds a reference to the Town's adopted fee schedule in anticipation of approval of the General By-laws adopted at the February 2017 Special Town Meeting.

Amendment 7: SECTION VI PERFORMANCE GUARANTEE

6.2 Bond or Security

2. Deposit of money, or negotiable securities, such as certified check, savings passbook accompanied by a signed withdrawal slip and an assignment of the account to the Town, savings certificates assigned to the Town and acceptable to the Town. All instruments shall comply to the requirements of G.L. c. 41, §81U

Note: Saving passbooks are no longer acceptable per the Treasurer's Office. The amendment also adds a citation to the governing Massachusetts General Law provision.

Amendment 8: SECTION VI PERFORMANCE GUARANTEE

6.2 Bond or Security

The developer shall file a security in the amount deemed by the Planning Board to be sufficient to cover the estimated cost of all required work at the expiration of the time period specified by the applicant for the performance of said work. Said cost estimate shall include an estimate of the prevailing wage cost of labor to the Town should it undertake completion of the approved public improvements. The Planning Board's reviewing engineer shall review and confirm the appropriateness of the estimated prevailing wage cost adjustment included in the estimate. If at the elapse of the time period specified by the developer, the security shall be in automatic default. This period may be extended by vote of the Board of a specified time upon a written request of the developer, concurred in by surety, if any, and in writing.

Despite the aforementioned security, the Board does not warrant that roads with ancillary utilities and appurtenances depicted on the approved Definitive Plan will actually be constructed or that any of the lots shown will be usable as buildable lots.

Amendment 9: SECTION VI PERFORMANCE GUARANTEE

6.5 Reduction of Security

Upon partial performance by the developer of the required work the Board shall, upon written request of the developer, reduce the penal sum of the bond or deposit held, to a sum bearing a direct and reasonable relationship to the expected cost including the effects of inflation, necessary to complete the work remaining. Such sum shall include an estimate of the prevailing wage cost of labor to the Town should it undertake completion of the approved public improvements. The Planning Board's reviewing engineer shall review and confirm the appropriateness of the estimated prevailing wage cost adjustment included in the estimate. Such reduction shall not affect the obligations of the developer and the surety with respect to the required work and the maintenance of streets and utilities until all

such work is completed and the surety released, except as may be expressly voted by the Board.

Amendment 10: SECTION VI PERFORMANCE GUARANTEE

6.8.1 Street/Land – Initiation of Acceptance

Once the top course has been applied, the Planning Board shall retain a minimum of fifteen (15%) percent of the security amount. Upon seventy-five (75%) percent build out of the subdivision and any final corrective measures to the top course are completed by the applicant (see Section 8.5.5.2), the Planning Board shall retain a minimum of five (5%) percent of the security amount. At that time, the applicant may submit in writing to the Board of Selectmen, a formal request for Town acceptance of the bonded or otherwise secured streets or land to be dedicated. Once the Town accepts said streets or lands, the Planning Board shall release the resultant security amount. Approval of the definitive plan or release of security does not constitute the laying out or acceptance by the Town of streets within the subdivision.

Amendment 11: SECTION VI PERFORMANCE GUARANTEE

6.8 Covenant

Instead of securing performance by a bond or other security, the applicant may elect to give the Board a covenant duly executed by the owner of record and consented to by other parties with property interests in the land, such as any mortgagee or tenant in common. Such covenant shall run with the land and shall provide that no lot secured by such covenant in the subdivision or any portion thereof shall be built upon or sold, other than by a mortgage deed, until the ways and the utilities or other required improvements to serve such lots have been constructed or installed to the satisfaction of the Planning Board, and the Board shall have voted to release such lots from the operation of said covenant. The covenant shall identify the lots restricted by its operation and the scope and, if appropriate, the geographic limits of construction and installation required for the release of such lots and may specify the time within which such construction and installation is to be completed. The Planning Board shall have the right to extend such time and continue the operation of the covenant at the developer's request, but the failure of the developer to complete the required work within the time specified or within the time so extended by the Board shall be a reason for the rescission of the approval of the subdivision, and any portion thereof subject to such covenant, in addition to other remedies provided by law. (See Form GG for a standard covenant agreement.)

