

SWAMPSCOTT SUBDIVISION REGULATIONS



Adopted as required by Section 81-L of Chapter 41 of the General Laws as amended.

For matters not covered by these regulations, reference is made to Sections 81-K to 81-GG, inclusive of the above chapter.

Adopted: October, 1952

Revised: December, 1961
January, 1986

The Planning Board (1986)

Eugene Barden, Chairman
Brian Watson, Secretary
Vincent DiLisio
Veeder Nellis
Peter Beatrice

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FEE SCHEDULE

Subdivision Plan Approval Not Required	\$100 + \$50/lot
Preliminary Plan	\$250 + \$100/lot (maximum fee of \$2,500)
Definitive Plan	With a Preliminary Plan \$250 + \$100/lot
	Without a Preliminary Plan \$500 + \$250/lot

PURPOSE AND INTENT OF THE SUBDIVISION CONTROL LAW

“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 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 case of fire, flood, panic and other emergencies, for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, draining, underground utility services, fire, police and other similar municipal equipment and street lighting, and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivisions 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, the municipal zoning regulations and to the reasonable rules and regulations of the planning board pertaining to the subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in Section 81-R, such portions of the rules and regulations as is deemed available.” (Section 81-M of Chapter 41, General Laws).

The Planning Board requires for its use five copies of any plan submitted for action.

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SECTION I: AUTHORITY

Under the authority vested in the Planning Board of the Town of Swampscott by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these annotated Rules and Regulations governing the subdivision of land in the Town of Swampscott.

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SECTION II: GENERAL

DEFINITIONS

“Subdivision” shall mean the division of a tract of land into two or more lots and shall include re-subdivision, and when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law, if at the time when it is made, every lot within the tract so divided has frontage on (a) A public way or a way which the clerk of the town certifies is maintained and used in a public way, or (b) a way shown on a plan theretofore approved in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the town of Swampscott, 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 currently required by zoning of the Town of Swampscott for erection of a building on such lot.

“Preliminary Plan” shall mean 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, registered engineer or surveyor; (c) the names of all abutters, as determined from the most recent local tax list (list to be certified by the assessors); (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; and the profiles of proposed streets when required by the board; (e) the proposed system of draining, including adjacent existing natural waterways, in a general manner; (f) the boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; (h) the topography of the land in two foot or other, contour intervals when required by the board.

“Applicant” shall include the owner or his agent, or representative or his assigns. If the applicant is other than the owner, the applicant's name, address, and relationship to the owner shall be clearly stated and written on the plan and application.

PLAN BELIEVED NOT TO REQUIRE 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 with Abutter's names on said 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. Plan submittal to the Planning Board shall occur at least ten days prior to the meeting at which the plan will be considered. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by two copies of said application. If the notice is given by delivery, the Town Clerk shall, if requested, sign a written receipt therefor prepared by the applicant.

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If the Planning Board determines that the plan does not require approval, it shall, without a public hearing, endorse forthwith on the plan the words "Approval under the Subdivision Control Law not required". Said endorsement shall be made by the signatures of at least three (3) members of the Board. Such endorsement shall not necessarily indicate that the plan is in compliance with the Swampscott Zoning By-law. **Endorsement by the Planning Board is not a determination as to conformance with zoning regulations.**

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.

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.

If the Planning Board fails to act upon a plan submitted under this section within fourteen days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

The plan filed under this Section II-B shall have all the information that is called for, for Definitive Plans under Section III-B, except that the drawing size may be smaller, if the overall lot area does not warrant a full size sheet.

In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown. If the remaining land area is not under the ownership of the applicant, this shall be indicated on the plan, and the name and address of the owner(s) shall be written on the remaining land area(s).

SUBDIVISION

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.

No building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on (a) any lot in a subdivision, or (b) elsewhere in the Town without the consent of the Planning Board and such consent will be conditional upon the providing of adequate ways furnishing access to each building site in the same manner as otherwise required for lots in a subdivision.

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SECTION III: PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

Unless specifically stated otherwise in these Rules and Regulations, fourteen-day notice to the Planning Board Chairman at his residence or place of business is required for any plan, issue, or other item to be included on the agenda of a given meeting.

PRELIMINARY PLAN

General

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 tentative approval, modification or disapproval by each Board. A copy of such plans shall also be filed by the applicant with the Board of Health, Conservation Commission, Town Engineer, Fire Department, Police Department, School Committee, Selectmen, Board of Public Works, Traffic Study Committee, and Town Clerk, at their respective offices.

The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, other Town agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a 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. The Preliminary Plan shall be submitted to the Planning Board at least ten days prior to the meeting at which the Preliminary Plan will be considered.

Contents of Preliminary Plan

The Preliminary Plan shall be drawn on tracing paper with pencil at a suitable scale (preferably one inch equals forty feet) and two prints shall be filed at the office of the Planning Board and one print at the office of the Board of Health, Conservation Commission, Town Engineer, Fire Department, Police Department, School Committee, and Town Clerk. Proof of such delivery by the applicant to the above boards must be submitted to the Planning Board before the Preliminary Plan hearing. The subdivider (applicant) is required to send notice to abutters concerning the Preliminary Plan meeting. Said plan shall be identified as a Preliminary Plan and show all the 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 (Section II- B-2 Contents) and the financial arrangements (Section III-B-3 Performance Guarantee) will be developed. The prints of the Preliminary Plan shall show:

- a) Subdivision name, if any, north point (Swampscott meridian) date and scale.
- b) Name and address of record owner, subdivider and designer or surveyor.
- c) Names of all abutters, as determined from the most recent tax assessor's list.

