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**TOWN OF BARNSTABLE**

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*Subdivision  
Rules  
&  
Regulations*

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**1962**

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**SECTION I.**

**AUTHORITY.** The following rules and regulations with respect to the submission and approval of plans of subdivisions and the construction of ways and installation of municipal services therein have been adopted by the Planning Board of the Town of Barnstable by virtue of the authority granted by General Laws, Chapter 41, Section 81-G as amended and will become effective on November 20, 1967.

**Town of Barnstable Planning Board**

**BERNARD WILBER, Chairman**  
**ELIZABETH Mellen, Secretary**  
**RICHARD S. GALLAGHER**  
**GEORGE J. ROMMELL**  
**ROBERT F. HAYDEN**  
**JOHN R. ALGER**  
**JOHN S. LEBEL**

**SECTION II.**

**DEFINITIONS.** For the purposes of these rules and regulations, the following words and terms used herein are hereby defined or the meaning thereof is explained, extended or limited as follows:

- 1) **Applicant.** A person, owner, or his agent or representative, or his assigns (as hereinafter defined) who applies for the approval of a plan.
- 2) **Board.** The Planning Board of the Town of Barnstable.
- 3) **General Laws.** (abbreviated G.L.). The General Laws of Massachusetts, Tercentenary Edition (as enacted in 1932) with all additions thereto and amendments thereof. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.
- 4) **Subdivision Control Law.** Sections 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws, as now in force.
- 5) **Lot.** An area of land in one ownership, with definite boundaries ascertainable or to be ascertainable of record, and used, or set aside and available for use, as the site of one or more buildings or for any other definite purpose.
- 6) **Owner.** As applied to real estate, the person (as hereinafter defined) holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the appropriate Land Registration Office, Registry of Deeds or Registry of Probate.
- 7) **Person.** An individual, partnership, corporation, or two or more individuals or a group or association of individuals, having common or undivided interests in a tract of land.
- 8) **Municipal Services.** Sewers, surface water drains, water pipes, gas pipes, electric lines, telephone lines, fire alarm lines, and their respective appurtenances.
- 9) **Definitive Plan.** The plan of a subdivision as submitted (with appropriate application) to the Board for approval, to be recorded

- in the Registry of Deeds or filed with the Recorder of the Land Court when approved by the Board, and such plan when approved and recorded or filed—all as distinguished from a preliminary plan.
- 10) Engineer. An engineer designated by the Board.
  - 11) Print. A contract print, dark line on white ground.
  - 12) Roadway. That portion of a way which is designed and prepared for vehicular travel.
  - 13) Site. A portion of a lot, tract or parcel of land provided for the location of a building, with the necessary or convenient amount of land adjacent to such building used or to be used in connection therewith, whether such portion is separated from the rest of the lot, tract or parcel by definite boundaries or not.
  - 14) Street. Any public way—state, county or town.
  - 15) Subdivision. The word "subdivision" as herein used, shall mean a subdivision as defined in G.L., Ch. 41, Sec. 81-L.
  - 16) Town. The Town of Barnstable, Massachusetts.
  - 17) Town Clerk. The Clerk of the Town of Barnstable, Massachusetts.
  - 18) Way. A way shall be the full strip of land designated as a way as distinguished from the roadway.

#### SECTION III.

### SCOPE OF SUBDIVISION CONTROL LAW AND PROCEDURE FOR SUBMISSION OF A PLAN THOUGHT NOT TO REQUIRE APPROVAL, A PRELIMINARY PLAN, A DEFINITIVE PLAN.