When the Developer requests the early release of a covenant, before the total completion of the subdivision, the Board may, at its discretion, release the covenant upon receipt by the Board a satisfactory performance security as specified under Chap 41 M.G.L. Sect. 81 U sufficient, in the opinion of the Planning Board's Consulting Engineer, to cover the cost of completing the subdivision, including the prevailing wage cost of the project should the Town undertake the completion of the improvements, per the approved plans and

conditions and to cover the cost of possible repairs, for the following two (2) years, or until the roads are accepted at the Town Meeting, whichever is earlier.

Amendment 12: SECTION VI PERFORMANCE GUARANTEE

6.9 Election of Performance Guarantee

As between a bond or other security and a covenant, the developer shall have the right to elect which performance guarantee type to use and the right to change from one type to the other from time to time, but the Planning Board shall have the right to specify the time of performance. Subject to the Town Treasurer's approval of the form and manner of execution, the Planning Board shall have the right to specify the penal sum of any bond or the type and amount of other negotiable security. The Board may, at its option and subject to the Town Treasurers approval, accept as security any readily negotiable property of sufficient value, such as may comply to the requirements of G.L. c. 41, §81U common stock or bearer bonds. The Board may further in lieu of a bond or a deposit enter into an agreement with the holder of the first mortgage on the subdivision, which agreement shall provide for the retention of sufficient funds, otherwise due to the applicant, in the event of failure of timely performance of the required construction and installation and shall further provide that such undisbursed funds shall be available for the completion of the required work in the event of the developer's failure to perform such work. ...

Amendment 13: SECTION VI PERFORMANCE GUARANTEE

6.10 A filing fee of \$125 in accordance with the currently adopted fee schedule set forth in Attachment B of the Seekonk General By-laws, made payable to the Town of Seekonk, shall be submitted with every request for reduction of surety, partial release of covenant and final release of performance guarantee. For establishing or releasing covenants, the applicant shall record the covenant.

Notes for Amendments 7 to13: The proposed language of the foregoing 7 amendments are intended to achieve the following; include the "prevailing wage" costs to the Town for completion of public improvements in setting the surety amount for a development; clarify that the Planning Board does not, by way of an approval, warranty the construction of any public improvements or utilities; improves the procedure for partial covenants by requiring the public improvements be secured via a bond or other form of surety where a developer seeks to utilize a partial covenant; clarifies what is acceptable as security (per 41 MGL Sec. 81U); and corrects the fee reference for surety reduction requests.

Amendment 14: SECTION VII DESIGN STANDARDS

7.2.1.8 Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than twenty (20) feet at intersections of minor streets with other minor streets, and twenty-five (25) feet or greater at all other intersections. Said radii shall not extend onto, or into the public right of way directly in front of, abutting properties not part of the proposed subdivision.

Note: This amendment was recommended by GPI engineering in response to potential situation where radii of new roadway may cut in front or across an abutting property.

Amendment 15: SECTION VII DESIGN STANDARDS

7.2.2.2 The minimum width for the roadway (pavement) shall not be less than the following:

	<u>Travel Lanes</u>	<u>Parking</u>	<u>Total Paved</u>
...			
Cul-de-sacs	<u>16</u> <u>18</u> ft. (one-way) <u>24</u> ft. (two way)	-----	16 feet

Note: GPI Engineering has recommended an amendment to the current cul-de-sac provisions which seem to allow for only one way cul-de-sacs with a 16' travel lane. A minimum travel lane width of 18' for one way and 12' (24' total) for two way cul de sacs would provide additional space for large vehicles and allow for waiver requests should an applicant be able to document a more narrow travel lane would be adequate.

Amendment 16: SECTION VII DESIGN STANDARDS

7.2.2.4 The minimum width of pavement for driveway entrances within the rights-of-way to residential lots shall be twelve (12) feet flaring to sixteen (16) feet at the curb line. Driveways shall not exceed 24' in width.

Note: GPI Engineering has recommended this amendment to limit the maximum driveway width.

Amendment 17: SECTION VII DESIGN STANDARDS

7.2.3 Grade

7.2.3.2 On any street where the grade exceeds six (6%) percent on the approach to an intersection, a leveling area with a slope of less than one (1%) percent shall be provided for a distance of not less than fifty (50) feet measured from the nearest exterior line of the intersecting street. Where a subdivision roadway meets an existing public way, the entrance shall be graded so that runoff from the existing public way does not enter the subdivision drainage system.

