

**Tisbury Planning Board**

RULES AND REGULATIONS

GOVERNING THE SUBDIVISION OF LAND

Town of Tisbury, Massachusetts

Revised September 6, 1989

RULES AND REGULATIONS

GOVERNING THE SUBDIVISION OF LAND

IN

THE TOWN OF TISBURY

REVISION 25 MARCH 1987

THE RULES AND REGULATION GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF TISBURY ARE REVISED TO INCLUDE THE FOLLOWING:

01. "ALL REFERENCES TO FEES ARE VOIDED AND IN PLACE THEREOF THE NOTATION 'SEE THE PLANNING BOARD FEE SCHEDULE' IS INSERTED".

02. "NOTWITHSTANDING ANY OTHER PROVISIONS OF THESE 'RULES AND REGULATIONS', THE MINIMUM WIDTH FOR ROAD PAVING REQUIREMENTS SHALL BE EIGHTEEN (18) FEET AND ALL PAVED WAYS SHALL HAVE BERMS OR CURBS".

03. "ALL SUBDIVISION WAY SYSTEMS SHALL CONNECT TO A TOWN, COUNTY OR STATE OWNED PUBLIC WAY BY WAYS THAT ARE WONED AND A PART OF THE SUBDIVISION, EXCEPT THAT SUBDICISION WAYS MAY TERMINATE AT THE BOUNDARY WITH ANOTHER TOWN IF SAID OTHER TOWN'S PLANNING BOARD CERTIFIES IN WRITING SUCH ARRANGEMENT IS ACCEPTABLE TO THEM AND PROVIDED THAT THE WAY DOES NOT RE-ENTER TISBURY BEFORE JOINING A PUBLIC WAY OWNED BY TISBURY, THE COUNTY OF DUKES COUNTY OR THE COMMONWEALTH OF MASSACHUSETTS".

"IF A SUBDIVISION WAY SYSTEM PROVIDED FRONTAGE AND/OR ACCESS TO LOTS OR PROPERTY NOT A PART OF THE SUBDIVISION, DETERMINATION OF THE POTENTIAL TOTAL LOAD ON THE WAY SYSTEM WILL INCLUDE THESE NON-SUBDIVISION LOTS. IF THE WAY SYSTEM PROVIDES "FRONTAGE", AS THE TERM "FRONTAGE" IS USED IN ZONING, SERVES OR WILL SERVE AS THE PRINCIPAL ACCESS TO THESE NON-SUBDIVISION LOTS, THEN THESE PROPERTIES SHALL E INCLUDED IN THE SUBDIVISION HOMEOWNERS ASSOCIATION WITH REGARD TO AN EQUAL BUT UNDIVIDED INTEREST IN THE WAYS".

04. "IF ANYPART OF A WAY LIES IN ANOTHER TOWN IT SHALL NOT BE DEEMED ADEQUATE AND PROPER FOR PURPOSED OF QUALIFYING'FRONTAGE' UNLESS THE WAY MEETS OR EXCEEDS TISBURY'S REQUIREMENTS FOR WAYS (INCLUDING, BUT NOT LIMITED TO , WIDTHS, GRADES, CUTS & FILLS, SLOPES, PAVING, ETC.)"

05. "IF ANY SUBDIVISION BOUNDARY LINE, WHETHER LOT, PERMETER, OPEN SPACE OR WAY IS OR IS CLAIMED TO BE COINCIDENT WITH A TOWN BOUNDARY OR MEASURED FROM A TOWN BOUNDARY, THEN THE PROPOSAL APPLICATION PLANS MUST INCLUDE A SURVEY LINE BROUGHT IN FROM AN OFFICIAL PERMANENT TOWN BOUND."

06. "ALL SUBDIVISION WAYS, INCLUDING THE WAYS CONNECTING THE SUBDIVISION TO A PUBLIC WAY, SHALL BE OF A PLAN ('ROAD RESERVATION') WIDTH OF NOT LESS THAN FORTY (40) FEET, PAVED AND PROVIDED WITH DRAINAGE FACILITIES, UNLESS THE BY-LAWS OR RULES & REGULATIONS OF TISBURY PROVIDE OTHERWISE".

07. "EASEMENTS NOT TO BE OVERBURDENED:

AN EASEMENT ('RIGHT-OF-WAY', 'RIGHT-OF-USE', ETC.) PROVISION IS TAKEN IN THE CONTEXT OF THE PROPERTY ARRANGEMENTS EXISTING AT THE TIME OF GRANT. GRANTS OF THIS NATURE ARE NOT, FOR SUBDIVISION PURPOSES, EXTENSIBLE TO NEWLY CREATED LOTS OR WAYS BY THE GRANTEE MAKING DIVISIONS OF THE SAME. WHILE THE GRANT TO THE PROPERTY AND ITS OWNER MAY RUN WITH THE PROPERTY, IT IS NOT RECOGNIZED AS BEING DIVISIBLE SO AS TO CREATE ADDITIONAL GRANTS FROM ONE; TO DO SO WOULD BE TO MULTIPLY THE ORIGINAL BURDEN PLACED ON THE PROPERTY – AN OVERBURDENING."

08. "HOMEOWNERS ASSOCIATION:

WHENEVER A SUBDIVISION PROPOSAL CREATES WAYS, OPEN SPACE LOTS OR COMMON LANDS/FACILITIES/UTILITIES, THE APPLICATION SHALL INCLUDE A COVENANT RUNNING IN FAVOR OF THE TISBURY PLANNING BOARD WHICH:

– COMMITS THE APPLICANT TO ESTABLISHING A HOMEOWNERS ASSOCIATION, CHARTER TERMS AND RECORDING SUBJECT TO PLANNING BOARD ACCEPTANCE, PRIOR TO THE SALE OF ANY LOT OR LAND IN THE PROPOSAL;

-DESCRIBES A HOMEOWNERS ASSOCIATION AS THE TITLE HOLDERS OF ALL WAYS, OPEN SPACE LOTS OR COMMON LAND – COMMON FACILITIES – COMMON UTILITIES;

–DESCRIBES HOMEOWNERS ASSOCIATION MEMBERSHIP AS REPRESENTED BY THE LOTS DESIGNATED FOR OCCUPANCY, EACH LOT HAVING AN EQUAL BUT UNDIVIDED INTEREST IN THE ASSETS AND AN EQUAL BUT DIVIDED RESPONSIBILITY IN THE LIABILITIES.