- 1) No person shall make a subdivision of any land within the Town unless he has first submitted to the Board for its approval a plan of such proposed subdivision, showing the lots into which such land is to be divided and the ways already existing or which are to be provided by him for furnishing access to such lots, and the Board has approved such plan in the manner hereinafter provided.
- 2) PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLAN THOUGHT NOT TO REQUIRE APPROVAL.
  - (A) Any person wishing to cause to be recorded a plan of land who believes that his plan does not require approval under the subdivision control law shall proceed as follows:
    1. Submit original cloth tracing to Board.
    2. Submit 4 prints from original to Board.
    3. Submit Form A in duplicate to Board.
    4. Give written notice to the Town Clerk by delivery or by registered mail, postage prepaid, that he has submitted such a plan. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land.
  - (B) The Planning Board shall:
    1. Sign and date Form A (Clerk's or Chairman's signature only necessary).

2. Examine plan and Form A and if it finds that the plan does not require such approval, it shall, without a public hearing and within fourteen days endorse on the plan the words "Barnstable Planning Board approval under the subdivision control law not required." Endorsement shall be signed by those duly authorized to act for the Board.
3. Return plan, original tracing only, to applicant and notify Town Clerk of its action by noting such on duplicate copy of Form A and delivering to Town Clerk.

(C) If the Board shall determine that the plan requires approval, it shall notify the Town Clerk and the applicant within 14 days of submission of the plan of its determination. The Town Clerk shall be notified on Form A and the applicant by letter. Original tracing shall be returned to applicant with the letter. Applicant may:

1. Submit his plan for approval as provided by law and the rules and regulations of the board, or
2. Appeal from the determination of the Board in the manner provided by law (Chapter 41, Section 81BB), within twenty days after the giving of notice of its determination.

### 3) PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PRELIMINARY PLAN.

(A) Any person, before submitting his definitive plan for approval, may submit to Planning Board and the Board of Health a preliminary plan (see Section IV) showing the proposed subdivision in a general manner. The submission of such a plan will enable the applicant, the Board and other town agencies to discuss and clarify the problems of the subdivision before a definitive plan is prepared. It is strongly recommended, therefore, that a preliminary plan be filed in every case.

(B) Applicant shall:

1. Prepare Form B in Triplicate:
  - (a) Original and one copy to Board with two copies of preliminary plan.
  - (b) Duplicate to Board of Health with one copy of preliminary plan.
2. Give written notice to Town Clerk by delivery or by registered mail, postage prepaid, that he has submitted such a plan.

(C) The Planning Board shall:

1. Tentatively approve plan with or without modifications suggested by it or agreed upon by the person submitting the plan, noting thereon its action and any changes that should be made or
2. Disapprove plan stating its reasons therefor.
3. Approve or disapprove plan within sixty days of submission, one copy of plan being returned to applicant, with decision.

4. The Board shall notify the Town Clerk of its action by noting such on Form B and delivering it to the Town Clerk.

4) PROCEDURE FOR THE SUBMISSION AND APPROVAL OF DEFINITIVE PLAN.

(A) Any person who submits a definitive plan of land to the Board for its approval shall do so at a regularly scheduled meeting and give written notice to the Town Clerk by delivery or by registered mail, postage prepaid, that he has submitted such a plan. Such notice shall describe the land to which the plan relates sufficiently for identification and shall state the date when such plan was submitted and the name and address of the owner of such land.

(B) Before approval of the definitive plan is given, a public hearing shall be held by the Board, two notices of which shall be given. The first being at least fourteen days prior thereto by advertisement in an official publication of, or in a newspaper of general circulation in the town. Copies of such notice shall be mailed by the Planning Board by Registered Mail, return receipt requested, to all owners of land abutting upon the land included in such plan as appearing upon the most recent tax lists.

(C) When a definitive plan of a subdivision is submitted to the Board a copy thereof shall also be filed with the Board of Health. The Board of Health shall, within forty-five days after the plan is so filed, report to Board in writing approval or disapproval of said plan.

1. In event of disapproval shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites and include such specific findings and the reasons therefore in such report and, where possible, make recommendations for the adjustment thereof.

2. If the report of the Board of Health shall so require, Board approval shall be on condition that no building or structures shall be built or placed on designated lots without consent of Board of Health.

3. Any lot so located that it cannot be served by a connection to a municipal sewer system shall be provided with on-site sewerage disposal facilities satisfactory to the Board of Health and the Planning Board.