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- d) Existing and proposed lines of streets, ways, easements and public areas within the plan.
- e) Proposed system of drainage.
- f) Lot lines with approximate dimensions.
- g) Location names and present widths of adjacent streets.
- h) Topography with two-foot contours.
- i) Profiles of proposed streets, when required by the Board.

In addition, submittal of the following is strongly recommended to help understanding:

- Location of existing buildings (if any) on the site and on abutting property
- Major site features, such as existing stone walls, fences, trees over eight inches in diameter, general wooded areas, rock ridges and outcroppings, swamps and water bodies, and areas likely to be subject to the Wetlands Protection Act.
- A locus map showing the boundary and street configuration of the subdivision in relation to surrounding streets

Action by Board

Within sixty days, the Planning Board may give such Preliminary Plan its approval with or without modification suggested by the Board or agreed upon by the person submitting the plan. Such approval does not constitute endorsement of a subdivision. The Board may also disapprove the plan. In the case of disapproval, the Board shall state in detail its reasons therefore.

DEFINITIVE PLAN

Refer to Exhibit Plans 1, 2, 3, and 4 of Appendix for the typical format and layout of the required drawings.

General

Any applicant who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

1. An original drawing of the Definitive Plan and five contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
2. A properly executed application Form C (see Appendix)
3. The applicant shall pay the cost of all advertisements, notices and signs prior to the public hearing.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by two copies of the completed application (Form C) with a non-refundable filing fee of fifty dollars in cash, money order, or bank registered check payable to the "Town of Swampscott". A copy of such plans shall also be filed with the Board of Health, Conservation Commission, Town Engineer, Fire Department, Police Department, School Committee, Selectmen, Board of Public Works, Traffic Study Committee, and Town Clerk at least two weeks before the public hearing. The Planning Board is required to send notice to abutters concerning the public hearing.

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Contents of Definitive Plan

The Definitive Plan shall be prepared, signed and stamped by a land surveyor and/or professional engineer registered in Massachusetts, and the plan shall be clearly and legibly drawn on mylar or linen. The plan shall be at a scale of one inch equals forty feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision and a locus diagram. The Definitive Plan shall contain the following information:

- a) Subdivision name, boundaries, north point, date and scale, benchmarks, zoning districts in which the subdivision is located.
- b) Name and address of record owner, subdivider and engineers of sewerage and water systems. (In cases where the surveying is done by someone other than the Registered Engineer, the surveyor's stamp and signature should be included)
- c) A certified statement as to encumbrances existing upon the land at the time of filing. Immediately prior to the final approval of any plan and its submission to the Registry of Deeds, the applicant shall further certify that no change in encumbrances has occurred during the period of consideration of the plan.
- d) A certified statement identifying a sufficient legal interest of the subdivider in the land if the subdivider is not the owner.
- e) Names of all abutters as they appear in the most recent tax list and location of abutting land.
- f) Lines of existing and proposed streets, rights-of-way, and curb lines, way, lots, easements, and public or common areas with the subdivision. "(The proposed names of the proposed new streets shall be shown in pencil until they have been recommended by the Planning Board to the Town and approved by the Town of Swampscott)".
- g) Sufficient data to determine the location, direction, and length of every street and way line, lot line and boundary line, and establish these lines on the ground.
- h) Location of all permanent monuments properly identified as to whether existing or proposed, and of all fences, walls, buildings, waterways, large boulders or outcroppings of rocks, trees over eight inches in diameter and other natural objects of like importance.
- i) On a separate sheet, a topographic plan of the subdivision plus all land within 100 feet of the subdivision, showing existing and proposed street and lot lines, existing topography at two foot contour intervals at all points within 150 feet of all proposed roads at five foot contour intervals for the balance of the subdivision, and at ten foot contour intervals outside of the subdivision, and showing the following: existing structures; major site features such as existing stone walls, fences, large trees, general outline of wooded areas,

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rock ridges and outcroppings; elevations, location and direction of flow of all natural water courses, brooks, streams, and drainage ditches; all ponds, wetlands, and areas subject to flooding, with elevations; all existing drainage structures, with elevations; and locations of all areas judged to be subject to the Wetland Protection Act (Ch 131, Sec. 40 and 40A, G.L.) . The developer/owner shall physically show the general roadway layout on the land by the use of stakes, sufficient in number, to allow a planning board delegate to orient himself while making an onsite inspection; also, these stakes shall be clearly indicated on the plan.

- j) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- k) An inset on the plan, at the same scale as the town street plan, showing the relation of the subdivision streets to the existing street system.
- l) Indication of purpose of easements.
- m) Suitable space to record the action of the Planning Board and signatures of the members of the Planning Board.

Items n, o, and p may be submitted on the same sheet as the Definitive Plan or on separate sheets.