NO SUBDIVISION APPLICATION PROPOSAL SHALL BE APPROVED WHERE THE PROPOSAL PROVIDES OR ALLOWS THE DEVELOPER/APPLICANT TO RETAIN FEES IN WAYS, OPEN SPACE LOTS, COMMON LANDS/FACILITIES/UTILITIES, EXCEPT WHEN THE DEVELOPER/APPLICANT IS THE OWNER OF A LOT DESIGNATED FOR OCCUPANCY WITHIN THE PLAN; AND, THEN ONLY AS A MEMBER OF THE HOMEOWNERS ASSOCIATION."

09. "ALL SUBDIVISION PLANS, DIVISION OF LAND PLANS, ROAD (WAY) PLANS AND THE LIKE WHICH DESIGN CREATE ROADS, WAYS, STREETS, ACCESSES, ETC., SHALL NUMBER THE SAME ON THE PLAN WITHIN THE SAME SCHEME OF NUMBERING AS PROVIDED FOR LOTS."

10. "SCHEDULES:

EACH SUBDIVISION PLAN, ON ONE OF THE PLAN SHEETS SHALL PROVIDE A 'SCHEDULE' OF LOTS WHEREIN, IN TABULAR FORM:

- ALL LOTS ARE SHOWN BY ASSIGNED PLAN NUMBER;
- THE SIZE AND PRUPOSE OF EACH LOT IS SHOWN;
- THE LOTS ARE GROUPED BY TYPE AND AREA SUB-TTALS ARE SHOWN;
- THE TOTAL AREA OF ALL LOTS IS ENTERED AND EQUALS THE TOTAL AREA OF THE PROPERTY(S) REPRESENTED ON THE PLAN.

PLANNING BOARD: TOWN CLERK:

ADOPTED: 25 MARCH 1987 TOWN OF TISBURY

FOR THE PLANNING BOARD: OFFICE OF THE TOWN CLERK

WALTER H. RENEAR RECEIVED AND ENTERED WITH

CHAIRMAN THE RECORDS OF THE TISBURY

TOWN CLERK 27 MARCH 1987

AT 11 O'CLOCK AND 47 MINUTES A..M.  
MARION McCLURE

RULES AND REGULATIONS GOVERNING

THE SUBDIVISION OF LAND

IN THE TOWN OF TISBURY

Administrative Checklist for Developments of Regional Impact

01. Upon application before the Tisbury Planning Board, the applicant shall provide a complete duplicate set of plans, application form and all supporting documentation. Additionally, the applicant will submit a signed Administrative Checklist for Developments of Regional Impact indicating whether the application will at any point need to be submitted to the Martha's Vineyard Commission as a DRI. If, in the opinion of the Planning Board, the proposed development qualifies as a Development of Regional Impact in accordance with Chapter 831, the Board will forward the duplicate application to the Martha's Vineyard Commission along with the applicant's DRI Checklist signed by a designated member of the Board.

02. If a referral to the Martha's Vineyard Commission is made pursuant to the foregoing regulation, the Planning Board will continue its review of the application including any necessary public hearings. If the Martha's Vineyard Commission accepts the referral and commences its review of the application as a Development of Regional Impact, the Planning Board will provide the Commission with its findings, opinions and recommendations. Applicants before the Tisbury Planning Board should be advised and are by these regulations advised that the applicant will need to request an extension of time from the Planning Board to allow for final action by the Martha's Vineyard Commission before the time limits imposed by the General Laws upon the

Planning Board pass. If such an extension is not requested, the prohibition against Planning Board approval without approval by the Martha's Vineyard Commission contained in Chapter 831 of the Acts of 1977 requires that the Planning Board vote to deny the application. (Note, the applicant should request an extension of time until two weeks beyond the date of final action by the Martha's Vineyard Commission.)

Adopted November 30, 1988 Kevin F. Bagley

Alba H. Briggs, III

Edith R. Eber

Amendment to the Rules & Regulations Governing Subdivision in Tisbury

Revision 06 September 1989

Section III – Plan Procedures – Subsection 367 Plan Processing

Conversation Commission Review

Planning Board review of subdivision plans in the District of Critical Planning Concern (DCPC) area shall include a written report submitted by the Conservation Commission within thirty (30) days of notification from the Planning Board on, at a minimum, the following elements:

Erosion control plans during construction of any subdivision facilities.

All undisturbed ("natural") buffers areas.

Road runoff/stormwater runoff plans showing detention basins, leaching basins, vegetative swales, and other control techniques.

Anticipated fertilizer use on open space areas.

Highway Department Review

Planning Review of subdivision plans in the District of Planning Concern (DCPC) area shall include a written report submitted by the Highway Department thirty (30) days of notification from the Planning Board on, at a minimum, the following elements:

Road runoff/stormwater runoff plans showing detention basins, leaching basins, vegetative swales, and other control techniques.

Erosion control plans during construction of any subdivision facilities.

Planning Board: Town Clerk:

Adopted: 06 September 1989

Town of Tisbury

By The Planning Board: Office of the Town Clerk

Kenneth A. Barwick Received And Entered With

Chairman The Records Of The Tisbury

Town Clerk September 19, 1989

At 3 O'Clock And 58 Minutes PM

Marion A. McClure, Town Clerk

RMB Dept. Secretary

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#### Section I INTRODUCTION

##### 11 Adoption

Under the authority vested in the Planning Board of the Town of Tisbury by Sec. 81 Q. Ch. 41 G.L., said Board hereby adopts these Regulations governing the subdivision of land, in order to guide its orderly development consistent with the purposes of the Subdivision Control Law, Sec. 81-K to 81-GG, Ch. 41, G.L. These regulations shall be effective on and after the 15th day of March 1974

##### 12 Applicability

No person shall make a subdivision 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 to and approved by the Planning Board as hereinafter provided.

No person shall erect more than one dwelling on a lot except as provided herein (Section 63)

## SECTION II DEFINITIONS

Collector Street shall mean a street which carries traffic equivalent to that generated by 50 dwelling units or more, or which serves commercial or industrial abutting land.

Minor Street shall mean a street that carries traffic equivalent to that generated by fewer than 50 dwelling units, and having no abutting commercial or industrial property, and is not a lane.

Lane shall mean a street that carries traffic equivalent to that generated by 10 or fewer dwelling units and having no abutting commercial or industrial property, and is not capable of extension.

Board shall mean the Planning Board of the Town of Tisbury.

Subdivision shall mean the subdivision of a tract of land into two or more lots and shall include resubdivision, 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 of Tisbury certifies is maintained and used as 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 June 20, 1972, having in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Tisbury Zoning Bylaw for erection of a building on such lot. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more building were standing on June 20, 1972, into separate lots, on each of which one of such building remains standing, shall not constitute a subdivision.

