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[HISTORY: Adopted by the Planning Board of the Town of Mount Washington 1970, as amended through 3-8-1989. These rules and regulations were adopted under the Subdivision Control Law, M.G.L.A. C. 41, §§ 81K to 81GG, inclusive. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Berkshire Planning District — See Ch. 12.  
Planning Board — See Ch. 69.

Subdivision of land — See Ch. 194.  
Zoning — See Ch. 215.

ARTICLE I  
**Purpose**

**§ 243-1. Purpose stated.**

The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is or may hereafter be put in effect 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 a Planning Board and of a Board of Appeal under the Subdivision Control Law 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 applicable zoning ordinances or bylaws; for securing adequate provision for water, sewerage, drainage 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 city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the Subdivision Control Law 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 the reasonable rules and regulations of the Planning Board pertaining to subdivisions of land; provided, however, that such Board may, when appropriate, waive, as provided for in § 81R, such portions of the rules and regulations as is deemed advisable. (M.G.L.A. C. 41, § 81M)

ARTICLE II  
**Statutory Authority**

**§ 243-2. Authority stated.**

Under the authority vested in the Planning Board of the Town of Mount Washington by M.G.L.A. C. 41, § 81Q, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Mount Washington, by vote of the Board following a public hearing, 1970.

ARTICLE III  
**General Provisions**

**§ 243-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**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.

**PRELIMINARY PLAN** — A plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries,

North point, date, scale, legend and title "Preliminary Plan"; (b) the names of the record owner and the applicant and the name of the designer, engineer or surveyor; (c) the names of all abutters, as determined from the most recent local tax list; (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; (h) and the topography of the land in a general manner. (M.G.L.A. C. 41, § 81L)

**SUBDIVISION** — The division of a tract of land into two (2) or more lots and shall include resubdivision 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 two (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 so divided has frontage on (a) a public way or a way which the clerk of the city or town 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 city or town in which the land lies, 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 zoning or other ordinance or bylaw, if any, of said city or town for erection of a building on such lot and, if no distance is so required, 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 (2) or more buildings were standing when the Subdivision Control Law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing shall not constitute a subdivision. (M.G.L.A. C. 41, § 81L)

**§ 243-4. Plans not requiring approval.**

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application Form A (See Appendix) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or certified mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

- A. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse on the plan the words "Approval under the Subdivision Control Law not required."

- B. The Planning Board may add to such endorsement a statement of the reason approval is not required. The plan will be returned to the applicant, and the Planning Board shall notify the Town Clerk of its action.
- C. If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant and return the plan. The Planning Board will also notify the Town Clerk of its action.
- D. If the Planning Board fails to act upon a plan submitted under this section within fourteen (14) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

**§ 243-5. Approval of definitive 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 or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted and approved by the Planning Board as hereinafter provided.

ARTICLE IV

**Procedure for Submission and Approval**

**§ 243-6. Submission of plan.**

A subdivision plan shall be considered as submitted to the Planning Board when delivered at a meeting of the Board or when sent by certified or registered mail to the Planning Board, care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan.

**§ 243-7. Preliminary plan.**

A. General.

- (1) A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval by each Board. The submission of such a preliminary plan will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that preliminary plan be filed in each case. A properly executed application Form B (See Appendix) shall be filed with the preliminary plan submitted to the Planning Board.
  - (2) The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval of a preliminary plan and accompanied by a copy of the completed application (Form B).
- B. Contents. The preliminary plan shall be drawn on tracing paper with pencil at a suitable scale and two (2) prints shall be filed at the office of the Planning Board and one (1) print

at the office of the Board of Health. Said plan shall be identified as a preliminary plan and shall show the proposed names of roads or ways as well as all information described under the definition of the preliminary plan so as to form a clear basis for discussion of its problems and for preparation of the definitive plan. During discussion of the preliminary plan, the complete information required for the definitive plan (§ 243-8B, Contents) and the financial arrangements (§ 243-8E, Performance guarantee) will be developed.

