

SECTION 2 - GENERAL

2.1 DEFINITIONS

- 2.1.1 For the purposes of these Rules and Regulations the following words or terms are defined as follows. Where a term is not herein defined, applicable definitions from the Grafton Zoning Bylaw or the General Laws of Massachusetts shall apply. In all other cases, the Planning Board shall determine the appropriate definitions and interpretations:
- 2.1.1.1 **Applicant:** A person (as hereinafter defined) who applies for the approval of a plan for a subdivision or a person who applies under Section 3. "Applicant" shall include an owner, or his agent or representative, or his assigns.
- 2.1.1.2 **Bikeway:** A way designed to be used principally or exclusively by a bicycle or similar unmotorized vehicle.
- 2.1.1.3 **Board:** The Planning Board of the Town of Grafton established pursuant to Massachusetts General Laws.
- 2.1.1.4 **Bridle Path:** A way designed to be used principally or exclusively for equestrian purposes.
- 2.1.1.5 **Common Driveway:** See Driveway, Common.
- 2.1.1.6 **Develop:** To construct a street, install utilities, erect a house or other structure, or in any way to prepare the lot for such improvements.
- 2.1.1.7 **Developer:** A person, as hereinafter defined, who develops a subdivision under a plan of a subdivision approved pursuant to Section 3 of these Rules and Regulations.
- 2.1.1.8 **Driveway, Common:** A driveway which provides access to more than one lot, each of which has at least the minimum frontage on a Town street as required by the Zoning Bylaw. A common driveway does not qualify as a street for determining frontage under MGL Chapters 40A and 41.
- 2.1.1.9 **Easement:** A right acquired by public authority or other person to use or control property for a utility or other similar purpose.
- 2.1.1.10 **General Laws:** (Abbreviated MGL) See Massachusetts General Laws.
- 2.1.1.11 **Intensity Area:** A neighborhood in which the majority of the structures are single family dwellings on lots containing less than forty thousand (40,000) square feet, town houses, multi-family dwellings, or an area with structures designed for business, industrial use, or any other non-residential use, or any combination thereof.
- 2.1.1.11 **Lot:** An area of land in one (1) ownership with definite boundaries used, or available for use, as the site of one (1) or more buildings (Section 81-L of Chapter 41 MGL).
- 2.1.1.12 **Massachusetts General Law (Abbreviated MGL):** The General Laws of Massachusetts and as the same may be amended. In case of re-arrangement of the General Laws, any

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- citation of a particular section of the General Laws shall be applicable to the corresponding section(s) in the new codification.
- 2.1.1.14 **Monument:** A permanent marker to indicate a boundary point of other point for measurement purposes.
- 2.1.1.15 **Municipal Services:** Sewers, water drains, water pipes, gas pipes, cable TV, electrical lines, telephone lines, fire alarm systems, and similar systems and their respective appurtenances.
- 2.1.1.16 **Owner:** As applies to real estate, the person holding the ultimate fee simple title to a parcel, tract or lot of land, or control of such, as shown by the record in the Land Registration Office, Worcester County Registry of Deeds or Registry of Probate.
- 2.1.1.17 **Parcel:** An area of land in one ownership with definite boundaries not meeting zoning requirements nor available for use for the site of principal use buildings.
- 2.1.1.18 **Person:** An individual, two or more individuals, or a group or association of individuals, a partnership trust or corporation, having common or undivided interests in a tract of land.
- 2.1.1.19 **Plan, Definitive:** The plan of a subdivision as duly submitted to the Board for approval, to be recorded in the Registry of Deeds and such plan when approved and recorded; all as distinguished from a Preliminary or other Plan.
- 2.1.1.20 **Plan, Preliminary:** A plan of a proposed subdivision or a resubdivision of land prepared in accord with Section 3 to facilitate proper preparation of a Definitive Plan (ref. MGL Ch. 41 § 81L).
- 2.1.1.21 **Planning Board Agent:** Town employee or consultant authorized by the Planning Board to review subdivisions and/or administer the Regulations.
- 2.1.1.22 **Recorded:** Recorded in the Registry of Deeds of Worcester County, except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court (Section 81-L of Chapter 41 MGL).
- 2.1.1.23 **Registry of Deeds:** The Registry of Deeds of Worcester County, and when appropriate, shall include the Land Court (Section 81-L of Chapter 41, MGL).
- 2.1.1.24 **Roadway:** That portion of a way which is designed and constructed for vehicular travel.
- 2.1.1.25 **Sidewalk:** A way within the right-of-way of a street normally parallel to the street, designed for use by pedestrians.
- 2.1.1.26 **Standard Specification:** "The Commonwealth of Massachusetts, Highway Department, Standard Specifications for Highways and Bridges", 1995 Edition, as amended.
- 2.1.1.27 **Street, Dead-End:** A street, extension of a street, or system of streets connected to another street at one (1) point only. Any proposed street which intersects with a dead-end street shall be deemed to be an extension of the dead-end street.