- n) Existing and proposed topography at two feet contour interval.
- o) Existing profiles on the exterior lines and proposed profile on the center line of proposed streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals four feet, or other scales acceptable to the Planning Board. (All elevations shall refer to the Town of datum.)
- p) Existing and proposed layout and design calculations for storm drainage, water supply and sewage disposal systems and its effects on adjacent lands certified by a registered professional engineer.
- q) Profiles of proposed ways on a horizontal scale of forty feet to an inch and a vertical scale of four feet to an inch. Such profiles shall be stationed on the center line and shall show the existing surface of the ground on the center line and both exterior lines, and the plan shall show the footprints of all houses abutting upon the way. The proposed center line profile shall show the elevation of intersections and tangents, stations, rates of slope, vertical curves and data pertaining thereto, in figures. Elevations shall be shown at all station points on vertical curves.
- r) Size and location of existing and proposed sanitary sewers and their appurtenances.
- s) Size and location of existing and proposed water mains and their appurtenances.

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- t) Size and location of existing and proposed surface water drains and their appurtenances.
- u) Cross sections of proposed ways.
- v) A space for the attestation signatures of the members of the Board with any disqualifying notes which they may desire to add.
- w) Before any building permits are issued by the Building Inspector under the provisions of Town by-laws, all existing and proposed grades in the entire subdivision must be shown on a Plot Plan.
- x) A statement describing conformance with the Master Plan, the Zoning By-law, the Subdivision Rules and Regulations, and a statement describing any nonconformity.
- y) In connection with any definitive plan except that for a subdivision for the purposes of the erection of one single family house, the applicant shall also submit an Environmental Impact Statement which shall provide the information shown in Appendix A to these Rules and Regulations and clearly show the relation of the proposed project to the total environment of the Town and its inhabitants. Said Appendix A shall be considered a part of these Rules and Regulations. The Board, at its discretion, may also require an Environmental Impact Statement for a subdivision of one single family house.

In preparing the Statement, the applicant should refer to the Conservation, Open Space and Recreation Plan for Swampscott, Massachusetts. The Environmental Impact Statement shall address the impact and effect the subdivision will have on the neighboring lands regarding traffic, drainage, sewer, water and the public welfare and safety.

In reviewing the Statement, the Town boards will consider the degree to which water is recycled back into the ground, the maintenance and improvement of the flow and quality of surface waters; the preservation or promotion of wildlife refuges, the preservation of the natural environment, historic sites, unique geological, botanical and archaeological features, existing or potential trails and accesses to open space areas, and the health and safety of the inhabitants of the area.

The Board may waive any section, or sections, of the Statement which it deems inapplicable to the proposed project or may require additional information on any aspect of the statement. The Board may also require that the Statement or appropriate sections thereof be prepared by a Registered Professional Engineer, Architect, or other professional acceptable to the Board. The developer may discuss the requirements with the Board prior to preparation of the Statement.

Review by Board of Health and Others as to Suitability of the Land

At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health two contact prints of the Definitive Plan dark line on white background. For subdivisions serviced by the Town sewerage systems, the Board of Health shall within forty-five days after filing of the plan,

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report to the Planning Board in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall state reason or reasons thereof.

General Requirements for Approval

Suitability of Land

No plan of a subdivision of land in any of the districts designated as residential under the Zoning By-Law will be approved unless, after adequate investigation and consultation with the Board of Health, the Board determines that the land can be used for residential purposes without danger to the public health and safety and receives notice to that effect in writing from the Board of Health.

Suitability of System of Ways

No plan of a subdivision will be approved unless the way shown on the plan comply with the following requirements:

- All ways shown on a plan shall conform to the Master Plan as adopted by the Board where it applies.
- Ways shall be continuous, and in alignment with existing ways, as far as practicable, and shall compose a convenient system with connections adequate to insure free circulation of vehicular travel.
- If adjoining property is not subdivided, consideration shall be given to the possibility of projection of proposed ways. Proposed ways shall continue to the exterior boundary of the subdivision unless the Board approves otherwise.
- Every cul-de-sac or dead-end way shall be provided with a circular turn-around at its end and having an exterior line radius of not less than fifty feet, and shall not be more than 500 feet in total length, unless a greater length is, in the opinion of the Board, necessitated by topography.
- The system of ways shall, when practicable, be designed so as to provide space for two tiers of lots between the longitudinal ways.
- No street curve shall have a radius of less than 100 feet at the center line unless the Board approves otherwise.

Width and Grade of Ways

No way of a width of less than 44 feet will be approved except in cases where it would be detrimental to the public health, safety and welfare.

The minimum gutter grade for any way shall be 1.0 per cent. The maximum longitudinal grade shall be 6 per cent.

The transitions in longitudinal grade of every way shall be effected by means of vertical curves of sufficient length to afford, in the opinion of the Board, adequate sight distances.

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Intersection Ways

All intersections of ways shall be at an angle of 90 degrees if possible; otherwise, at such an angle as the Board may approve. The number of ways converging upon any one point shall be kept to a minimum. All intersections of ways shall be rounded with a curve at each corner having a radius of at least thirty feet unless the Board shall approve otherwise.

Compliance with Zoning By-Law

No plan of a subdivision will be approved unless all of the lots shown on the plan comply with the requirements and intent of the Zoning By-Law.