### SECTION III PLAN PROCEDURES

#### 31 General

Only those plans which constitute "subdivisions" as that term is defined in Section II require the approval of the Planning Board. However, all plans, whether "subdivisions" within the meaning of the law or not, must have either approval as a subdivision, or endorsement that they do not require approval, before they will be accepted for recording at the Registry of Deeds or registration at the Land Court.

Plans intended for review at any meeting of the Planning Board should be forwarded to the Office of the Town clerk not later than 4:00 PM two working days prior to the Planning Board meeting. The day of the next regular Board meeting shall be considered to be the date of submission for all plans, except that the date of mailing shall be the date of submission for Definitive Plans sent by registered mail to the Planning Board, care of the Town Clerk.

#### 32 Plan Believed Not to Involve Subdivision

321 Submission. Anyone may submit a plan seeking endorsement that the plan doesn't require approval under the Subdivision Control Law. The plan and two prints (to be retained) plus Form A and a \$25.00 filing fee should be submitted to the Planning Board, and a copy of Form A should be filed (by delivery or registered mail) with the Town Clerk. If the Board determines that the plan does not show a subdivision, it shall endorse the plan "Approval under the Subdivision Control Law Not Required". The Board will return the original of the plan to the applicant notifying both him and the Town Clerk of its action.

322 Time Limit. If the Planning Board takes no action within 14 days of submission, the plan is automatically deemed not a subdivision plan, and the Town Clerk may so certify.

323 Ways in Existence. Existing ways will normally be determined by the Board to provide adequate access to qualify a plan as not constituting a subdivision only when the layout, design, and construction of such ways meet the standards of the regulation as applicable to ways within a subdivision.

### 33 Small Project Procedures

331 Applicability. If he chooses, a developer may request to submit his plan under Small Project Procedures, which are less demanding than normal ones. To qualify, the subdivision must create frontage potentially serving six or fewer lots; must not be contiguous with property subdivided within the past five years and now or previously in ownership common with this land; must not be served by access previously developed under Small Project Procedures, unless standard project construction requirements for that access have been met, and must be approved for such procedures by the Planning Board at the time of pre-submission review.

332 Limiting Agreements. Any plan approved under Small Project Procedures must contain or refer to covenants that no additional lots will be created on land in the same ownership for five years from the date of approval if such land is continuous or reached via the roads in the Small Project, unless standard project construction requirements for that access have been met. The plan must be annotated to the effect that lots on that plan are subject to possible betterments for street improvements if the street is accepted by the town. Steps in processing such plans are the same as for standard projects.

### 34 Pre-Submission Review

Prior to investing in extensive professional design efforts for subdivision plans, it will often prove useful to review the proposed development of a parcel of land with the Planning Board, in order that general approaches, possible use of cluster development, and potential problems can be freely explored. Pencil sketches, which need not be professionally prepared, will assist the discussion, and might show some but not all of the information shown on a Preliminary Plan. In some cases, especially Small Projects, this pre-submission review may eliminate need for such a Preliminary Plan. As a result of pre-submission review the requirements for the Preliminary Plan will be established.

### 35 Preliminary Plan of a Subdivision

351 General. A Preliminary Plan of a subdivision may be submitted by the applicant 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 and other municipal agencies, and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before costly engineering drawings for a Definitive Plan are prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case except those where pre-submission review had adequately clarified all issues.

352 Application Procedure. The applicant shall file by delivery to registered mail a notice with the Town Clerk stating the date of submission for such approval of a Preliminary Plan to the Planning Board, accompanied by a copy of the completed application (Form B). A properly executed Form B (see Appendix) shall be filed with the Planning Board, along with six (6) copies of the Preliminary Plan, and a filing fee of \$10.00 plus \$1.00 per lot in excess of six. The Board shall



distribute copies to the Road Commissioners, Fire Department, Conservation Commission, and the Board of Selectmen, for the comments and suggestions.

353 Contents. The Preliminary Plan shall be drawn on tracing paper or cloth at a scale of 100 feet to one inch or other scale approved by the Planning Board, and shall be identified as a Preliminary Plan. A Preliminary Plan shall have contents as defined in Sec.81-L of Ch. 41, G.L.

In addition, to promote better understanding, it is suggested but not required that the following be submitted;

353a. A locus plan of the subdivision, showing its street configuration in relation to the surrounding area, at a scale of 1"=2000'.

353b. In the case of a subdivision covering less than all of the land owned by the subdivider in the area of the subdivision, a plan showing in a general manner the proposed overall development of all of said land.

353c. Preliminary findings, in a general way, of the Environmental Impact Analysis required at Section 364.

During the discussion of the Preliminary Plan, the complete information required for the Definitive Plan, and the Performance Guarantee will be developed.

354 Approval or Disapproval of Preliminary Plan. Within sixty days after submission of a Preliminary Plan, the Planning Board shall approve such plan with or without modifications suggested by it or agreed upon by the person submitting the plan, or the Board shall disapprove such Preliminary Plan, and in the case of disapproval, shall state its reasons therefore. Failure of the Planning Board to approve or disapprove the Preliminary Plan within sixty days shall be construed as approval.

355 Relation of Preliminary Plan to Definitive Plan and Zoning Provisions. Approval of a Preliminary Plan does not constitute approval of a subdivision, and a Preliminary Plan may not be recorded in the Registry of Deeds. Provided that a Definitive Plan is duly submitted within seven months from the date of submission of the Preliminary Plan, the subdivision rules and regulations in effect at the time of submission of the Preliminary Plan shall govern the Definitive Plan, and if the Definitive Plan is ultimately approved, the zoning provisions in effect at the time of submission of the Preliminary Plan shall govern the land shown for seven years from the date of approval of the submission

### 36 Definitive Plan

361 Application Procedure. Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

Four contact prints of the Definitive Plan and other required drawings, dark line on white background.

Two copies of properly executed application Form C.

A filing fee of \$150.00, plus \$10.00 per lot or dwelling unit for each lot or dwelling unit in excess of six.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval, plus a copy of the completed application Form C.

362 Standard Definitive Plan Contents. The Definitive Plan shall be clearly and legibly drawn in Black India ink upon tracing cloth. Sheet size shall not exceed 24" x 36". The Plan shall be at scale of one inch equals 100 feet, or such other scale as the Board may accept to show details clearly and adequately. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following:

Subdivision name, boundaries, north point, legend, date and scale:

Name and address of record owner, subdivider, surveyor, and other professionals engaged in the design.

Location and names of all abutters as they appear in the most recent local tax list; assessors' map numbers; designation of zoning districts.

Existing and proposed lines of streets, ways (including ancient ways), paths, lots, easements and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Selectmen).