(D) The Planning Board within sixty days of submission of a plan or such future time as is requested by the applicant in writing shall:

1. Approve, modify and approve or disapprove plan.
2. File certificate of its action with the Town Clerk.
3. Send notice of its action by registered mail, postage prepaid, to the applicant at his address stated on the application.
4. If an extension of time is requested by the applicant in writing, approval may be granted by the Board and the Board

shall have sixty days plus the period of time approved by the Board. The Board shall forthwith file the notice of approval of an extension of time with the Town Clerk.

(E) Before approval of a plan, the Board shall:

1. Require provision for the construction of ways and the installation of municipal services in accordance with the rules and regulations of the Board such construction and installation to be secured by one, or in part by one and in part by the other, of the methods described in Section VI, which method may be selected and from time to time varied by the applicant.

2. In proper cases, require the plan to show a park or parks suitably located for playground recreation, or other town purpose where needed in terms of development of the area proposed to be subdivided, and if so determined, require that no building may be erected on such proposed public land until action for purchase can be taken at a town meeting within the time period specified by Mass. Gen. Laws, Chapter 41, Section 81U.

(F) The definitive plan filed by the applicant shall comply with the design standards detailed in Section V unless, in the judgment of the Board, a different course of action is in the public interest and not inconsistent with the Subdivision General Law.

(G) In case of approval of a plan by the Board, after expiration of twenty days without notice of appeal to the Superior Court, the Board shall cause to be made upon the plan a written endorsement of its approval.

(H) Applicant shall file with the Planning Board the following:

1. A transparent master copy of all sheets comprising the Definitive Plan and three contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
2. Filing fee of Fifteen Dollars (\$15) payable to Town of Barnstable.
3. Form C in triplicate.

(I) The definitive plan shall be prepared by a registered land surveyor; whenever drainage structures are indicated such shall be designed by a person deemed by the Board to be qualified.

SECTION IV.

CONTENT AND REQUIREMENTS OF THE PRELIMINARY PLAN AND THE DEFINITIVE PLAN.

1) PRELIMINARY PLAN, EACH PRELIMINARY PLAN SHALL CONTAIN THE FOLLOWING INFORMATION:

(A) A Preliminary Plan may be drawn either in black India ink or with pencil on some transparent medium yielding clear, dark line prints. Where a proposed subdivision covers more

- than one sheet, there shall also be drawn an index diagram of sheets. Preliminary plans shall be drawn to a scale of not more than 100 feet to the inch, except that index plans, plans of land of the same owner adjoining the subdivision area, and diagrams showing the location of nearest available public sanitary sewers or water mains, may be drawn to a scale of not more than four hundred feet to the inch.
- (E) Name or title of the subdivision proposed; north point, date, scale; the boundaries of the area for which subdivision approval is sought, also the boundaries of any additional adjoining land of the same owner or of the same subdivider; the existing zoning applying to the proposed subdivision.
- (F) A locational map at a scale of 1"=1250' with proposed subdivision shaded to illustrate for the Board its relationship to the surrounding road network;
- (G) The name and address of the subdivider, also of the engineer, surveyor, or designer, and of all current owners of record, of land within the area proposed to be subdivided, and of the owners of all abutting lands, as they appear in the most recent Town of Barnstable property tax records;
- (H) The location, name, width, approximate profile, and approximate radius of curvature of the center lines of proposed streets and of existing streets, alleys, highways, ways and easements in, on, serving or adjoining the land proposed to be subdivided;
- (I) The approximate location, profile, and kind of storm drainage works existing and proposed for such subdivision;
- (J) The location of all existing natural and man-made features within or adjacent to and significantly affecting the layout of the area proposed to be subdivided, such as water bodies, streams, swamps, marshes, open drains, wooded areas, railroads, major highways, airports, industrial areas, commercial or retail business areas, schools, institutions, cemeteries, parks, utility easements, buildings, etc.;
- (K) The approximate location, dimensions and depth of existing public sanitary sewers, water mains, and local electric distribution lines outside but nearest the subdivision;
- (L) Within the subdivision, the location, size, invert elevation and slope of sanitary sewers proposed.
- (M) The approximate lines and dimensions of lots and approximate radii of curved property lines;
- (N) The Planning Board may require that the Topography of all or portions of each subdivision with contours at intervals of five feet elevation or at such lesser intervals as the Planning Board may prescribe on special circumstances;

