

TOPSFIELD PLANNING BOARD

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF TOPSFIELD



THE DOCUMENT CONTAINED HEREIN WAS ADOPTED SEPTEMBER 25, 1984
AMENDED SEPTEMBER 13, 1994
AMENDED MARCH 4, 1997
AMENDED FEBRUARY 15, 2006
AMENDED APRIL 7, 2009

ZONING BYLAW INQUIRES SHOULD BE DIRECTED TO
THE INSPECTOR OF BUILDINGS AT 978-887-1522.

PLANNING BOARD INQUIRIES SHOULD BE DIRECTED TO
COMMUNITY DEVELOPMENT COORDINATOR AT 978-887-1504

<http://www.topsfield-ma.gov>

**PLANNING BOARD
Fee Schedule**

◆LEGAL ADS

Billed directly to Applicant.

◆SPECIAL PERMITS

Business Park	\$200.00
Common Drive	\$100.00 per lot served (Driveway can serve up to 3 lots)
Elderly Housing District	\$1000.00 (New construction EHDs must be reviewed under Site Plan Review and are subject to the Site Plan Review fees listed below).
Scenic Road Application	
Stone Wall Removal	\$75.00
Tree Removal	\$75.00
Wind Energy Conservation Systems	\$200.00

◆SITE PLAN REVIEW

Two-Step Fee

1). Coverage Fee

\$100/5,000 sq. ft. or any portion thereof of new/altered lot disturbance (the total square footage of all new/altered building footprints, plus all paved surfaces, septic installations and stormwater management systems).

_____ sq. ft. ÷ 5,000 sq. ft. x \$100 = _____ area of new/altered coverage

2). Gross Floor Area Fee

\$200/5,000 square feet or any portion thereof of new/altered Gross Floor Area (gross floor area – the total square footage of all new floor area on all levels of all new or existing buildings).

_____ sq. ft. ÷ 5,000 sq. ft. x \$200 = _____ area of new/altered gross floor area

Coverage Fee	\$	_____
Gross Floor Area Fee	\$	_____
Total Site Plan Review fee	\$	_____

◆APPROVAL NOT REQUIRED

\$100.00 per application
\$100.00 per lot, parcel created or change of lot line

◆PRELIMINARY SUBDIVISION PLAN

\$500 per application, plus \$100.00 per lot

◆DEFINITIVE SUBDIVISION

Definitive Plan *with preliminary plan*: \$2000.00 per application, plus \$500.00 per lot and \$1000.00 per lot in excess of the number of lots depicted in the preliminary plan.

Definitive Plan *without preliminary plan*: \$2000.00 per application, plus \$1000.00 per lot

Additional fees shall be assessed when deemed appropriate by the Board, such as, cost of legal notices and technical reviews.

Note: These Planning Board fees have been set in accordance with MGL Chapter 40 Section 22F, and are effective March 10, 2006.

TABLE OF CONTENTS

	<u>Page</u>
◆ARTICLE 1 PURPOSE AND AUTHORITY	1
1.1 Purpose	1
1.2 Authority	1
1.3 Effect of Subdivision Control Law	1
◆ARTICLE 2 DEFINITIONS	2
◆ARTICLE 3 GENERAL	5
3.1 Plan Thought Not to Require Approval	5
3.2 Subdivision	6
3.3 Effect of Prior Recording of Subdivision Land	7
3.4 Time for Completion	7
3.5 Limitation of One Building on Any Lot	7
3.6 Criteria for Board Action	7
◆ARTICLE 4 PROCEDURES FOR THE SUBMISSION AND APPROVAL OF PLANS	8
4.1 Conceptual Plan	8
4.2 Preliminary Plan	8
4.3 Definitive Plan	10
4.4 Suitability of the Land	13
4.5 Review by Town Agencies	13
4.6 Public Hearing	13
4.7 Approval, Modification & Approval or Disapproval	13
4.8 Recording of Plan	14
4.9 Performance	15
4.10 Modification, Amendment or Rescission	19
4.11 Submittal Distribution Requirements and Formats	19
◆ARTICLE 5 DESIGN AND CONSTRUCTION STANDARDS	21
5.1 Streets	21
5.2 Shoulders	24
5.3 Curbing	24
5.4 Sidewalks	24
5.5 Grass Strips	25
5.6 Side Slopes	26
5.7 Street Name Signs	26
5.8 Bridges	26
5.9 Underground Utility System	26
5.10 Street Lighting	26
5.11 Fire Alarm and Police Call Boxes	26
5.12 Utilities	26
5.13 Easements	31
5.14 Monuments	31
5.15 Retaining Walls	32
5.16 Fencing	32
5.17 Guard Rails	32
5.18 Open Spaces	32
5.19 Protection of Natural Features	33
5.20 Tree Planting	33
5.21 As-Built Plans	33
5.22 Cleaning Up	33
◆ARTICLE 6 ADMINISTRATION	34
6.1 Inspection and Control	34
6.2 Waiver of Compliance	34
6.3 Board of Appeals	35