Sufficient data to determine readily the location, direction, and length of every street and way line, easements, lot line and boundary line, and to establish those lines on the ground. If any part of the subdivision is within 500 feet of a Massachusetts Co-Ordinate System Island Zone Survey Monument, the subdivision shall be tied to said system.

Road centerline stationing, referenced to the Street Plans and profiles;

Lot numbers.

Location of all permanent monuments, properly identified as to whether existing or proposed.

Location, names and present widths of street bounding, approaching or within reasonable proximity of the subdivision.

Existing and proposed watercourses, ponds, and wetlands.

Suitable space to record the action of the Board and the Ch. 41, G.L.

363 Street Plans and Profiles. For every street in a Standard Project, there shall be a separate plan at 1" = 40', and profile at 1"=40' horizontal, 1"=4' vertical, showing the following data:

Exterior lines of the way, with sufficient data to determine their location, direction and length.

Existing centerline profile to be shown as a fine full line. Existing centerline profile for intersecting streets to be shown for at least 100 feet each side of the intersection of street centerlines. When required by the Board, existing right sideline shall be shown as a dashed black line, left sideline as black dots. Elevations shall be based on the U.S.C.G.S. bench marks if such exist within 1000 feet of the subdivision.

Finished, designed profile to be heavy full line, with elevations shown every 50 feet (25 feet on vertical curves).

Existing and proposed water courses, ponds, and wetlands.

All drainage facilities to be shown on the plan and profiles (in red, showing sizes, invert elevations, and slopes).

Location and size of existing and proposed water mains, hydrants, and main gate valves.

Location of existing and proposed cable utilities and their appurtenances.

Location of the following, unless waived by the Board: existing and proposed street paving, sidewalks, street lighting, curbs, gutters.

364 Environmental Analysis. Any subdivision creating frontage potentially allowing thirty or more lots shall be based upon an Environmental Analysis, and, in addition, the Board may require for subdivisions of fewer than 30 lots that certain of the following be submitted where such information is necessary to evaluate the plan because of special circumstances of the location or proposal. Environmental analyses shall be prepared by an interdisciplinary team to include a Registered Land Surveyor, Professional Civil Engineer, and Registered Architect or Registered Landscape Architect, unless otherwise agreed to by the Planning Board. The following documentation is required from each such analysis.

A set of plans at uniform scale shall be submitted, encompassing the entire subdivision on a single sheet not larger than 42"x 60", showing the following:

The same data as on the definitive plan, reproduced as a clear acetate or mylar overlay.

Topography at two-foot contour intervals, with graphic drainage analysis; indication of annual high water mark, location of existing structures, including fences and walls.

Vegetative cover analysis, including identification of general cover type (wooded, thicket, grassland, fresh wetland, etc.), location of all major tree groupings plus other outstanding trees or other botanical features, important wildlife habitats, and identification of areas not to be disturbed by construction.

Soil types, approximate groundwater level, location and results of soil percolation or other subsurface tests.

Visual analysis, including analysis of scenic vistas, and locations of visual prominence.

A narrative statement shall also be submitted, documenting the following with references to the above maps as germane;

Impact upon surface water quality and level.

Impact upon ground water quality and level.

Material effects upon important wildlife habitats, outstanding botanical features, scenic or historic environs.

Capability of soils, vegetative cover, and proposed erosion control efforts to support proposed development without danger of erosion, silting, or other instability.

Relationship to the requirements of Sec. 40 and 40A Ch. 131, G.L. (Wetlands Acts).

365 Other Submittals. The following shall also accompany submission of a Standard Definitive Plan:

Typical street cross section for each class of street within the subdivision, drawn in 1"=4', showing location of all elements within the street right-of-way, and typical cross sections of any altered drainage courses off-street paths.

A locus plan of the subdivision, showing its street configuration in relationship to surrounding streets, at 1"=2000'.

Identification of landscape types, based on categories of Appendix A, and a narrative statement of relationship to the design guidelines of Appendix A, and proposed means, if any, of ensuring compliance by purchasers of lots with those guidelines.

If requested by the Board, drainage calculations traverse notes, evidence of ownership, language of any easements, covenants or restrictions applying or proposed to apply to the area being subdivided, rights and easements obtained for utilities or drainage outside of the subdivision, description of erosion control methods to be employed.

366 Small Project Submittals. For Small Projects, Sections 362, 363, 364, and 365 do not apply; rather, any plan in form acceptable to the Registry of Deeds or Land Court may be submitted, provided that on that plan or on separate documents submitted the proposed centerline profile of any proposed street is shown, and proposed drainage, utilities, and road construction have been made explicit.

Plan Processing (both Small Project and Standard Plan)

a) Board of Health Review. At the time of filing of the Definitive Plan, the applicant shall also file a copy with the Board of Health. The Board of Health shall within forty-five days after filing of the Plan report to the Planning Board in writing their 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 in 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. Any approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which such specific findings were made shall not be built upon without prior consent of the Board of Health. The Board shall endorse on the plan such conditions, specifying the lots or land which said conditions apply.

b) Public Hearing. 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 of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in a newspaper of general circulation in the Town of Tisbury, 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 the land included in such plan as appearing on the most recent local tax list.

c) Performance Guarantee. Before the Planning Board endorses its approval of a Definitive Plan, the developer shall agree to complete without cost to the town all improvements required by this regulation, and shall provide security that he will do so, either by covenanting not to sell or build upon any lots until completion of the improvements (which covenant must be referred to on the Plan and registered or recorded with it) (see Form F), or by posting bond or other security which the town can utilize in the event that the improvements are not completed within two years ( see

Forms E-1 and E-2), or by some combination of these. The Board may grant partial release from such security for partial completion of improvements, provided that the completed portion provides a reasonable system for circulation and utilities pending completion of the rest. The Board may release the developer from the covenant upon receipt of an agreement executed by the applicant and by the holder of a first mortgage on the premises providing for retention of funds and their availability to the town upon default (See Ch. 41, G.L. Sec. 81-U, 11th paragraph).

Full security shall not be released until the integrity of road pavement and drainage has been verified following a full winter of use, until trees and other vegetation have been established, until either fee to the streets has been conveyed to the town (Sec. 555) or other provisions for their continued maintenance have been accepted by the Board, and until the record plans have been received.

d) Approval, Modification or Disapproval. The action of the Board in respect to such Definitive Plan shall be by vote. Copies of said vote shall be certified and filed with the Town Clerk and a copy sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action.

Criteria for action by the Board shall be the following:

Completeness and technical adequacy of all submissions.

Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or to others because of possible natural disasters, traffic hazard, or environmental degradation.

Conformity with the Design Standards of Section IV.

Determination, based upon the Environmental Analysis when submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

Determination that the Development Guidelines of Appendix A have been reflected in the design.

Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board but not until the statutory twenty day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and the Clerk has notified the Board that no appeals has been filed.

Following endorsement of the Plan by the Board, the applicant shall provide the Board with a reproducible copy and two contact prints of the Definitive Plan and of the Street Plan and Profile, and a copy of final covenants and restrictions for its files. The Board shall supply the applicant with a completed Form D.

Approval of the Definitive Plan or release of security does not constitute the laying out or acceptance by the town of streets within a subdivision.

368 Rescission. Failure of the developer to record the Definitive Plan within six months of its endorsement, or to comply with the construction schedule of the performance agreement (Form E- Covenant or Form F – Performance Bond), shall constitute sufficient reason for the recession of such approval, in accordance with the requirements of Section 81-W, Ch. 41, G.L.

#### SECTION IV DESIGN STANDARDS

## 41 General

411 Design Guides. The subdivision shall be designed consistent with these standards, and with the guidelines of Appendix A. The subdivision shall conform, insofar as practical, to any elements in a town development policy which the Planning Board may adopt, provided that such elements are given public hearing in the same manner as prescribed for amendments to subdivision regulations, and made available along with copies of the subdivision regulations.

412 Cross Section. Grading, location of pavements, utilities, and other improvements shall be designed and located as indicated on the Typical Street Cross Section (see Appendix).

## 42 Streets and Paths.

### 421 Location and Alignment

All streets and paths in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe pedestrian and vehicular travel. Due consideration shall also be given by the subdivider to the consequences of the street layout upon the livability, amenity, and environmental impact of the subdivision.

Provision satisfactory to the Board shall be made for the proper projection of streets and paths, or for access to adjoining property which is not yet subdivided.

Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips are in the public interest.

Street jogs with centerline offsets of less than 150 feet should be avoided.

Street configuration shall be designed, together with reserved open space, to minimize the number of lots having frontage exclusively on collector streets.

The minimum centerline radii of curved streets shall be not less than the following:

Lane – 60 feet

Minor Streets – 100 feet

Collector Streets – 300 feet

Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees.

Any group of 20 or more lots shall provide for two means of egress.

Property lines at street intersections shall be rounded or cut back to provide for radius at the edge of traveled way of not less than 30 feet at intersections with a collector street and 20 feet for intersections involving only minor streets or lanes.

Street intersections on arterial streets (major intertown streets) shall be spaced not less than 400 feet apart.

There shall be vehicular access to each lot via routes no part of which shall be less than ten feet above Mean Sea Level.

Paths connecting existing trails and paths should be preserved or created wherever reasonable, not necessarily following the streets, and should be developed in other locations where indicated by traffic, access to public or recreational facilities, or other reasons.

#### 422 Width

The minimum width of street rights-of-way shall equal the width of the traveled way plus 18 feet. Greater width shall be required by the Board when deemed necessary for present and future utilities or their appurtenances.

The minimum width of rights-of-way for off-street paths shall be eight feet.

#### 423 Grade

Grades of streets shall be not less than 0.5%. Except for short intervals, grades shall be not more than 6.0% for collector streets, 10% for minor streets, and 12% for lanes.

On any street where the grade exceeds six percent on the approach to an intersection, a leveling area with a slope of not more than four percent shall be provided for a distance of not less than 50 feet measured from the nearest exterior line of the intersecting street.

Vertical curves are required whenever the algebraic difference in grade between centerline tangents is 2.0% or more.

Street centerline profile shall at no point be less than three feet above the grade of adjacent wetlands or marsh.

424 Sight Distances. Forward stopping sight distances shall be not less than 100 feet on lanes, 150 feet on minor streets, or 300 feet on collector streets.

#### 425 Dead-End Streets

Dead-end streets shall not normally be allowed except for lanes, unless, in the opinion of the Board, they are necessitated by topography or other local conditions.

Dead-end streets shall be provided at the closed end with either a turn-around having an outside roadway diameter of at least 80 feet, and a property line diameter of at least 100 feet, or an alternative configuration accommodating the turning of a vehicle with 30 foot wheelbase

#### 43 Easements

431 Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary, and shall be at least 20 feet wide, unless a smaller width is determined by the Board to be adequate for the purpose.

Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water or drainage easement of a minimum width of twenty feet to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

Drainage easements outside of the area of the subdivision, but occasioned by it, may be required to the subdivider.

Slope easements shall be provided where cut or fill slopes cannot be contained within the street right-of-way.

#### 44 Storm Water Management

Storm drainage, culverts, and related facilities shall be designed to permit the unimpeded flow of all natural water courses, to ensure adequate drainage of all low points along streets, to control erosion, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained. To the maximum extent feasible, storm water shall be recharged rather than piped to surface water, and peak stream flows at the boundaries of the development shall be no higher following development than prior to development.

Storm sewers, retention basins, and leaching basins shall be based on a 20 year frequency storm, and culverts shall be based on a 50 year frequency storm and on coastal flooding to ten feet elevation (MSL). Design shall employ tide gates, backflow valves, or other devices as necessary, to avoid damage from reverse circulation of flood waters.

Design shall be based upon either the Rational Method or Manning Formula. Water velocities shall be between 2 and 10 feet per second. The coefficient of run-off used shall be not less than 0.45 for subdivided areas. All developable land tributary to facilities being designed shall be assumed to be subdivided. Leaching basins or catchbasin to manhole system of drainage is required, with no storm sewers of less than 12-inch inside diameter, and with catchbasins at all low points and sags, near the corners of the roadway at intersecting streets, and at intervals of not more than 350 feet on continuous grades. Where used, leaching basins shall be cross-connected. The Board may require test borings at leaching basin locations where percolation is in doubt.

#### 45 Water Supply

Provisions shall be made for water supply to each lot and for fire protection and sewage disposal. When available, the water supply shall be from a public water system, in which event the system design shall be as specified by the Tisbury Water Works, evidenced by certification from the Commissioners that they approve the design and will permit connection.

Where connection to the public system is not feasible, a subdivision plan shall be approved only upon presentation of evidence satisfactory to the Board, upon advice of the Board of Health, that adequate and suitable ground water is available for domestic use, and upon presentation of evidence satisfactory to the Board, upon advice of the Fire Chief, that adequate and suitable provisions for fire fighting have been made.

All water and sewage disposal systems shall be so designed as to neither be impaired nor contribute to contamination in the event of flooding to 10 feet elevation (Mean Sea Level).

#### 46 Other Requirements

461 Open Spaces. Before approval of a plan the Board may require that an area be reserved for a possible park or parks, and by appropriate endorsement on the plan require that no building be erected upon such reserved area for a period of three years without the Board's approval. Such reservation shall be made where particular natural features, abutting public land, or the potential neighborhood need for recreation space make later public acquisition appear desirable, but in no event shall required reserved areas exceed 5% of the total area of the subdivision, unless so required by zoning or other regulations.