- 2) PLANNING BOARD APPROVAL OF PRELIMINARY PLAN.
- A Preliminary Plan submission containing all the information required shall be as promptly considered by the Planning Board as may be, following receipt. Each Preliminary Plan submitted will be reviewed by the Planning Board in relation to the Town plans for the area, the zoning requirements, good land development practice, and sound engineering, as well as conformance with the design standards and construction specifications set forth in Section V. The procedure will be as follows:
- (A) Any information deficiency in preliminary plan submission must be completed before consideration by the Planning Board;
- (B) After reviewing and examining a preliminary plan and accompanying preliminary information, the Planning Board or its Planner may invite the subdivider to consider making changes;
- (C) In addition, the Planning Board may cause to be undertaken by the subdivider or by others any studies the Board deems necessary or desirable to protect and assure the health, safety and welfare of the Town of Barnstable and the future occupants of such subdivision, whether residential, commercial or industrial;
- (D) After Planning Board review and examination, including any other studies, and after any changes by the subdivider, the Planning Board shall discuss and by vote approve, modify or disapprove such preliminary map and preliminary information;
- (E) The Planning Board Secretary shall notify the subdivider in writing of the vote of the Board on the preliminary plan submitted; the Planning Board Secretary shall note any conditions voted, and shall transmit to the subdivider one copy of each drawing or data sheet approved, with the conditions, if any were voted, endorsed on such drawing or data sheet.

- 3) DEFINITIVE PLAN. Each subdivision Definitive Plan shall be drawn in ink on cloth, on sheets generally not larger than 36 x 42 in size and at a scale not more than 100 feet to the inch. Where such a subdivision covers more than one sheet, an index sheet shall also be drawn in ink on cloth. Such Definitive Plan shall contain all the information required for a Preliminary Plan, and the following:
- (A) Existing and finally proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision;
  - (B) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line shown in such subdivision plan and to establish these lines on the ground;
  - (C) Profile of the center line of proposed streets, or sheets separate from the plan diagram, at a horizontal scale of one inch equals forty feet and a vertical scale of one inch equals four feet, with all elevations referred to U.S.C.S. datum, where possible;
  - (D) Location of all permanent monuments, identified as to whether existing or proposed;
  - (E) A space to record in writing on the plan final approval by the Planning Board, with conditions if any, also the date of or such approval.
- 4) PLANNING BOARD APPROVAL OF DEFINITIVE PLAN.
- After review by the Planning Board, but prior to any Planning Board vote of approval, each subdivision Final Plan shall also be accompanied by the following certificates in writing:
- (A) Statement by the appropriate Water District or Water Company Superintendent of the conditions on which the District or Company will supply water to the subdivider; also a statement by their Engineer approving the diameters, lengths, and location of valves proposed within the subdivision; hydrants shall be located as directed by the water company or Water District Supervisor;
  - (B) If Water Company or District Water is not proposed, approved
  - (C) If Sewer District sanitary sewerage be proposed, statement by the Sewer District Engineer of the conditions on which the District will sewer the subdivision, also a statement by their Engineer approving the diameter, location, slope and invert elevations of the sanitary sewers proposed within the subdivision;
  - (D) If District sewerage be not proposed, approval by the Board of Health of the means of sewage disposal proposed, and approval of the soil structure in the disposal locus proposed, by the Board of Health of the means of water supply;

- 5) FINAL APPROVAL. 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) Three prints and the cloth master of each diagram sheet of a Definitive Plan, with three prints of each page of all accompanying information, certificates, fee, and performance guaranty as above required, shall be submitted by the subdivider or his agent to the Planning Board not less than ten (10) days prior to a regular monthly Subdivision meeting of the Planning Board. Any lack of required information or other deficiencies must be completed before such Final Plan can be reviewed by the Planning Board.