The Building Inspector shall review with the Board of Public Works, all subdivisions applications, and they and the Planning Board shall make findings or facts and determine if:

1. All such proposed developments are consistent with the need to minimize flood damage.
2. Adequate drainage is provided so as to reduce exposure to flood hazards.
3. Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.

When in the opinion of the Planning Board, the subdivision may cause an increase or change of water surface draining, either through natural water courses or through culverts, a developer may be required as a condition for approval to secure such drainage easements as are deemed necessary off the site of the subdivision. In appropriate cases, the developer shall comply with the requirements of the Town of Swampscott's Plan and/or system for storm drainage as amended from time to time.

Easements

Any easement which in the opinion of the Town Engineer may be required for the future development of the water or sewer systems, both sanitary and storm, shall be shown on the plan and shall become a permanent part of any deeds granted.

Parks, Playgrounds and Preservation of Attractive Features

The Board may decline to approve a plan of a subdivision if the plan fails to show suitably located park or parks of adequate size for playground or recreation purposes or for providing light and air.

Proposed Development of Applicant's Other Contiguous Land

The Board may decline to approve a plan of a subdivision of a portion of a lot or tract which the applicant owns if he fails to furnish sufficient data to enable the Board to relate the proposed subdivision to the applicant's remaining land.

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Boundary Marks and Monuments

The Board will not approve of a plan of a subdivision until suitable boundary or location marks have been installed. Such marks shall be installed at such points at the intersection of proposed ways with each other or with public ways, or where there is a change in the direction of curvature, or on the exterior boundaries of the subdivision, as the Board shall designate and at such other points as the Board may require. At least fifteen days before the date of the public hearing, the applicant shall have his engineer place on the ground, points marking the intersections of the center line tangents of the proposed way or ways, and the intersection of the center line of a proposed way with that of another proposed or existing way, and he shall submit to the Board a sketch showing ties to the points. These points may be established by means of wood stakes or such other means as the Board shall approve.

Permanent marks shall be monuments of granite, and shall be placed after all roadway and sidewalk construction is complete at such location as directed by the Town Engineer.

Public Hearing on the Definitive Plan

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board notice of the time and place of which and the subject matter sufficient for identification shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in Swampscott, once in each of two successive weeks, the first publication being not less than fourteen 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 as appearing on the most recent tax list.

Required Sign

The applicant shall also erect a sign on the property proposed for subdivision that conforms to the following criteria:

1. The sign shall be placed in the most conspicuous location with respect to pedestrian and vehicular traffic. The location of the sign shall be approved by the Planning Board.
2. The sign shall be four feet high by eight feet wide and shall contain the following information in letters large and distinct enough to be read from the nearest public way (black letters on a white background are required, all lines shall be separated by a 1" space with a one inch margin on the top and bottom):

1 st line (10" high):	PROPOSED SUBDIVISION
2 nd line (4" high):	(insert subdivision name)
3 rd line (10" high):	PUBLIC HEARING
4 th line (4" high):	will be held on
5 th line (4" high):	(insert date)
6 th line (4" high):	(insert time)
7 th line (4" high):	(insert location)

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3. The sign shall be in place at least fourteen days before the date of the public hearing, shall remain in place until the public hearing, and must be removed within one week after hearing.
4. The applicant shall pay for all costs in connection with the sign.

Performance Guarantee

Before endorsement of approval of a Definitive Plan of a subdivision, the subdivider shall agree to complete the required improvements specified in Section IV and V for any lots in a subdivision, such construction and installation to be secured by one and in part the other, of the following methods which may from time to time be varied by the applicant with the approval of the Planning Board.

Endorsement of Approval with Bonds or Surety

The subdivider shall either file a performance bond issued by a company licensed and registered to do business in the Commonwealth of Massachusetts or a deposit of money in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section IV and V not covered by a covenant under "b" hereof. Such bond or surety, if filed or deposited, shall be approved as to form, manner, execution, and as to sureties by the Town Treasurer and shall be contingent on the completion of such improvements within two years of the date of the bond. The Town Treasurer will take custody of the bond or surety and will have sole authority for the investment of same with any and all interest earned accruing to the Town of Swampscott. The amount of the bond shall be determined by applying the actual surveyed quantities multiplied by unit prices as determined by the Town Engineer. Such **unit prices** including, but not limited to, the following:

- Water mains, connections, and related equipment (per linear foot and per hydrant)
- Sanitary sewer construction (per linear foot, per manhole)
- Storm sewer construction (per linear foot, per manhole, per catch basin)
- Roadway (per linear foot)
- Sidewalks (per linear foot)
- Monuments (per bound)
- Trees (per tree)
- Granite curbing; bituminous berm (per linear foot)
- Retaining walls (per cubic yard)
- Guard rails (per linear foot)
- Earth excavation (machine) excavated and removed from site (per cubic yard)
- Earth excavation (hand) excavated and removed from site (per cubic yard)
- Backfill - Due to extra excavation (per cubic yard)
- Rock excavation - In open excavation removed from site. Earth rock must be in excess of 2 cubic yard (per cubic yard)
- Rock excavation in Trenches - 3 feet wide or less (removed from site). Earth rock must be in excess of 2 cu. yd.. (Per cubic yard).