6.4	Amendments	35
6.5	Validity	35
◆ARTICLE 7	EFFECTIVE DATE AND REPEALER	36
7.1	Effective Date	36
7.2	Repealer	37
◆TABLE 1	GEOMETRIC DESIGN STANDARDS	38
◆APPENDIX	REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENT	A-1
◆CHECKLISTS		C-1
	Checklist for Review of Preliminary Plan	C-3
	Checklist for Review of Definitive Plan	C-8
	Checklist for Review of Environmental Impact Statement	C-14
◆FORMS		Bound in Back
	Form A Application for Endorsement of Plan Believed Not to Require Approval	
	Form B Application for Approval of Preliminary/Definitive Plan	
	Form C Certified List of Abutters	
	Form D Department Review of Subdivision Plan	
	Form E Certificate of Planning Board Action	
	Form F Performance Bond – Secured by Deposit	
	Form G Performance Bond – Surety Company	
	Form H Covenant – Conditional Approval Contract	
	Form I Approval for Release of Bonds, Surety or Conditions	
	Form J Request for Inspection of Construction of Improvements	
	Form K Notice of Release of Bonds or Surety	
	Form L Release of Covenant	
	Form M Petition for Insertion of Application for Acceptance in Warrant for Annual Town Meeting	

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
IN THE TOWN OF TOPSFIELD, MASSACHUSETTS

(Adopted under the Subdivision Control Law SECTIONS 81-K to 81-GG inclusive, Chapter 41 of General Laws)

ARTICLE 1

PURPOSE AND AUTHORITY

1.1 Purpose

The Rules and Regulations Governing the Subdivision of land in Topsfield, Massachusetts have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of Topsfield by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of the Planning Board and the Zoning Board of Appeals under these Rules and Regulations, as set forth in SECTIONS 81-K to 81-GG, inclusive, Chapter 41, of General Laws shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for ensuring compliance with the Topsfield zoning by-laws as last amended; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, street lighting, and other similar municipal equipment, and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions. It is the intent of these Rules and Regulations that any subdivision plan filed with the Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to these Rules and Regulations; provided, however, that the Planning Board may, when appropriate, waive, as provided for in ARTICLE 6, such portions of these Rules and Regulations as is deemed advisable.

1.2 Authority

Under the authority vested in the Planning Board of the Town of Topsfield by SECTION 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these Rules and Regulations Governing the Subdivision of Land in the Town of Topsfield, Massachusetts.

1.3 Effect of Subdivision Control Law

These Rules and Regulations shall encompass SECTIONS 81-K to 81-GG, inclusive, Chapter 41, General Laws of the Commonwealth of Massachusetts known as “the Subdivision Control Law” as if these sections were set forth herein at length.

ARTICLE 2

DEFINITIONS

For the purpose of these Rules and Regulations, unless a contrary intention clearly appears, the terms and words defined in SECTION 81-L of the Subdivision Control Law shall have the meaning given therein. The following other terms and words shall have the following meanings:

- 2.1 Abutter: The owner of an area of land which adjoins, or is adjacent to, or separated by only a street, the land described in the application for subdivision.
- 2.2 Applicant: Either the owner of the land stated in the application for subdivision, the owner in equity or all the owners where title is held jointly, the common, or in tenancy by the entirety, including corporations. The owner in equity, an agent, representative, or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.
- 2.3 Board: The Planning Board of the Town of Topsfield.
- 2.4 Certified by (or endorsed by) the Planning Board: As applied to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded, shall mean, bearing a certification or endorsement signed by a majority of the members of the Planning Board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the Register of Deeds and recorder of the Land Court, signed by a majority of the Board.
- 2.5 Definitive Plan: A plan of a proposed subdivision or resubdivision of land drawn in accordance with ARTICLE 4 of these rules and regulations.
- 2.6 Dwelling Unit: One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking and sanitation.
- 2.7 Family: Two or more persons related by blood, marriage, or adoption or a group of no more than 6 (six) unrelated persons living in a single housekeeping unit.
- 2.8 Engineer: Any person who is registered by the Commonwealth of Massachusetts to perform professional civil engineering services.
- 2.9 Lot: An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings. All lots shall comply with the area, frontage, depth, and width requirements of the Zoning Bylaw for the Town of Topsfield, Massachusetts, in force at the time of subdivision application.
- 2.10 Lot Frontage: The horizontal distance measured along that lot line adjacent to the street right-of-way, which is the front lot line, between the points of intersection of the side lot lines with this front lot line. For the purposes of these Rules and Regulations, this horizontal distance shall be considered an acceptable, or legal, frontage only if it is continuous and permits physical access across it to the affected lot.
- 2.11 MDPW: Massachusetts Department of Public Works
- 2.12 Preliminary Plan: A plan of a proposed subdivision or resubdivision of land drawn in accordance with ARTICLE 4 of these Rules and Regulations.
- 2.13 Recorded: Recorded in the Registry of Deeds, South District of Essex County except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court of Essex County.

- 2.14 “Register of Deeds”: The Register of Deeds, South District of Essex County, and when appropriate, shall include the Recorder of the Land Court of Essex County.
- 2.15 Registered Mail: Registered or certified mail.
- 2.16 Registry of Deeds: The Registry of Deeds, South District of Essex County and, when appropriate, shall include the Land Court of Essex County.
- 2.17 Roadway: The paved area within the right-of-way for the operation of vehicles.
- 2.18 Streets: Streets shall mean all the land within the public right-of-way including the traveled way, curbing, grass strips, sidewalks, drainage, and utilities.
- 2.18.1 Collector Street: A street which receives and distributes traffic from and to various subareas within a given region, and receives traffic from a given residential neighborhood of over 75 dwellings or industrial area and carries it to an arterial highway. These roads run through developed areas or concentrations of development, and carry significant volumes of traffic.
- 2.18.2 Minor Street: A street which primarily provides access to adjacent land uses. These roads shall serve a residential area of less than 75 dwellings.
- 2.18.3 Dead End Street: A dead-end street or dead-end interior drive is one which has only one means of entrance and exit to a through public street. A through street is a continuous street which connects to the Town’s street system in at least two places.
- 2.19 Standard Specifications: The Commonwealth of Massachusetts, Department of Public Works Standard Specifications for Highway, Bridges and Waterways, 1967 Edition, including all amendments.
- 2.20 Subdivision: The division of a tract of land into two or more lots, including resubdivision, and when appropriate to more context, relating to the process of subdivision of the land or territory subdivided; provided, however, that a division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way, or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the Town of Topsfield having, in the opinion of the Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erect or to be erected thereon. Such frontage shall be of at least twenty (20) feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town of Topsfield into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.
- 2.21 Subdivision Control Law. Refers to SECTIONS 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws of the Commonwealth of Massachusetts, entitled “Subdivision Control” including all subsequent amendments thereto.
- 2.22 Subdivision Types
- 2.22.1 Subdivision Type I: A subdivision for single and two-family residential purposes.

- 2.22.2 Subdivision Type II: A subdivision for apartments, townhouses, business, or industrial purposes.
- 2.23 Submitted Plan: A plan, along with the appropriate and properly executed submittal form, shall be officially submitted by delivery at a regularly scheduled business meeting of the Planning Board or by registered or certified mail to the Planning Board, in care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan. In addition, written notice of such submission, on the appropriate form, shall be given by the Applicant to the Town Clerk by delivery or by registered or certified mail.
- 2.24 Surveyor: A person who is currently registered by the Commonwealth of Massachusetts or an out-of-state registrant who is legally permitted to perform land surveying services in the Commonwealth of Massachusetts.
- 2.25 Way: A right-of-way or means of access to a lot. A public way is a way which has been accepted by and the land owned by the Town of Topsfield or by other means created as a public street. Any other way (Private Way) is a way over land which is owned by a private party but which is set forth by deed covenant, deed description, or other means as a private way.