C. Approval.

D. Impact statement.

- (1) The applicant shall file an impact statement certified by qualified professionals approved by the Planning Board for subdivisions of land in excess of fifteen (15) acres or there five (5) or more lots are to be created detailing the probable effects of the subdivision on the following matters of concern to the town:
  - (a) Changes in the number of legal residents estimated educational needs.
  - (b) Increase in vehicular traffic.
  - (c) Increase in various municipal service cost, such as police protection, road maintenance and other costs where applicable and estimated increased assessed valuation.
  - (d) Estimated increase in groundwater consumption and whose capacity may be strained as a result of the development in question.
  - (e) Natural drainage patterns and design of man-made system, if any.
  - (f) Estimated solid waste generated by the development.
  - (g) Soil types and drainage characteristics and levels of groundwater; including groundwater flow direction and any impact on down gradient wells.
  - (h) Areas where scrub or forest vegetation is to be removed.
  - (i) Adequate design provisions to guard against pollution of the water supply and wetlands, and against erosion of steep slopes.
  - (j) Predetermination of scenic vistas existing on the property as well as the view of the chief adjacent thoroughfare(s).
  - (k) Open space to be set aside, if any.
- (2) The Planning Board may give such preliminary plan its approval, with or without modification. Such approval does not constitute approval of a subdivision.

**§ 243-8. Definitive plan.**

A. General.

- (1) Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

- (a) An original drawing of the definitive plan and three (3) contact prints thereof, dark line on white background. The original drawing will be returned after approval of disapproval.
  - (b) A properly executed application Form C. (See Appendix.)
  - (c) A deposit to cover the cost of advertising and notices.
  - (d) The cost of any studies deemed necessary by the Planning Board, including legal counsel, shall be borne by the applicant.
  - (e) Impact statement as defined in § 243-7D if the definitive plan subdivides land in excess of fifteen (15) acres or creates five (5) or more lots.
- (2) The applicant shall file by delivery or certified mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form C).
- B. Contents. The definitive plan shall be prepared by a professional civil engineer and land surveyor registered in Massachusetts and shall be clearly and legibly drawn in black India ink upon tracing cloth. The plan shall be at a scale of one (1) inch equals forty (40) feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed twenty-four by thirty-six (24 x 36) inches. 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:
- (1) Subdivision name, boundaries, North point, date and scale.
  - (2) Name and address of record owner, subdivider and engineer or surveyor.
  - (3) Names of all abutters as they appear on the most recent tax list.
  - (4) Lines and widths of existing and proposed roads, ways, easements and public or common areas within the subdivisions and the approved names of proposed roads.
  - (5) Boundary lines, areas and dimensions of all proposed lots, designated numerically and in sequence.
  - (6) Sufficient data to determine the location, direction and length of every road and way line, lot line and boundary line, and to establish these lines on the ground.
  - (7) Location of all permanent monuments properly identified as to whether existing or proposed.
  - (8) Location, names and present widths of roads bounding, approaching or within reasonable proximity of the subdivision.
  - (9) Indication of the purpose of easements.
  - (10) Suitable space to record the action of the Planning Board, Board of Health and Town Clerk.
- [Items in Subsection B(11), (12) and (13) may be submitted on the same sheet as the definitive plan or on separate sheets.]