Amendment 18: SECTION VII DESIGN STANDARDS

7.2.3.4 All roadway pavements on minor or collector streets shall have a cross slope from the centerline of the roadway of no less than $\frac{1}{4}$ " inch per foot except at horizontal curves which shall be superelevated in accordance with the most current design standards outlined by AASHTO in A Policy on Geometric Design of Highways and Streets. When a roadway changes directions on a hill, the pavement shall be sloped so that water will not drain from one side of the road to the other. Except as described above, roadway pavement may not be superelevated in order to provide stormwater flow to a drainage system on one side.

7.2.3.6 On arterial streets, whenever the approved street grade and the grade of the adjacent land is such that side slopes of one (1) foot vertical to five (5) feet horizontal or steeper are created and/or if hazardous roadside features or appurtenances are present and cannot be removed or redesigned, the developer shall be required to install a protective guardrail. For collector and minor streets, the Planning Board may require guard rails where side slopes of one (1) foot vertical to three (3) feet horizontal or steeper are present and/or where hazardous roadside features or appurtenances are present and cannot be removed or redesigned. For all street types, guardrails shall be required and installed in accordance with the standards of AASHTO with respect to need, location, and length.

Note: these amendments are proposed per GPI Engineering recommendation. N.B. Sec. 7.2.3.4: GPI has recommended eliminating super-elevation of minor streets. It is recommended appropriate language be developed with the Department of Public Works should the planning Board adopt this amendment.

Amendment 19: SECTION VII DESIGN STANDARDS

7.3 Sidewalks

Sidewalks shall be designed in conformance with the currently applicable standards of the United States Access Board Public Ways Guidelines Sections 5 and 6 of Rules and Regulations of the Architectural Barriers Board and in accordance with Appendix III, Subdivision Rules and Regulations.

Note: These amendments are proposed per GPI Engineering recommendation to update the standard for sidewalks in the regulations.

Amendment 20: SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES

8.1 General

8.1.1 No water main, drain, catch basin, utility, road subgrade or surface or any other improvement shall be backfilled, paved over or otherwise permanently covered until inspected by the Board or the Board's Agent, who shall confer with the Public Works Department and Water District in the field at the site, and found to be in conformance with these Rules and Regulations and applicable Town specifications. Water main installation shall be coordinated with and inspected by the Seekonk Water District.

Note: These amendments are proposed per GPI Engineering recommendation to clarify the responsible for water service installation details and inspection.

Amendment 21:

8.2 Utilities

8.2.2 Other Utilities

5. All utility poles, traffic signs, street signs, etc., shall be located not ~~moreless~~ than eighteen (18") inches from the gutter line or face of curb.

Note: This amendment was proposed by GPI and would clarify utility pole, and traffic control signage locations

Amendment 22: SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES

Drainage

- 8.4.2 Pipe, pipe size, grades, manhole and catch basin locations shall be in accordance with the latest Mass Highway Construction and Traffic Standard Details *MassDOT Project Development and Design Guide*.
- 8.4.3 Catch basins, manholes, headwalls and pipe shall be in accordance with the latest Mass Highway *MassDOT* Construction and Traffic Standard Details or such other standard details as the Board may adopt and append hereto.
- 8.4.4 Backfilling shall consist of suitable materials uniformly distributed and compacted. When suitable backfilling cannot be obtained from the excavation, the filling shall consist of ~~satisfactory~~ ordinary borrow (MassDOT Material Specification M1.01.0). Both sides should be ~~thoroughly~~ tamped compacted to a 95% compaction level. No backfilling shall be placed on masonry or other structure without the specific prior approval by the Superintendent of Public Works or the Board's Agent. It shall be formed of successive layers not more than six (6") inches in depth, each layer being thoroughly compacted before the successive layer is placed.
- 8.4.6 All street drain grates shall be of the checkered type a type as specified or approved by the Department of Public Works, or if the bar type, they shall be placed perpendicular to the curb.

Note: These amendments are proposed per GPI Engineering recommendation

Amendment 23: SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES

8.5 Street and Roadway

- 8.5.3.1 The completed gravel surface shall be compacted until a firm, even surface true to lines and grades is obtained.* Any gravel, which after being rolled does not form a satisfactory solid stable foundation, shall be removed by the subdivider and replaced with a suitable gravel surface.

(*) In accordance with the latest *MassDOT Highway* standards, with the exception of reprocessed asphalt used in processed gravel, which will not be allowed

- 8.5.4 The completed gravel surface shall be compacted until a firm, even surface true to lines and grades is obtained.* Any gravel, which after being rolled does not form a

satisfactory solid stable foundation, shall be removed by the subdivider and replaced with a suitable gravel surface.