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

(C) The Planning Board shall review each Definitive Plan and all accompanying information. If, after review, the Planning Board by vote shall find and determine that such Plan and information conform with the Barnstable Town Plan and applicable zoning and with the Subdivision Regulations, the Planning Board may cause to be endorsed on one print of the first sheet of such Plan and Information the date of such vote and the word "APPROVED" and the signatures of a majority of all of the members of the Planning Board. The set of prints of a Definitive Plan of which the first sheet has been so endorsed shall be retained in the records of the Planning Board;

(D) A public hearing shall be held on each Definitive Plan by the Planning Board as required by statute. The Planning Board after such public hearing may vote Final Approval of such Definitive Plan, with or without conditions. Notice of the date and substance of such vote shall be entered on the cloth-master drawing of such Definitive Map, if one sheet, on the sheet containing the index map, if more than one sheet; on the cloth masters of any subsequent sheets there shall be entered a reference to the notice on the index sheet.

(E) Such Final Approval of a Definitive Plan shall not be deemed the laying out or acceptance by the municipality of any way, easement or utility or other public area shown on such Plan, not shall such Approval be deemed to constitute by itself any indication of liability by the Town for the use or maintenance of any streets, ways, or other public areas on such a Definitive Plan.

## SECTION V.

### SUBDIVISION DESIGN STANDARDS.

- 1) GENERAL GOALS. Each subdivision proposed, whether residential, industrial or commercial, shall be in general harmony with the Barnstable Town Plan, and shall fulfill the following requirements:
  - (A) The subdivision layout proposed shall show due regard for natural features such as large trees or groves of trees, water courses, and water bodies, scenic points, historic locations and other existing community assets which would add to the attractiveness and value of the neighborhood if preserved. Extensive land grading or filling shall be avoided so far as possible; natural surface drainage and existing stream channels shall be preserved wherever feasible, and any established stream channel lines shall be respected;
  - (B) Each subdivision proposed shall provide access of ample daylight and air to each building and group of buildings; also the subdivision design shall assure safety for children at play, or passing by;
  - (C) Each subdivision proposed shall provide for safe, free-flowing, separated circulation of pedestrians and of motor traffic, and adequate parking;
  - (D) Each industrial, commercial or retail business subdivision shall provide safely accessible automobile parking spaces off-street for employees, for patrons, for visitors and other persons in numbers of spaces reasonably related to the demand occasioned by such subdivision.
- 2) STREET DESIGN STANDARDS.
  - (A) Street layouts proposed, (including street improvements proposed, whether or not located in a subdivision as above defined) shall conform as to location, width and alignment with the Town Plan where prepared or with the recommendations of the Town Highway Department;
  - (B) Each such street layout shall be reasonably related to existing and contemplated streets and shall be so designed that in the opinion of the Planning Board it will accommodate the traffic volumes and traffic turning and parking movements reasonably to be expected along such street. Minimum pavement width shall be 22 feet or such larger width as the Planning Board may require. Out-de-sac outside pavement diameter shall be 80 feet with a minimum 20 foot pavement width throughout the turnaround if green space is to be in the center.
  - (C) Where a subdivision proposal covers only a part of a tract of land in a single ownership, the Planning Board may require the subdivider to furnish a sketch of a contemplated street system to the standards of this Article for the whole of such tract, including the part not theretofore submitted;
- 3) RIGHT OF WAY WIDTH. Street right of way widths.
  - (A) All streets shall be designed so as to provide safe travel for vehicles and pedestrians. The Board will give due regard to the prospective character of different subdivisions, whether open residence, dense residence, business or industrial, nature of terrain and the prospective amount of travel upon the various streets and sidewalks therein. Subject to adjustment in the light of such factors, streets shown on subdivision plans shall be not less than 40 feet wide.
  - (B) Diameter of cul-de-sac turn-arounds shall be 105 feet. Greater right-of-way width may be proposed by the subdivider or required by the Planning Board, dependent upon community needs, town plans, prospective traffic or parking conditions, street slopes, street curves or existing or prospective land uses.
- 4) STREET ALIGNMENT.
  - (A) Streets shall so far as practicable intersect at right angles or very nearly so, but shall not intersect at angles more acute than sixty (60) degrees;
  - (B) At intersections, the edges of street pavements and the exterior lines of the streets shall be rounded at a radius not less than twenty-five (25) feet or such larger radius as a subdivider may propose or as the Planning Board may deem required by traffic conditions, street grades, land uses, sight distances or other factors;
  - (C) Except at intersections, street alignments shall avoid abrupt changes. Minimum center line radii of curved streets shall be one hundred (100) feet.
- 5) GRADING SLOPES OF STREETS.
  - (A) For storm drainage reasons and for general useability and access to land, street layouts shall so far as practicable conform to existing topography, avoiding deep cuts or fills, and for the same reasons no street grade shall be less than one per cent (1%), nor more than seven per cent (7%).
- 6) SIDEWALKS. With due regard to density and character of the subdivision, the Board may require sidewalks on one or more sides of streets within the exterior lines of the way.
  - (A) Sidewalks when required shall be four (4) feet minimum width.
  - (B) Location of sidewalks within the strip between street pavement and exterior lines shall be as determined by the Board, due consideration being made to integration of utility poles, hydrants, shoulders, curbing, and available space.