- (k) Existing and proposed topography at a suitable contour interval unless this is waived by the Planning Board.
  - (l) Directly above or below the layout plan of each road, a profile showing existing and proposed grades along the centerline and sidelines of that road, together with figures of elevation at the top and bottom of all even grades and at twenty-five-foot intervals along all vertical curves. Intersecting roads shall be clearly indicated on the profile. The horizontal scale of the profiles shall be forty (40) feet to one (1) inch, and the vertical scale shall be four (4) feet to one (1) inch. Only one (1) road plan and profile shall be drawn on a sheet except by permission of the Planning Board.
  - (m) Location and species of trees intended for preservation within the road rights-of-way.
- C. Review by Board of Health as to suitability of the land.
- (1) At the time of filing of the definitive plan, the subdivider shall also file with the Board of Health two (2) contact prints of the definitive plan, dark line on white background. The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Planning Board and applicant, in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health and include such specific findings and the reasons therefor in such report and, where possible, shall make recommendations for the adjustment thereof. The Board of Health shall transmit one (1) copy of said report to the Planning Board and one (1) to the applicant. Failure so to report shall be deemed approval by the Board of Health.
  - (2) Every lot shall be provided with a septic tank and drain field satisfactory to the Board of Health.
- D. Public hearing.
- (1) Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Planning Board at the expense of the applicant at least fourteen (14) days prior thereto by advertisement in a newspaper of general circulation in the town once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing or, if there is no such newspaper in the town, then by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan appearing on the most recent tax list.
  - (2) The applicant and his engineer and surveyor shall be present at the public hearing.
- E. Performance guaranty. Before endorsement of the Planning Board's approval of a definitive plan of a subdivision, the subdivider shall agree to complete the required improvements specified in Article VI for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant:

- (1) With bonds or surety. The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Article VI not covered by a covenant under Subsection E(2) hereof. Such bond or security, if filed and deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Selectmen, and shall be contingent on the completion of such improvements within two (2) years of the date of the bond.
  - (2) With covenant. The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways, services and improvements, as specified in Article VI not covered by bond or deposit under Subsection E(1) hereof shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.
- F. Reduction of bond or surety. The penal sum of any such bond or the amount of any deposit held under Subsection E(1) above may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by the Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.
- G. Release of performance guaranty.
- (1) Upon the completion of improvements required under Article VI, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider may orally request and agree upon terms of release with the Planning Board, or he shall send by certified mail to the Town Clerk a written statement in duplicate that said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance to the requirements contained under Article VI, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation has not been completed, it shall specify, in a notice sent by certified mail to the applicant and to the Town Clerk, the details wherein said construction and installation fails to comply with the requirements under Article VI. Upon failure of the Planning Board to act within forty-five (45) days after receipt by the Town Clerk of the applicant's said statement, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five-day period expires without such specification or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.
  - (2) Before the final release by the Planning Board of the town's interest in a performance bond, deposit or covenant, the applicant shall file with the Board a certificate by a registered Massachusetts professional civil engineer and land surveyor declaring that streets, storm drains, sewers, water mains and their appurtenances have been constructed in accordance with and are accurately located as shown on plans approved by the Board.



- H. Certificate of approval. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or mail to the applicant. If the Planning Board modified or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk, provided that the Town Clerk has not received notice of appeal to the Superior Court, and provided further that other conditions of approval, if a part of the Board's action, are transmitted or corrected to the satisfaction of the Board. (Final approval of the definitive plan does not constitute acceptance by the town of the roads within a subdivision.)
- I. Submission of documents. Easements and bond and/or covenant shall be submitted within twenty (20) days from the date of approval of the definitive plan to the Planning Board, which then shall submit the documents to the Town Counsel for approval as to form and legality.
- J. Filing of plans in Registry of Deeds or Land Court. Approval of all subdivisions is subject to the condition that, unless an appeal has been taken from such approval as provided by statute, the subdivider will record the subdivision plan in the Berkshire Southern District Registry of Deeds, or the Land Court, within six (6) months from the date of its approval, and certify to the Board in writing within six (6) months from the date of approval that said plan has been recorded and filed with the Registry or Land Court, giving date, plan, book and page numbers or certificate numbers. If the applicant delays recording of such plan past the required six-month period, such plan shall not be accepted for recording by the Registry of Deeds or Land Court unless and until it has endorsed thereon, or recorded therewith and referred to thereon, a certificate of the Planning Board, or the Town Clerk, dated within thirty (30) days of such recording, that the approval has not been modified, amended or rescinded, nor the plan changed. Such certificates shall, upon application, be made by the Board or the Town Clerk unless the records of the Board or the Town Clerk receiving the application show that there has been such modification, amendment, rescission or change.