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- 2.1.1.28 **Street, Major:** A street which, in the opinion of the Board, is or will be used as a roadway within the Town of Grafton and which will connect towns, or which will carry more than fifteen hundred (1500) vehicles per day; or a street intersecting one (1) or more streets which, in the opinion of the Board, is or will be used to carry a substantial volume of traffic from such streets to another major street or community facility; normally including a principal entrance street to a shopping center, industrial park, cluster development, planned unit development, or a large subdivision, or group of subdivisions, and any principal circulation street within such developments, or a street which will connect subdivisions.
- 2.1.1.29 **Street, Minor:** A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots and which will not be used for through traffic.
- Street, Minor - A: A residential street expected to carry less than 1500 vehicles per day.
Street, Minor - B: A residential street expected to carry less than 500 vehicles per day.
Street, Minor - C: A residential street expected to carry less than 250 vehicles per day.
- 2.1.1.30 **Subdivision:** The division of a tract of land into two (2) or more lots and shall include re-subdivision, and when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into (2) 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 divided has frontage on (a) a public way, or way which the Town Clerk of the Town of Grafton 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 having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning By-Law.
- 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 (2) or more buildings were standing when the Subdivision Control Law went into effect in the Town into separate lots on each of which (1) of such buildings remains standing, shall not constitute a subdivision (Section 81-L of Chapter 41, MGL as amended).
- 2.1.1.31 **Subdivision Control:** The power of regulating the subdivision of land granted by the Subdivision Control Law, Chapter 41, Section 81-K through GG of MGL_inclusive as hereinafter amended.
- 2.1.1.32 **Superintendent of Streets:** The person designated by the Selectmen of the Town of Grafton with responsibility for streets and roadways in Town.
- 2.1.1.33 **Town:** Town of Grafton, Massachusetts.
- 2.1.1.34 **Trail:** A path or track made by or reserved for the passage of persons and/or animals, usually through undeveloped land.

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- 2.1.1.35 **Utilities, Private:** This term shall include telephone, cable television, electric light and power, and gas lines, wind and solar power systems, water and sewage systems not owned or operated by the Town, whether installed on, above or beneath the surface of the ground, located entirely within the lot being serviced and neither within nor appurtenant to utilities within a public right of way.
- 2.1.1.36 **Utilities, Public:** This term shall include electric light and power distribution systems, including streetlights, sewer, surface/storm water drainage, drinking water-gas, fire alarms and other utilities and their appurtenances, which are owned and operated by the Town or which may become the property or responsibility of the Town, or which are located within or appurtenant to public rights of way.
- 2.1.1.37 **Walkway:** A passage designed for use by pedestrians, not necessarily parallel to a street.
- 2.1.1.38 **Way:** A way is synonymous with the terms road, street, highway, and avenue and shall denote any such line or route for passage whether public or private, or the width and length of the strip of land laid out, designated, acquired and/or dedicated for the use of such way. Such width includes the spaces for vehicular travel, sidewalks, edgestone and planting spaces where required.

2.2 APPROVED PLAN REQUIRED

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement for sale of lots in a subdivision, or the construction of ways, or preparation therefore or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Board as hereinafter provided, or "Approval under the Subdivision Control Law Not Required" has been endorsed upon said plan.

2.3 SOURCE OF INFORMATION REQUIRED

In those cases in which the land shown on the plan is abutted by land of an owner, who is not the owner of the land as shown, the Board shall require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. A separate form for such statement will be furnished by the Board.

2.4 MORE THAN ONE BUILDING FOR DWELLING PURPOSES ON A LOT

No more than one (1) 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, without the consent of the Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such buildings in the same manner as otherwise required for lots within a subdivision.

2.5 FEES

2.5.1 All application fees, and all expenses such as advertising; publication of notices; all engineering including but not limited to review of preliminary and/or definitive plans, inspection and associated office work during construction which is part of the subdivision or appurtenant thereto; recording and filing of documents; and all other expenses in connection with review and approval of subdivisions or their construction including without limitation sampling and testing all as required by the Planning Board or its agents, shall be borne solely by the applicant. All fees shall be paid by check only, payable to the Town of Grafton. No review of any application will take place until all appropriate application/filing and review fees have been submitted as required. All fees must be satisfied in order for the Board to take affirmative action on any question before it.

2.5.1.1 Application/Filing Fee

A minimum fee is due with the filing of any plan.