462 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, which, if preserved will add attractiveness and value to the subdivision.

463 Written Approvals. No Definitive Plan will be approved unless the developer submits written certification of approval of the design by all utilities, which are to provide services within the subdivision.

464 Underground Wiring. All wiring, cables, and other appurtenances of electric power, telephone and fire alarm systems shall be placed underground within the limits of the street right-of-way, except where such underground installation would, in the judgement of the Planning Board, cause undue hardship by reason of topography, subsoil conditions, or other site peculiarities, or by reason of the existing development pattern. Electric power cables shall be not less than 30" below finish grade.

#### SECTION V RQUIRED IMPROVEMENTS

The following improvements, to be constructed consistent with good building practice shall be made by the developer without cost to the town. For Small Projects under Section 33, see requirements in Section 56.

#### 51 Preparation and Surfacing of Roadway

511 Stumps, brush, roots, boulders trees, and like material shall be removed as necessary to provide for paving and utilities, but whatever feasible, existing vegetation shall be protected.

All material not suitable for the foundation shall be removed from an area (ten feet wider than the paved width[5' for each shoulder] ), and to a depth of at least 9 inches below finish grade. Peat, silt, loam or similar yielding materials shall be removed to a firm foundation (for the full width of the right-of-way). No loam suitable for reuse shall be removed from the subdivision unless adequate loam will remain or is otherwise assured to provide all disturbed areas within the subdivision with a loam depth of at least six inches, and also there is assurance that all streets from which loam is being removed will be brought to subgrade with approved foundation materials within six months.

No slopes resulting from grading of streets shall exceed 1 foot vertical to 3 feet horizontal in fill, 1 foot vertical to 2 feet horizontal in cut, or 1 foot to  $\frac{3}{4}$  foot in ledge. Slope easements or retaining walls shall be employed where slopes cannot be contained within street sidelines. Land between the outside of the layout and the street pavement, and driveway entrances, shall be so graded as to prevent surface water on the street from draining onto private land except at designated ponding areas.

Traveled ways and shoulders shall be provided with a foundation consisting of at least 6 inches compacted thickness of good binding gravel satisfactory to the Road Commissioners, clean, free of organic matter, and containing no more stones over 3 inches in diameter, or four inches of loam or clay hardening, dense rated gravel, or equivalent. The material shall be thoroughly watered, and rolled true to line and grade to conform with the Typical Street Cross section and the street profiles. Any depressions that occur, either during or after rolling, must be filled with additional gravel or hardening and rolled until the surface is true and even.

The wearing surface of roadways and driveways within the right-of-way shall be a two course type I-1 or, if authorized by the Board, type F-1, bituminous concrete pavement, applied with a 2 inch\* base course and a 1 inch\* finish course, after the roadway has been subjected to traffic for a time specified by the Highway Superintendent.)

The Board may waive the requirement for pavement on minor streets and lanes where fee to the street is to remain private (see Sec. 555), where an alternative all-weather surface is provided (layered oil surface, or selected graded gravel aggregate), and where the plan is annotated to the effect that lots on that plan are subject to possible betterments for street improvements if the street is accepted by the town. Among considerations in such waiver shall be anticipated extent of year-round occupancy, road grades, proximity of dwellings to the roadway, and the type of all-weather

The traveled way width, exclusive of curbing, shall be as follows:

With Parking  
Without Parking\*\*

One-Way Two-Way One-Way Two-Way

Lane 14 feet 16 feet 10 feet 16 feet  
Minor Street 16 feet 20 feet 12 feet 16 feet

Collector Street 18 feet 24 feet 14 feet 20 feet

The traveled way shall be located as shown on the approved cross-section.

\*after completion

\*\* No dwellings within 75 feet of the traveled way or parking bays provided.

#### 52 Berms

Molded (bituminous) berms or paved gutters shall be installed wherever pavement grade exceeds 6% or elsewhere where required by the Board to control drainage

#### 53 Paths

Where provided, foot paths outside street rights-of-way shall be 4 feet in width, bicycle paths 6 feet in width.

Surfacing shall continue the material of connecting paths, or where such do not exist, shall be either a two-course 2 ½ inch type F-1 bituminous concrete pavement for bicycle trails, or in other cases may be loam or clay hardener or other material specifically approved by the Board.

#### 54 Utilities

When connection to the public system is possible, a complete water system shall be installed, including mains, gates, valves, and hydrants, consistent with the specifications and pipe size requirement of the Tisbury Water Works, and as shown on the Street Plans.

Before making connection to the public water system, the developer shall agree to comply with all appropriate regulations of the Water Works.

#### 542 Storm Water Management System

A complete storm water management system shall be installed as shown on the Street Plans and Profiles, and as follows:

Piping shall be concrete unless protected corrugated aluminum is approved by the Board. Piping with less than 18 inches cover shall be of reinforced concrete.

Catchbasins and manholes shall be at least 6 feet deep and 4 feet diameter (inside measurements), constructed of concrete blocks or pre-cast concrete units. They shall be backfilled for at least one foot around all sides with 1 ½" washed stone, topped with pea stone. Leaching basins shall be cross-connected with 12 inch drainpipe.

Open brooks or tributary ditches which are to be altered shall be shaped to a cross-section and gradient, and provided with stream bottom hardening, all acceptable to the Board.

543 Cable Utilities. All cable utilities shall be installed, Installation of street lights may be required by the Planning Board as necessary for the safety of the inhabitants of the neighborhood.

#### 55 Other Requirements

551 Monument. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent monument are necessary, but in any event not spaced further than 500 feet apart. Such monuments shall be of either granite or concrete, not less than 30 inches long and 5 inches square, with dressed top and a ½ inch drill hole in the center, and shall be set to finish grade.

552 Street Signs. Street signs of a design and material acceptable to the Road Commissioners shall be installed for each street at each intersection.

#### Planting

Every effort shall be made to preserve and protect existing vegetables.

The subdivider may be required to plant trees where necessary, in view of existing vegetation, to meet the Development Guidelines of Appendix A. Before the trees are planted, a plan showing their proposed location and species shall be submitted to the Planning Board for approval, based on the Development Guidelines, and based on avoidance of problems from pests, disease, salt spray, or root intrusion. Up to one tree of 2" caliper each 40 feet of street sideline may be required. Trees to be retained shall not have grade changed over their root areas more than six inches.

All unpaved areas within the street layout shall be stabilized with retained vegetation, topsoil and grass, well rooted low-growing plantings, bark, or other organic materials acceptable to the Board.