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Endorsement of Approval with Covenant

The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in Section IV and V not covered by bond or deposit under Aa@ hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed. Covenant must be reviewed and approved as to form by Town Counsel prior to Planning Board endorsement of approval. If such ways and services are not completed within two years of the date of filing of the covenant, approval of the plan shall be automatically rescinded, and the subdivider must resubmit a new plan for the approval and endorsement of the Planning Board.

Reduction of Bond or Surety

The penal sum of any such bond, or the amount of any deposit held under clause Aa@ above, may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said 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. If the release is by covenant, the covenant shall be reduced to a degree of Seventy-five (75) percent of the value of the work for which the covenant is made and completed. Thereafter, a bond or surety in the full amount of the remaining twenty five (25) percent of the value of the total work shall be filed as called for in subparagraph 5 above. The bond or surety will be held until the entire project is completed and approved.

Release of Performance Guarantee

Upon the completion of improvements required under Section IV and V, and submission of an as-built plan showing the precise location of water valves, shut-offs, manholes, sewer elevations, etc. a constructed, 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 on terms of release with said Planning Board, or he may send by registered mail to the Town Clerk a written statement in duplicate that the 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 Section IV and V 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 to the applicant in writing the details wherein said construction and installation fails to comply with the requirements contained under Section IV and V. Failure of the Planning Board to act on such application within forty-five days after the receipt of the application by the Town Clerk, 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 specifications, or without the release and return of the bond, or return of the deposit or release of the covenant and aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

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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 registered mail to the applicant. If the Planning Board modifies or disapproves of such plan, it shall state in its vote the reason for its action. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signature of a majority of the members 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 and said Clerk has notified the Planning Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Planning Board with three prints thereof.

The contents of any such endorsement of the Planning Board or certificate by the Town Clerk of Swampscott shall be final and conclusive on all parties, subject to the provisions of Section 81-W, Chapter 41, General Laws.

Endorsement of approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

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SECTION IV: DESIGN STANDARDS

STREETS

Location and Alignment

1. All streets 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 street layout in order to obtain the maximum livability and amenity of the subdivision.
2. The proposed subdivision shall conform, so far as practicable, to the current Master Plan as adopted as whole or in part by the Planning Board.
3. Provision satisfactory to the Planning Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided.
4. Reserve strips prohibiting access to streets 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. Street jogs with minimal centerline offsets shall be reviewed for approval by the Town Engineer.
6. The minimum centerline radii of curved streets shall be one hundred feet. Greater radii may be required for principal streets.
7. All intersections of ways shall be at an angle of 90 degrees, if possible, otherwise at such an angle as the Planning Board may approve. The number of ways converging upon any one point shall be kept to a minimum. All intersections of ways shall be rounded with a curve at each corner having a radius of at least thirty feet unless the Board shall approve otherwise.
8. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than thirty feet.

Width

1. The minimum width of street rights-of-way shall be forty-four (44) feet. This forty-four feet shall include the street (twenty-eight feet) bounded on each side by granite curbs (6"), grass strips (18") and sidewalks (6'). The Planning Board may, at its discretion, allow the substitution of landscaping (grass, trees, etc.) for the sidewalk on one side of the right-of-way. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular travel.
2. Curb faces shall be located not closer than twenty-eight feet face to face or at greater widths required by the Planning Board.

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Dead End Streets

1. Dead end streets shall not be longer than five hundred (500) feet.
2. Dead end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100) feet.

Easements

Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty (20) feet wide.

Where a subdivision is traversed by a water source, drainage way, channel or stream, the Planning Board shall require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

Open Space

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 shall by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval.

Protection of Natural Features

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots and similar community assets. Trees remaining within the subdivision shall be protected from mechanical injury during construction and from adverse changes or excavations as recommended in U.S. Department of Agriculture Bulletin 104 (April, 1965).

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SECTION V: REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

STREET AND ROADWAY

All referrals hereunder refer to Commonwealth of Massachusetts Department of Public Works Standard Specifications for highway and Bridges 1953 Edition and all amendments to date. The words "to date" shall be interpreted to mean, "At the time of filing of a subdivision plan for approval".

The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.

All loam and other yielding material shall be removed from the roadway area of each street in a way and replaced with suitable material. Section VII-F of the Zoning Ordinance of the Town of Swampscott shall be referred to.

Granite curbs and gutters shall be installed not closer than twenty-eight feet face to face. Curb and gutter shall be installed in conformity to standards of the Massachusetts Department of Public Works, Section F-1, Commonwealth of Massachusetts Department of Public Works Specifications 1953, Type VA-1.

All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan with at least 12" of suitable gravel after compaction with a 12-ton, 3-wheel roller and treated with a prime coat of asphalt MC-1 and surfaced with two courses of type I-1 bituminous concrete 2 1/2" binder, 1 1/2" top, in accordance with Section B-18, Commonwealth of Massachusetts Department of Public Work Specifications 1953. The type of surfacing of every way shall be in such a way that it will carry the expected traffic for a period of 15 years without excessive maintenance cost.

SIDEWALKS

Sidewalks of not less than six feet in width shall be constructed on both sides of the street. Sidewalks shall have a base of 8" of suitable gravel and a surface of type I-2 bituminous concrete, 3" in depth laid in two courses, 2" binder and 1" top. The face of the sidewalk against the sodded edges shall be built against a wooden form. The form shall be made of 1" by 3" continuous wood strapping securely fastened to 2" by 3" wood posts 18" long, 2' on center. The form shall be left in place after the sidewalk is laid. The Planning Board may require cement concrete sidewalks to conform with the sidewalks of adjacent areas. The Board may allow the substitution of landscaping (grass, trees, etc.) For the sidewalk on one side of the street.