(*) In accordance with the MassDOT Highway, "Standard Specifications for Highways and Bridges".

- 8.5.5 After the completed gravel surface has been approved by the Superintendent of Public Works the final treatment shall be applied. This treatment shall consist of two (2) courses of hot mix asphalt; the first being 2 three (23") inches of a binder course (course graded) and the second being $1\frac{1}{2}$ inches of top course (fine graded). Before the top course is applied, the surface of the binder course shall be swept clean, dry and leveled where needed, and tack coated with emulsion designated RS-1 by machine spraying at a rate of 1/20 gallon per square yard. Paving shall be authorized from April 15 to November 15 of any given year, however; paving shall not take place when the ground temperature is below 40 degrees Fahrenheit.¹ (See Appendix III for typical roadway sections.)
- 8.5.6 Grades and Stakes – the subdivider will provide an original survey showing the base line or center line of construction as well as the location of stakes at fifty (50') foot intervals for the line and grade of the streets, utilities and culverts and for other major structures. The subdivider shall furnish, and set, and maintain all stakes for the construction and grade of roadways, utilities, culverts and other structures at a minimum until the binder course is installed.

Note: These amendments were proposed by GPI update references to standards and details and clarify details with regard to paving schedule and staking.

Amendment 24: SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES

8.6 Curbing

1. Curbing shall be installed along each edge of all streets. Bituminous concrete curbing shall be M.D.P.W. Type I-1 (machine installed; see Appendix III). Curbing shall be set at a profile grade and be set on a foundation of not less than twelve (12") inches of gravel free from foreign material.
2. Standard granite curbing, M.D.P.W. V.A-4 shall be installed at all intersections (see Appendix IV).
3. Granite or reinforced concrete inlets shall be installed at all catch basins.
4. Granite or precast concrete curbs shall be installed on all non-residential collector streets.

¹ Unless otherwise approved by the Superintendent of Public Works.

5. The Planning Board may approve poured on site concrete curb where conditions warrant a waiver.

Note: The subcommittee is recommending amending the regulations to require only granite or pre-cast concrete curbing.

Comment: The proposal should be reviewed with the Department of Public Works with regard to development of an appropriate construction standard or citation.

Amendment 25: SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES

Sidewalks

8.7.1. Sidewalks of not less than four (4') feet in width shall be constructed on one side of the street in conformity with specifications of the Town. Said sidewalks shall be required when they will connect to existing sidewalks.

8.7.2 Sidewalk construction – Sidewalks shall be constructed of either bituminous concrete or natural or precast pavers at the option of the developer.

8.7.3 Concrete Sidewalk Foundation – After subgrade has been prepared, a foundation of gravel shall be placed upon it. After being wetted and thoroughly rolled and tamped, the foundation shall be at least eight (8") inches in thickness and four (4") inches below and parallel to the proposed surface of the walk, except that at driveways it shall be six (6") inches below the proposed surface of the sidewalk unless otherwise directed. The walk shall have a pitch of 3/8 of an inch per foot of width to provide for proper drainage. There shall be expansion joints on concrete sidewalks at intervals of ten (10') feet; concrete mix to be 1:2:4 mix, four (4") inches thick except at driveway where the sidewalk shall be installed at a thickness of six (6") inches.

8.7.4 Hot Mix Asphalt Sidewalks – After subgrade has been prepared, a foundation of gravel shall be placed upon it. After being wetted and thoroughly tamped, the foundation shall be at least eight (8") inches in thickness and two (2") inches below and parallel to the proposed surface of the walk. It shall have a pitch of (3/8") of an inch per foot to provide for proper drainage. Hot mix asphalt shall be laid in two courses, each one (1") inch thick.

Note: The subcommittee is recommending amending the regulations to require only poured concrete or natural or precast paver sidewalks. GPI has recommended a 6" sidewalk depth at driveways

Comment: The proposal should be reviewed with the Department of Public Works with regard to development of an appropriate construction standard or citation.

Amendment 26: SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES

8.9 Monuments

8.9.1 Monuments shall be required at all street intersections, at all points of change in direction of curvature of streets or at other points where, in the opinion of the Planning

Board, permanent monuments are necessary. Such monuments shall be made of granite and have minimum dimensions of 46" x 46" x 54", with a minimum reveal of 63" following installation. Where the monument is proposed to be located in a paved area or at the edge of a side walk it may be installed flush with the surrounding grade. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

Note: This amendment is in response the comment of the Department of Public Works and GPI Engineering.