554 Cleaning Up. Before sale of a lot, the subdivider shall clean up any debris thereon caused by street construction an installation of utilities.

555 Fee to Streets. The following shall be observed unless waived by the Planning Board for subdivisions where the public interest is served by retention of private ways, and means of assuring such retention has been agreed upon. The subdivider shall retain title to the fee of each street or path in the subdivision until conveyed to the Town, or for three years whichever is the lesser. Notation that this is to be done shall be placed upon the Definitive Plan.

556 Record Plans. Upon completion of construction, and before release of the performance guarantee, the subdivider shall have prepared and submit Record Plans at 1"=40', which shall indicate the actual location of the following:

Street lines.

Edge of traveled way, and path locations

All permanent monuments.

Location and inverts of utilities and drainage required to be installed by the developer.

Location of any other underground utilities, such as gas, electricity, and telephone.

The accuracy of such record plan shall be certified by a registered professional land surveyor, who shall also certify that all construction was executed in conformance with the subdivision regulations and with all requirements agreed upon as a condition to plan approval.

#### 56 Small Project Requirements

For a Small Project under Section 33, the Planning Board may normally waive the following requirements:

Bituminous concrete pavement

Paths, except where preserving an existing path

Record Plans

### SECTION VI ADMINISTRATION

#### Schedule of Work

the work connected with the items mentioned in Sec. V shall proceed in the following order, each item to be accomplished so as not to interfere with previous work.

The roadway shall be brought to subgrade.

Base gravel shall be placed.

Water, gas lines, cable utilities, and drains shall be placed with related equipment. All service connections shall be installed to the lot lines unless jacking across the street feasible without breaking or weakening road pavement.

Surfacing shall be placed with sidewalks and curbs.

Monuments and street signs shall be placed.

The work shall proceed as above with exceptions only by order of the Planning Board.

Inspections shall be arranged for as outlined on Form H Inspection Form.

#### Variation

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

#### One Dwelling Per Lot

Not more than one building designed or available for dwelling purposes shall be erected or placed or concerted to use a such on any lot in a subdivision or elsewhere within the Town without the consent of the Planning Board, which shall be granted only for structures in compliance with zoning restrictions, and only upon the Board finding that adequate ways and utilities servicing such site for such building have been provided in the same manner as otherwise required for lots within a subdivision.

#### Reference

For matters not covered by these rules and regulations, reference is made to Section 81-K to 81-GG, Ch. 41, G.L., inclusive.

#### APPENDIX A DEVELOPMENT GUIDELINES BY LANDSCAPE TYPE

The following provides criteria for categorizing land into six landscape types, based on landform, vegetation, and existing development. For each landscape type expected to be found in Tisbury, guidelines are provided for development consistent with town goals and character. The layout and construction of ways within subdivisions shall be so designed as to comply with these guidelines and so as to facilitate vegetative cover and building development consistent with them. Included in these guidelines are considerations beyond subdivision control, such as suggested building materials. These are included here as a reference, for possible implementation at the developer's option.

Both the landscape types and the design guidelines are based largely on Looking at the Vineyard, Vineyard Open Land Foundation, 197. Further suggestions may be obtained from that report, especially pp. 10-44.

Developers who believe that alternative guidelines would better meet the general goals being sought are encouraged to state those alternative guidelines as a part of their plan submittal.

#### SALT LANDS

Identification: Salt ponds, salt marsh, dunes, beaches, and the low grassland and open thickets bordering and visually linked to them.

Objectives: Protect ecology of estuarine and fragile areas, preserve visual sense of expanse and isolation, avoid flood damage.

Building siting: No building on legally protected wetlands and dunes. Avoid building on any beach, dune, wetland, pond edge or barrier dune, or on pond edges elsewhere except when building is functionally related to the water. Use small clusters set low within thicket or wood.

Road location: Within thicket or wood, beach access by paths only above flood elevations.

Vegetative cover: Protect native plants and fauna; avoid importing exotic plants, large trees, mowed lawns.

Building design: Preferably low, muted color, soft form: wood, sod, thatch, earth, weathered silvers, grays, and browns. Avoid metal, painted wood, finished masonry.

Other considerations: Note restrictions in zoning, this regulation, Sec. 40 and 40A, Ch. 131, G.L. and elsewhere.

## BLUFFS

Identification: Steep ocean edges of eroding moraines, plus beaches below, plus land above visually connected to bluffs.

Objectives: Minimize erosion or other ecological imbalance, preserve visual scale, project characteristic Island image.

Building siting: Avoid development on bluffs themselves to beyond their visible crests, cluster in relation to land folds, tree groves.

Road location: Not visible from shore. No roads running up bluff.

Vegetative Cover: No tall vegetation on crests. Make more open.

Building design: Low, complex, slope-following. No large, light surfaces, paint or metal. Materials which blend or weather.

Other considerations: Design for aspect from water as well as from land.

## OPEN PLAINS

Identification: Open grassland, low scrub oak, and shrub, within the flat to gently undulating outwash plain south of the moraine.

Objectives: Maintain open sweep of land, avoid shapeless suburbia.

Building siting: Cluster tightly, avoid scattered structures, avoid cedar-dotted transitional areas. Some tall structures.

Road location: Follow minor folds in ground or depress below grade. Collector streets straight or long curves. Minor roads in clusters possibly rectilinear, others curving in response to minor land features.

Vegetative cover: Keep area around clusters open. Plant trees only within clusters or along roads. Mow, plow, or graze.

Building design: Anything not inconsistent with Vineyard tradition; no heavy fences.

Other considerations: Agriculture encouraged.

## WOODED PLAINS

Identification: Predominantly wooded areas within the flat to gently undulating outwash plain south of the moraine.

Objectives: Avoid "suburban" development character, protect forest ecology, introduce variety.

Building siting: Cluster preferred; scattered building away from clearings, screened from roads. Avoid continuous development. Some centers on main roads.

Road location: Frequent curves, staggered intersections; rectilinear grid acceptable in some cases.

Vegetative cover: Clear underwood, only selectively clear trees.

Building design: Close, varied visual density, intimate complex spaces, strong colors and textures, occasional thin and tall structures.

Other considerations: Better suited to development than most landscape types.

## WOODED MORaine

Identification: Predominantly wooded areas within the rolling moraine land.

Building siting: Clustered or scattered, low structures on hilltops, taller structures on slopes and valleys, placed at edges of clearing or in thinned woods.

Road location: Winding, following or diagonal to contour, along ridges if not in sight of valley, or in valleys. Staggered intersections, loop configurations.

Vegetative cover: Cleared patches for gardens, partial views. No clearing on hilltops.