7) CURBING, BERMS, AND SHOULDERS. Improvement of the street edges shall be done with curbing, berms, or shoulders, as the Board may determine. Type of improvement to be selected shall be based on considerations of safety, utility, topography, drainage, and attractiveness.

(A) Curbing and berms shall be constructed in accordance with standards of the Town of Barnstable Highway Department.

(B) Shoulders shall be constructed at grade along one or both sides of streets, and shall be a minimum width of four (4) feet. Each shoulder shall be loamed with topsoil to a minimum depth of two (2) inches and shall be seeded with a permanent grass mixture and rolled. All done to the satisfaction of the Board.

8) GRADING.

(A) For reasons of drainage, erosion control, sidewalk construction, the Planning Board may require that a street shall be graded to its full width between exterior lines throughout the distance along such street for which release from guaranty is requested by the subdivider. Such grading shall conform to the subdivision Definitive Plan profile and cross-sections approved for such street. That portion of each street so graded shall be cleared of all stumps, roots, brush, boulders and all trees not intended for preservation;

(B) That portion of the right-of-way to be paved shall be excavated to a depth not less than ten (10) inches below the gutter grade approved on the Final Plan of such street. All loam, loamy material, clay, organic or other perishable or spongy material shall be removed from the area to be paved to a depth of not less than thirty-two (32) inches below the gutter grade, or so much deeper as may be directed by the Town Highway Department. Boulders of one-half cubic yard or more in content encountered within the area to be paved shall be removed to subgrade, not less than fourteen (14) inches below the approved gutter grade;

(C) Excavations below subgrade shall be refilled with dry solid granular mineral material, approved by the Town Highway Department, in layers not more than ten (10) inches thick per layer. Each layer shall be thoroughly compacted in accordance with Massachusetts State Highway Construction Specifications. Each layer shall be thoroughly compacted prior to the placement of any additional fill material;

(D) The subgrade shall be shaped and compacted and rolled to the required lines and grades and cross-section before building the base course;

9) PAVING. In general paving shall conform to requirements of the Massachusetts Department of Public Works, and shall be done only after all utilities, storm water drainage, etc., has been installed and approved.