GRASS STRIPS

Grass strips shall be provided between the curbing and sidewalk edge to a minimum of five feet. The finished grade of such grass strips shall be a slope of 1/2"/ft. toward the roadway. Where unusual physical land characteristics or topographic conditions exist, the Board may approve the construction of a grass strip of a greater slope with the finished slope not projecting above a plan

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sloped four horizontal to one vertical upward from the back of the curb or below a plane sloped four horizontal to one vertical downward from the back of the curb.

Shade trees of minimum four inch caliper (tree diameter to be measured at point five feet above grade) and of a species to be approved by the board of Public Works, shall be planted along the side lines of the streets, at the locations and intervals to be determined by the Board. Trees shall be protected by suitable boxes, bollards, fenders or wells as appropriate. The applicant shall be responsible for the health and erectness of these trees for eighteen (18) months after acceptance of the road by the Board, or he shall be responsible for replacing the tree with one at least equal in size and comparable in type to the tree being replaced and again guaranteed for at least eighteen months from date of replanting.

The top six inches of grass strips shall consist of good quality loam extending to the right of way, screened, raked and rolled with at least a 100-pound roller to grade. The loam shall be seeded with lawn grass seed applied in sufficient quantity to assure adequate permanent coverage, satisfactory to the Planning Board, rolled when the loam is moist. Loaming and seeding shall be in accordance with Section 751 and 765 of the Standard Specifications.

MONUMENTS

Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and other points where, in the opinion of the Town Engineer, permanent monuments are necessary. Such monuments shall conform to the standard specification of the Town Engineer and shall be set according to such specifications. No permanent monuments shall be installed until all construction which would destroy or disturb

UTILITIES

Connections for sewer, drain, water and electrical service from the main structure in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirements, in whole or in part, in the case of a lot to be used for a park, playground, or for any other purpose for which, in the opinion of the Board, such connection shall not be required.

All sewer, surface water drains, water pipes and any other underground facilities, together with their appurtenances, shall be installed only after the sub-grade has been established; such sub-grade and the installation of all utilities and the backfilling of all the trenches shall be inspected by the Town Engineer at the expense of the contractor before any installation is made. The services of a consultant shall serve as a full-time inspector in lieu of a Town employee inspector, and in both instances, the Town shall be reimbursed by the contractor for the full cost of the inspection including the cost of insurance for liability and accidents. This reimbursement shall be made in full, prior to issuance of a Certificate of Occupancy. The contractor shall notify the Town Engineer at least forty eight (48) hours in advance before any underground work is started so that the Town Engineer can notify his inspector of the particular work. If any work is done in the absence of the Inspector, the Town Engineer may order the work uncovered and redone.

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Adequate disposal of surface water shall be provided. Catch basins and curb inlets, etc., shall be built on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet placed at low points and sags in the roadway and near the corners of the roadway at intersecting streets.

All pipe, fittings, grates, frames and covers in relation to service installations of all kinds must be of the same grade and standard as used by the Town of Swampscott, in accordance with the specifications of Swampscott's Engineering Department.

WATER MAIN AND SERVICES

All water mains and services shall be in accordance with the Town of Swampscott Board of Public Works specifications on an approved level.

Anchor or Thrust Blocks. At each and every change of direction provide anchor clamp and rods or 3,000 pound concrete thrust blocks to hold pipes in place.

The use of trade names is intended as a guide, and equal materials and products will be accepted if approved by the Town Engineer.

STORM AND SUB-SURFACE DRAINS, WATER PIPE AND SEWER LINE EXTENSIONS

Any storm and sub-surface drainage, water and sewer system required in a subdivision shall be interconnected with existing drainage, water and sewer facilities, respectively, and if such interconnection requires extension of said system beyond the subdivision, the subdivider shall install the same at his own expense and subject at all times to the inspection and approval of the various superintendents of the applicable Town departments.

FIRE ALARM, POLICE, AND CIVIL DEFENSE OVERHEAD AND UNDERGROUND CABLE WORK General Requirements

Fire alarm, Police alarm and Civil Defense systems of design and construction approved by the Town Electrician and by the Chief of the Fire Department.

All work including trenching and backfill to be done by developer employing an Electrical Contractor.

All equipment, work and box locations to be approved by the Town Electrician and Fire Department. Contractor must secure permission to make attachments to poles from owner of same.

All work to conform to the requirements of publication #73, of the National Fire Protection Association, except that Overhead Linework, Underground Cable Work, as defined in this publication, must be substituted for the following specifications:

The Cable Work for the Fire Alarm, Police Signal System and the Civil Defense System within the Subdivision shall all be of "Direct Burial" type. Cable work outside of the Subdivision shall also be

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buried direct. Cable connections beyond the first pole outside of the Subdivision shall be run to the Town connections as directed by the Town Electrician.