## ARTICLE V Design Standards

### § 243-9. Streets or roads.

- A. Location and alignment.
- (1) All roads in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the road layout in order to obtain the maximum livability and amenity of the subdivision. Curvilinear street design will be encouraged.
  - (2) The proposed roads shall conform, so far as practicable, to the master or study plan as adopted in whole or in part by the Planning Board.

- (3) Provision satisfactory to the Planning Board shall be made for the proper projection of roads or for access to adjoining property which is not yet subdivided.
  - (4) Reserve strips prohibiting access to roads or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
  - (5) Road jogs with center-line offsets of less than one hundred twenty-five (125) feet should be avoided.
  - (6) The minimum center-line radii of curved roads shall be one hundred (100) feet. Greater radii may be required for principal roads.
  - (7) Roads shall be laid out so as to intersect as nearly as possible at right angles. No road shall intersect any other road at less than sixty degrees (60°).
  - (8) Property lines at road intersections shall be rounded or cut back to provide for a curb radius of not less than twenty (20) feet.
  - (9) Cross (four-cornered) road intersections shall be avoided where possible, with the exception of arterial road crossings.
  - (10) All ways shown on a preliminary plan shall be named in pencil, and shall have names rather than numbers or letters (such as First Street or Avenue A) and shall, unless waived by the Planning Board, avoid using the term "street." Names shall be substantially different from names of other ways in Mount Washington or nearby communities.
- B. Width. The minimum width of road rights-of-way shall be forty (40) feet. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular traffic.
- C. Grade. Grades of roads shall be not less than five-tenths percent (0.5%). Grades shall not be more than five percent (5.0%) for principal roads nor more than ten percent (10.0%) for secondary roads.
- D. Dead-end roads.
- (1) Dead-end roads shall not be longer than five hundred (500) feet unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.
  - (2) Dead-end roads shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least one hundred fifteen (115) feet.

#### § 243-10. Easements.

- A. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twelve (12) feet wide.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Planning Board may require that there be provided a stormwater easement or drainage

right-of-way of adequate width to conform substantially to the lines of such watercourse, drainageway, channel or stream and to provide for construction or other necessary purposes.

**§ 243-11. Open spaces.**

Before approval of a plan, the Planning Board may also, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years.

**§ 243-12. Protection of natural features.**

Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots and similar community assets which, if preserved, will add attractiveness and value to the subdivision.

ARTICLE VI

**Required Improvements for an Approved Subdivision**

**§ 243-13. Roads and rights-of-way.**

- A. The entire area of each road right-of-way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation. No trees may be preserved within eight (8) feet of the edge of the traveled way.
- B. The full length and width of the traveled way shall be excavated or filled, as necessary, to a depth of at least twelve (12) inches below the finished surface as shown on the profile. However, if the soil is soft and spongy or contains undesirable material, such as clay, sandpockets, peat or any other material detrimental to the subgrade, such material shall be removed and replaced with suitable well-compacted material.
- C. All parts of the traveled ways shall be brought to a finished grade as shown on the profiles of the definitive plan with at least the top twelve (12) inches consisting of well-compacted binding gravel to a width of at least eighteen (18) feet, to be located centrally within the road right-of-way. At each side there shall be a shoulder three (3) feet wide, also consisting of well-compacted binding gravel at least twelve (12) inches deep.
- D. Paving.
  - (1) Where, in the opinion of the Planning Board, the anticipated volume of traffic or grades of the finished traveled way or other conditions require it, roads shall be paved.
  - (2) For paved roads, a bituminous-penetration-type surface shall be applied as follows: Over compacted gravel base not less than twelve (12) inches deep, spread a layer of three-eighths-inch crushed stone at the rate of twenty (20) pounds per square yard. Roll with a five- to eight-ton roller. Over this surface apply MC3 emulsified asphalt at

the rate of thirty-three hundredths (0.33) gallons per square yard. Cover this with three-eighths-inch stone and roll again. Apply emulsified asphalt again at the rate of thirty-three hundredths (0.33) gallons per square yard. Dress off top at completion of construction work with three-eighths-inch stone chips applied at the rate of fifteen (15) pounds per square yard. Compact surface with a five- to eight-ton roller, leaving finished pavement free from holes, rolls or other unsightly imperfections. Grades must be run true and even with an instrument.