- a) Approval Not Required Plans: \$100 plus \$50 for each new building lot created
- b) Preliminary Plans: \$500 plus \$75 per lot, with a minimum fee of \$1,000.
- c) Definitive Plans

If a Preliminary Plan is filed with the proper filing fee as required above, the fee shall be one thousand dollars (\$1,000.00) plus one hundred and fifty dollars (\$150.00) per lot.

If no Preliminary Plan is filed, the fee shall be three thousand dollars (\$3,000.00) plus two hundred and fifty dollars (\$250.00) per lot.

2.5.1.2 Review Fees

a) Waivers

For each waiver requested at the time of application, or at any time during review of the application, a fee of \$20 per lot shown on the entire plan shall apply, up to a maximum of \$500.00 per waiver requested. Such fee shall be paid at the time such waiver is requested.

On requests for waivers made during a Preliminary Plan review where the Board declines to act, the waiver request(s) may be resubmitted during the Definitive Plan review stage, if such plan is filed prior to the expiration of the Preliminary Plan approval, at no additional cost.

This waiver request fee will be used to support the processing and review of each request. Staff and department reviews will be carefully considered by the Board in making its determination whether to grant or deny any request.

b) Engineering Review

At the time of application, a deposit for engineering review fees shall be paid by the applicant to the Town in such amount as is required by the Planning Board. Generally such initial deposit will be approximately two thousand dollars (\$2,000) but may be different depending on the size and/or nature of the proposal. Said deposit shall be replenished by the applicant as required by the Planning Board before the amount of

expenses equals in value the amount of the deposit. Any portion of the deposit which is not used will be returned to the applicant.

2.5.1.3 Plan Revisions

Any increase in the number of proposed lots, or a significant change to the proposed roadway or infrastructure design, as determined by the Board, shall constitute a Plan Revision. The fee shall be one hundred dollars (\$100.00) plus fifty dollars (\$50.00) per lot for review of plan revisions.

2.5.1.4 Inspection Fee Deposit

A minimum deposit in an amount equal to two dollars (\$2.00) per linear foot of proposed roadway as shown on the plan, or one thousand dollars, (\$1,000.00), whichever is greater, shall be submitted to the Planning Board prior to any construction activity on the site. Such deposit shall be used by the Board to cover expenses incurred by the Town relating to the inspection of construction work, and other related activities within an approved subdivision. If during the course of construction of such subdivision the Board finds that the deposit as prescribed above will not be adequate to cover expenses, the Board shall reserve the right to require such additional amount as the Board may deem necessary to cover such expenses. The Board shall notify the developer or other authorized representative in writing that such additional amount is required. Said notice to be sent by certified mail. Any unexpended funds shall be returned to the developer upon Planning Board determination that the project is complete.

2.5.1.5 Lot Releases

A fee of one hundred dollars (\$100.00) per lot requested for release from Planning Board restrictions regarding building and/or sale, up to a maximum of five hundred dollars (\$ 500.00) per request.

2.5.2 Failure to Pay

2.5.2.1 Application Fees

In the event the application fees submitted are deemed to be insufficient as described by these Regulations, the application will be deemed incomplete and will not be scheduled for review by the Board.

2.5.2.2 Review Fees

In the event any review fees are deemed to be insufficient, either with regard to waivers requested or engineering reviews, the applicant shall satisfy such within seven **(7) days**. **In** the event the applicant fails to do so, the Board may cease all review and shall deny the application as presented.

2.5.2.3 Inspection Fees

In the event that inspection fees are not paid by the developer as described in the Regulations, the Board shall cease all progress inspections at the site. The Board will continue, however, to monitor the project for safety and environmental protection issues, and the applicant shall reimburse the Board for such costs incurred prior to any

construction/progress inspections taking place. In the event that the developer continues construction activity without inspections as required by the Board, the developer shall provide evidence, to the satisfaction of the Board, of full compliance with these Regulations. Lacking such, the Board shall take every administrative and legal means to ensure that the site remains within the responsibility of the developer and that the Town does not accept the project nor any aspect of it.

2.6 COMPLIANCE WITH THESE RULES AND REGULATIONS AND WAIVERS

All plans and all procedures relating to subdivisions and plans not requiring approval shall conform in all respects to the provisions of these Rules and Regulations unless otherwise authorized by the Planning Board in writing when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

2.7 COMPLIANCE WITH ZONING BY-LAW

The Planning Board shall not approve or modify and approve any plan of a subdivision of land unless all lots shown on said plan comply with the Zoning By-Law of the Town of Grafton or unless a variance from the terms thereof has been granted by the Board of Appeals, recorded in the Worcester District Registry of Deeds, and is noted on the plan.