Linework Overhead, Outside of Subdivision

A minimum of ten-conductor cable, conforming to I.M.S.A., specification #20-3, the wires therein to be #14 A.W.G., minimum 6 straight and 2 twisted pair, 600 volt insulation, color coded and figure #8. Cable to be attached to poles, 22 feet above grade, or 2 feet above telephone cable where present. Attachments to poles to be by 5/8" through bolt, nut and washer, using Universal type messenger hanger or 3-bolt thru clamps. Termination of line to be by Thimble-eye bolt. Messenger sections to be spliced with strand-links or equal and termination at thimble-vise by strand-vise or equal. At box locations, cable or cables to be dressed down pole and termination on strip in Weatherproof Aerial Terminal Box w/hinged or drop bottom through bushed insulated holes, leaving a drip loop below. A.T.B.' s to be mounted on pole 10 feet above grade on centers. Sufficient terminal strips for number of wires in cable to be mounted in box. Final connection to Town Fire Alarm System to be made by Town Fire Alarm Electricians only. Final connections to the Town systems shall be made by the Town Electrical Department only.

Cable Work - Underground in All Areas Within and Outside the Subdivision

A minimum of ten-conductor direct burial cable conforming to I.M.S.A. specification 19-6, the wires therein to be #14, A.W.G. minimum, 6 straight and 2 twisted pair, 600volts and color coded, all as required by Article 2136 of Chapter 210 of Pamphlet #73 of the National Fire Prevention Association. The cable shall be looped from box location to box location, entering the pedestals through openings in the sub base of the pedestal, and terminating conductors on terminals 5 feet above grade. Cables laid in direct burial without enclosure in ducts, shall be in grass plots, under sidewalks and in other places where the ground is not apt to be opened for other underground construction. If splices are made, such splices shall be accessible for inspection and tests. Such cables shall be buried at least 18 inches deep and, where crossing streets or other areas likely to be opened for other underground construction, shall be in duct or conduit or be covered by creosoted planking at least two inches thick and eight inches wide or consisting of two creosoted 2 inch x 4 inch planks with half round grooves, spiked or banded together after the cable is installed. The underground system shall be continued underground or overhead (refer to specifications hereinbefore) to the Town connections as directed by the Town Electrician. Final connections to Town Systems shall be made by the Town Electrical Department Only.

UNDERGROUND ELECTRICAL SYSTEMS

Installation of Underground Distribution Equipment for Residential Developments

1. The entire electric distribution system within the development, including the street lighting system, shall be of the underground type.
2. The electric distribution system shall be installed in accordance with the Massachusetts Electric Company's policy relative to the "Installation of Underground Distribution Equipment for Residential Developments" which is in effect on the date that construction is scheduled to start.

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3. The street lighting system may be of a type and design furnished by Massachusetts Electric Co. relative to underground supplied street light systems and approved by the Town. The Board may require or approve alternative street lighting systems.
4. On property which is to remain privately owned, the street lighting fixtures may be of a type preferred by the owners of the same provided said fixtures are U.L. listed.

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SECTION VI: TIME FOR COMPLETION

For each subdivision or each stage of a staged subdivision, the construction of all ways and the installation of all required municipal services shall be completed within 18 months from the date or receipt of bond or surety by the Board or within two years of the date of approval of the Definitive Plan, whichever is earlier. Failure to do so shall automatically rescind approval under covenant conditions or rescind approval subject to Section 81-W of the Subdivision Control Laws.

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APPENDIX A

REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENT

In accordance with Section 4.3.2.i, the applicant shall submit an Environmental Impact Statement. The statement shall discuss the following:

AIR

1. Describe possible sources and duration of significant amounts of odors, smoke and dust.
2. Describe precautions to be taken to eliminate or minimize the adverse environmental effects of the smoke, dust or odors generated by construction and completed development.
3. Describe the relationship of the location of the subdivision and prevailing wind patterns to nearby residences, businesses recreation area, and other public areas.
4. If incineration or refuse is proposed for the subdivision, describe the effects resultant emissions will have on air quality in the area. Include proof that the incinerator complies with the latest local and state standards.

LAND

1. Describe the existing general physical conditions of the site, including existing use, general topography, vegetation, unusual geologic formations and soils, and how the project will effect these features.
2. Describe any limitations on proposed project caused by subsurface soil and water conditions, and methods to be used to overcome them.
3. Describe procedures and findings of percolation tests conducted on the site.
4. Describe the types and amounts of land which will be permanently affected by construction of the subdivision.
5. Describe proposed rough grading plans and extent of proposed cut and fill.
6. Describe location and extent of existing marshes, wetlands, or seasonal wet areas and any proposed alterations.

WATER AND WETLANDS

1. Evaluate how and to what extent the project will affect the quality and quantity of any existing or potential public or private water supply, including watersheds, reservoirs and groundwater.