- (3) The subdivider shall repair any settlement or imperfections in this work during a period of one (1) year from the date of final installation of pavement.
- E. Adequate disposal of surface water shall be provided. Catch basins shall be built in conformity with specifications of the Selectmen on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting roads.

#### **§ 243-14. Monuments.**

- A. Permanent monuments shall be installed at all road intersections, at all points of change in the direction or curvature of roads and at other points where, in the opinion of the Planning Board, permanent monuments may be necessary.
- B. The permanent monuments shall be of three thousand (3,000) pounds per square inch reinforced concrete, and shall measure five (5) feet by six (6) inches by six (6) inches and shall have a suitable reference marker on the top.
- C. No permanent monuments shall be installed until all construction that would destroy or disturb them is completed. The tops of monuments shall be set to the established grades, and backfill material shall be carefully placed around each monument and thoroughly tamped.

#### **§ 243-15. Road name signs.**

- A. Posts with signs carrying the names of roads or other ways shall be installed at the beginning of all new ways and at the intersection of all ways, whether existing or proposed within a subdivision. There shall be at least one (1) such sign and sign post at each intersection.
- B. Said signs and sign posts shall follow the specifications of the Selectmen.

#### **§ 243-16. Shade trees.**

Unless at least two (2) shade trees per lot, of species recommended by the Mount Washington Board of Selectmen and having a diameter of at least one (1) inch at a point one (1) foot above the finished grade exist and can be preserved, either within the road right-of-way or within twenty (20) feet of the edge of the right-of-way, the subdivider shall procure and plant at least two (2) nursery-grown shade trees per lot within twenty (20) feet of the edge of the right-of-

way, said trees to be of species recommended by the Board of Selectmen and measuring at least one (1) inch in diameter at a point approximately four (4) feet above the root collar.

**§ 243-17. Utility wires.**

- A. All utility wiring as well as transformers and other distribution and control devices shall be buried in the ground unless, in the opinion of the Planning Board, estimates made by utility companies indicate that an unreasonable cost would be imposed on the subdivider.
- B. Utility wires or cables, other than those going across roads and those leading directly to individual consumer installations, shall be buried within the road right-of-way in a strip four and one-half (4½) feet wide running parallel to the edge of the right-of-way, unless soil or terrain require a different location. No wires or cables may be installed under the traveled portion of the right-of-way, except where crossing a road, and there ducts must be used.
- C. Copies of all plans showing the location of all buried wires or cables are to be presented by the subdivider before any paving of roads is started, one (1) copy to be filed with the Planning Board, one (1) with the Town Clerk and one (1) with the Selectmen.
- D. If underground installation is found by the Planning Board to be unreasonably costly to the developer, all overhead utility wires and related equipment shall be centered as much as possible on rear or side lot lines, unless this provision is waived by the Board. Easements shall be provided as outlined in § 243-10.

**§ 243-18. Clean up.**

The entire area of the subdivision must be cleaned up so as to leave a neat and orderly appearance, free from debris and other objectionable materials. The subdivider shall be responsible for providing thoroughly clean and unsilted storm drain lines within the subdivision.

**ARTICLE VII  
Administration**

**§ 243-19. Variation of requirements.**

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

**§ 243-20. Matters not covered.**

For matters not covered by these rules and regulations, reference is made to M.G.L.A. C. 41, §§ 81K to 81GG, inclusive, and to the bylaws of Mount Washington.