(A) Minor subdivision streets shall be two and one-half (2½) inches of type I-1 bituminous concrete pavement laid in two courses, the first of which shall be one and one-half (1½) inches in thickness, and the second of which shall be one (1) inch in thickness, each respectively after rolling. On major streets within the proposed subdivision three (3) inches of Type I-1 bituminous concrete is required, compacted in two one and one-half inch courses. The bituminous concrete shall be mixed, spread, finished and compacted according to Commonwealth of Massachusetts Department of Public Works standard specifications for "Type I-1 Class I bituminous concrete pavement in effect at the time of the application of said road surfacing."

(B) Where sidewalks are required by the Board they shall be brought to subgrade by the necessary excavation and filling and shall receive a coat of selected gravel at least three (3) inches in thickness, free of all stone over one (1) inch in diameter and free from loam, clay and other foreign matter. Thereafter, each sidewalk shall receive bituminous paving at least two (2) inches in total thickness after compaction.

(C) Sidewalks in business or industrial areas or under conditions of unusual use shall be paved with cement concrete as prescribed by the Town of Barnstable Highway Department.

10) STORM WATER DRAINAGE.

(A) Storm drains, culverts, ditches, and related installations, including catch basins, gutters and manholes shall be installed as necessary in the Board's opinion, to provide adequate disposal of surface water, including control of erosion, flooding, and standing water, from or in the subdivision and adjacent land.

(B) Proper connections shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the subdivision is not subdivided, provision shall be made for proper projection of the drainage system by continuing appropriate drains to the exterior boundaries of the subdivision at such size and grade as will allow for such projection.

(C) Drainage rights which are appropriate and sufficient in the opinion of the Board shall be secured for the Town.

(D) Drains shall be at least ten (10) inches in diameter and shall be of good quality vitrified clay or concrete. Concrete pipe twelve (12) inches and larger shall be reinforced. At least three (3) feet of cover will be required over drains.

(E) Catch basins shall be spaced as required by the Board and shall be at least six (6) feet deep and four (4) feet in diameter by inside measurements. They shall be constructed with standard cement concrete blocks, with brick and mortar or, if the support of the street or adjacent land so requires, of reinforced concrete.

(F) Drains and catch basins shall not be back-filled until inspected by the Town Highway Department Engineer.

(G) Manhole and catch basin covers shall be of type, design, and weight prescribed by the Town of Barnstable Highway Department.

11) MONUMENTS AND STREET NAME SIGNS. Temporary marks, permanent monuments and street name signs shall be furnished as follows:

(A) The subdivider or his contractor shall furnish, install and maintain all stakes, marks or temporary structures necessary for marking and maintaining the points, lines and grades for road-building to the approved plan, profile and cross-section, and no permanent monuments shall be installed until all construction which might destroy or disrupt them has been completed.

(B) The Planning Board will not recommend acceptance of any street until there have been installed permanent markers or monuments on both sides of each street at all angle points, at the beginning and end of all curves thereof, and at all intersections of streets and ways with each other and with boundary lines. The markers or monuments shall be of stone or reinforced concrete of size and design approved by the Board. The placement and accurate location of these markers shall be certified to by a Registered Engineer.

(C) Street name signs, to Highway Department Specification, shall be furnished by the sub-divider and erected at all intersections within the subdivision.

12) CLEANING UP

(A) The entire area must be cleaned up so as to leave a neat and orderly appearance free from debris and other objectionable material.

(B) STREET TREES. Whenever possible, trees already existing along proposed subdivision streets shall be preserved. Where difficulty in drainage and sidewalk construction cause grading to the full approved right-of-way width, or where no trees exist, the subdiviser may be required to plant trees at intervals and of such variety as approved by the Town Tree Warden.

#### SECTION VI.

#### PERFORMANCE GUARANTY.

1) As a condition precedent to final approval of any subdivision, the subdivider shall tender the Planning Board a performance guaranty running to the Town of Barnstable by one, or in part by one and in part by the other of the methods described in (A) and (B) below.