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2. Describe the methods to be used during construction to control erosion and sedimentation and siltation including use of sediment basins and type of mulching, matting, or temporary vegetation; approximate size and location of land to be cleared to any given time and length of time to exposure; covering of soil stockpiles; and other control methods used. Evaluate effectiveness of proposed methods on the site and on the surrounding areas.
3. Describe the permanent methods to be used to control erosion and sedimentation. Include description of:
 - a. Any areas subject to flooding or ponding;
 - b. Proposed surface drainage system;
 - c. Proposed land grading and permanent vegetation cover;
 - d. Methods to be used to protect existing vegetation;
 - e. The relationship of the development to the topography;
 - f. Any proposed alterations of shorelines, marshes or seasonal wet areas;
 - g. Any existing or proposed flood control or wetland easements;
 - h. Estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.
4. Discuss probability that project will increase pollution or turbidity levels within receiving waterway and the precautions to be taken to minimize the effects.
5. Discuss the project's effect on the waterway's aquatic biota and use as habitats.
6. Discuss the project's effects on groundwater quality and supply and efforts to recharge groundwater supplies.
7. Discuss what effect the project will have on increasing the incidence of flooding, including areas outside the subdivision.
8. Discuss the effect of the proposed sewage disposal methods on surface and groundwater supplies and quality.

ENERGY

1. Describe the types and increased quantity of energy required to serve the needs of the project residents.
2. Indicate what the sources of this energy will be.

NOISE

1. Describe the time, duration and types of noises generated by the project, both during and after construction.

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2. Discuss what effect these noises will have on both humans and wildlife.
3. Describe the controls which will be used to eliminate or minimize the effects of these noises.

LOCAL FLORA AND FAUNA

1. Discuss the project's effects on land-based ecosystems, such as the indigenous wildlife, stream bank cover, and vegetal or wooded growth.
2. Describe existing and proposed types and amounts of vegetal cover.
3. Discuss the existence of rare endangered plant, wildlife or fish species in the project area.

MAN-MADE ENVIRONMENT

Land Use

1. Describe how the proposed project conforms with the growth plans for the area and the Town in general.
2. Describe land uses adjacent to the project.
3. Describe any existing or proposed public or common recreational or open areas within the subdivision.
4. Discuss the site's proximity to transportation, shopping, educational facilities, recreational facilities, etc.

Density

1. Provide a tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, parking and other paved vehicular areas and usable open space.

Zoning

1. Indicate the zoning designations for the site and adjacent areas.

Architecture

1. Describe the architectural and landscaping techniques which will be used to blend the structures with the surrounding area. Describe the landscaping techniques which will be used to replace, remove or cut down trees and vegetation.
2. Discuss the scale and heights of the structures in relation to the surrounding area.
3. Discuss the project's visual impact and possible interference with natural views.

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4. Describe type of construction building materials used, location of common areas, location and type of service facilities (laundry, trash, garbage disposal).

Historic Buildings, Historical Sites and Archeological Sites

1. Indicate location and significance of any historic buildings or sites on or adjacent to the project.

PUBLIC FACILITIES

Water supply, flow, pressure and distribution

1. Describe the groundwater and/or surface water supply to be used.
2. Discuss the demands of the project for consumption and fire protection.

Sanitary sewerage connection, distribution and facilities

1. Discuss the quantity of type and sewage which will be generated by the project.
2. Describe the method of sewage which will be generated by the project.

Storm drainage facilities

1. Describe where connection to the Town system is proposed.

Disposition of storm water

1. Indicate the location of all proposed outfalls.
2. Describe the effect of the outfalls and their discharge on the receiving waters, i.e. increased flows, pollution, etc.
3. Discuss the quantity of storm water to be discharged.

Refuse Disposal

1. Estimate the quantity and types of refuse that will be generated by the subdivision.
2. Describe the proposed methods of refuse disposal and location and size of dumpsters, used.

Traffic Facilities

1. Discuss future vehicular circulation patterns including number and types of vehicles.
2. Describe the proposed pedestrian circulation pattern.
3. Discuss the location and number of parking spaces proposed, and landscape screening proposed.

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Electric Power

1. Discuss the power demand of the subdivision.
2. Discuss the source of the electric power and the method of supplying the area.

Gas

1. Discuss the demands of the subdivision.
2. Describe what the gas will be used for in the area.
3. Describe the source of gas supply and the proposed method of supplying the area.

COMMUNITY SERVICES

Schools

1. Discuss the effect of the subdivision on existing schools, including number and ages of children generated by the subdivision.
2. Describe the location of the nearest existing schools.

Recreation

1. Describe existing and proposed recreational facilities, including active and passive types, and age groups participating and state whether recreational facilities and open space are available to all Swampscott residents.
2. Indicate location and width of existing and proposed pedestrian ways, bikeways or bridle paths.

Police

1. Estimate the total population projected for the subdivision.
2. Estimate the total number of automobiles for the area.

Fire

1. Discuss the total number of buildings to be constructed and their types and construction.
2. Describe the source and quantity of water available for fire protection for the area.

Public Works

1. Calculate the total linear feet of roadway to be publicly maintained and plowed.

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2. Calculate the linear feet of street drains, culverts, sanitary sewers and waterlines to be publicly maintained.

HUMAN CONSIDERATIONS

Aesthetics and Visual Impact

1. Discuss the change in the present character of the area due to the project, i.e. land use, density of development, etc.
2. Discuss the measures to be taken to minimize the adverse effects of the project, i.e. architecture, buffers, etc.

Parks, Forests and Recreational Areas

1. Discuss how the siting and construction of the project will affect existing and potential park and recreation areas, open spaces, natural areas and scenic values.
2. Discuss how the project will affect recreational opportunities in the area due to removal of parks, forests, or open areas from public use.

Public Health

1. Discuss the project's effects on resident's public health due to changes in water quality, air quality, noise levels, etc.