(A) By a proper performance bond (see Form D) or a deposit of money or negotiable securities (see Form E) sufficient in the opinion of the Board to secure performance of the construction

of ways and the installation of municipal services required in Section V for lots in the subdivision shown on the Definitive Plan; said construction and installation to be completed within one year from date of approval of definitive plan unless otherwise specified. Applicant shall submit Form D or E to Board prior to approval; and/or

(B) By a covenant executed and duly recorded instead of filing a bond or depositing surety, the subdivider may request approval of his Definitive Plan or of a part thereof on condition that no lot in the subdivision shall be sold and no building shall be erected thereon until the improvements specified in Section V are constructed and installed so as to serve the lots approved adequately. Such conditions shall be endorsed upon the plan or contained in a separate vote of agreement which shall be referred to on the plan and recorded in the Registry of Deeds. When the subdivider has completed the required improvements specified in Section V for any lots in a subdivision, he may request a Release of Conditions for said lots. If the improvements have been completed to the satisfaction of the Board, the Board will then execute and deliver to the subdivider such Release, which shall be in form for recording in the Registry of Deeds. Thereafter, the conditions relating to such lots and so released shall terminate.

Form I shall be filed with the Board within forty (40) days after submission of the Definitive Plan and before approval thereof. The applicant shall, except as hereinafter provided, file with the Board a bond in form satisfactory to the Board (Form I), and conditioned on the completion of all required work on the ground in the time and manner prescribed. Said bond shall be sufficient in penal sum, in the opinion of the Board, to cover the cost of such work. It shall be executed by the subdivider as principal and an indemnity or surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or be secured by a deposit with the Town Treasurer of cash or United States Government Bonds in an amount equal to the penal sum of the bond.

2 Before the Planning Board votes to release any such guaranty or the subdivider thereunder, the Planning Board shall determine that the subdivision requirements have been fulfilled. Such determination shall be by written certifications which the subdivider shall assemble and submit, as follows, from:

(A) The Town Highway Engineer, stating that the streets and storm drainage have been constructed and completed in conformance with the Final Plan diagram and all applicable requirements;

(B) The appropriate Water Department Superintendent, stating that the water mains and hydrants have been installed and are in place in conformance with the Definitive Plan diagram and all applicable requirements;

(C) The Hyannis Sewer Department Superintendent (or, where no sewers, the Board of Health), stating that the sewerage or means of waste disposal have been constructed and are in place in conformance with the Definitive Plan diagram and all applicable requirements;

(D) A Registered Land Surveyor, acceptable to the Planning Board and the subdivider, and paid for by the subdivider, that all permanent bounds or monuments on street lines (and on lot lines, if such monuments be proposed) have been installed and are accurately in place in the location designated on the Final Plan.

#### SECTION VII

#### ENFORCEMENT AND ADMINISTRATION.

- 1) The Town Highway Surveyor shall apply and enforce the foregoing street design and street and utility construction regulations. He shall, together with other municipal officials, take or cause to be taken such steps within the provisions of the applicable statutes and ordinances as the circumstances in each case may require.
- 2) No public way shall be laid out, accepted or constructed, and no municipal service or improvement shall be constructed in a way within a subdivision or to serve any lot or land therein unless a Definitive Plan of such subdivision shall have been approved by the Planning Board as above provided. No permit shall be issued for the erection of any building or structure within a subdivision until a Definitive Plan of such subdivision has been approved by the Planning Board as above provided.
- 3) The transfer, sale or agreement or negotiation to sell any lots or any land within a subdivision without an approved Definitive Plan of such subdivision is prohibited by statute and is punishable as provided by statute and each day of violation and each such transfer, sale, agreement to sell or negotiation to sell shall constitute a separate offense.
- 4) Severability. If any Section, subsection, paragraph or any combination of the foregoing is declared illegal or unconstitutional it shall not affect the validity of these rules and regulations. If any section of the Subdivision Control Law is repealed or amended and it affects these rules and regulations only those sections so affected shall be automatically voided.