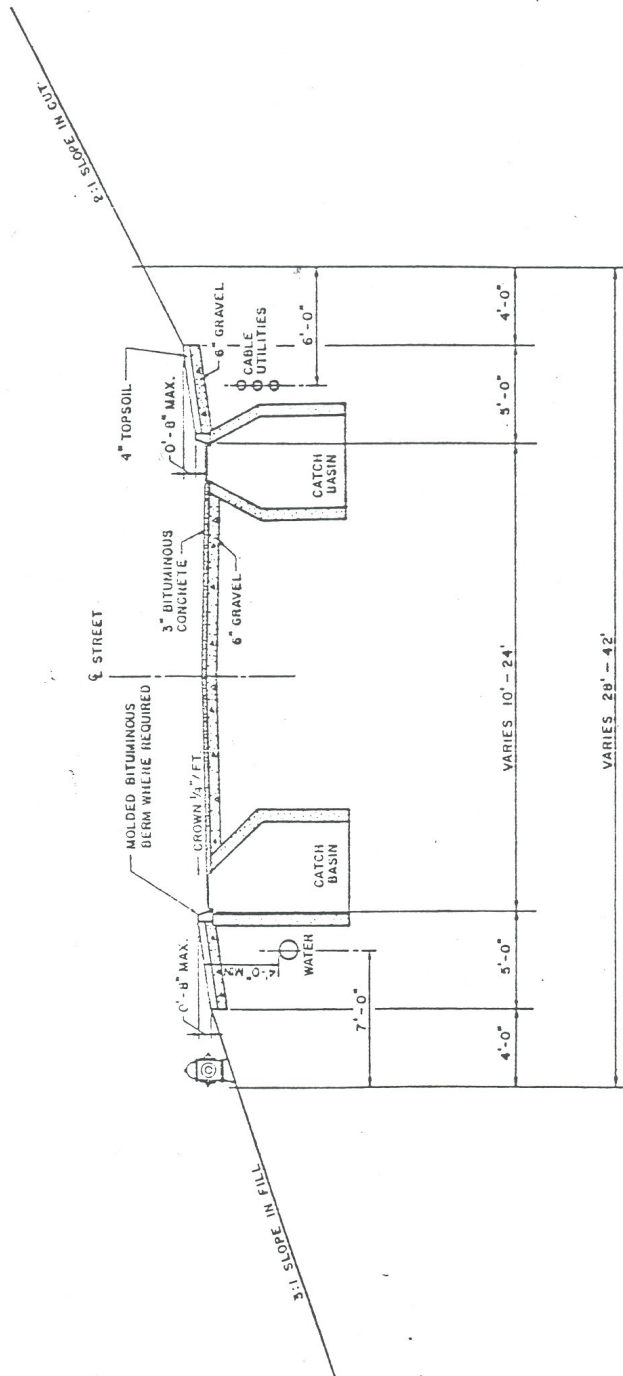
Building design: Not critical, wood preferred.

Other considerations: Care to avoid erosion, need to preserve some wooded areas free from development.

## SETTLEMENT AREAS

Identification: land whose character is established by and impinging upon existing development abutting it.

Design considerations: need study in each individual case to develop guidelines for extending qualities of and harmonizing with existing development.



TYPICAL STREET CROSS SECTION  
TISBURY

PHILIP B. HERR & ASSOCIATES  
JULY 12, 1973 REVISED DEC. 1, 1973



\*\*\*\*\*

FORM A

APPLICATION FOR ENDORSEMENT OF

PLAN BELIEVED NOT TO REQUIRE APPROVAL

Tisbury, Mass. \_\_\_\_\_, 20\_\_\_\_

(File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section 32).

To the Planning Board:

The undersigned, believing that the accompanying plan of his/her property in the Town of Tisbury does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

(No.) (Street) (City/Town) (State) (Zip)

Name of Surveyor \_\_\_\_\_

Address \_\_\_\_\_

(No.) (Street) (City/Town) (State) (Zip)

Deed or property recorded in Dukes County Registry of Deeds,

Book \_\_\_\_\_ Page \_\_\_\_\_

Location and Description of Property: (Continue on reverse side if additional space is needed.)

Proposed use of land if other than single family residential

\_\_\_\_\_

Number of lots shown on plan \_\_\_\_\_

FORM B

APPLICATION FOR APPROVAL OF

PRELIMINARY PLAN OF A SUBDIVISION

Tisbury, Mass. \_\_\_\_\_, 20\_\_

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section 35.

To the Planning Board:

The undersigned herewith submit the accompanying Preliminary Plan of property located in the Town of Tisbury for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board of the Town of Tisbury.

Name of Subdivider

\_\_\_\_\_

Address \_\_\_\_\_

(No.) (Street) (City/Town) (State) (Zip)

Name of Subdivision

\_\_\_\_\_

Name of Engineer, Surveyor, or Designer

\_\_\_\_\_

Address \_\_\_\_\_

(No.) (Street) (City/Town) (State) (Zip)

Deed of Property recorded in Dukes County Registry of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_

or certificate of Title Number \_\_\_\_\_.

Location and Description of Property:

\_\_\_\_\_

\_\_\_\_\_

Number of lots on the plan

\_\_\_\_\_

Landscape type \_\_\_\_\_

Signature of Owner \_\_\_\_\_

Address \_\_\_\_\_

Signature of Subdivider \_\_\_\_\_

Address \_\_\_\_\_

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

Tisbury, Mass. \_\_\_\_\_, 20\_\_

File two completed forms with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section 36.

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Tisbury for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Tisbury:

1. Name of Subdivider

\_\_\_\_\_

Address \_\_\_\_\_

2. Name of Subdivision

\_\_\_\_\_

3. Name of Engineer, Surveyor

\_\_\_\_\_

Address \_\_\_\_\_

4. Deed of Property recorded in Dukes County Registry of Deeds, Book \_\_\_\_\_ Page

\_\_\_\_\_

or certificate of Title Number \_\_\_\_\_.

5. Location and Description of Property: ( Continue on reverse side if additional space is needed)

6. A list containing the Names and Addresses of the abutters of this subdivision is attached hereto.

7. Number of lots on the plan

\_\_\_\_\_

Landscape type \_\_\_\_\_

Signature of Subdivider \_\_\_\_\_

Address \_\_\_\_\_

Signature of Owner of Record \_\_\_\_\_

Address \_\_\_\_\_

FORM D

CERTIFICATE OF APPROVAL

DEFINITIVE SUBDIVISION PLAN

\_\_\_\_\_, 20\_\_

\_\_\_\_\_

Town Clerk

Dear Sir:

The Tisbury Planning Board hereby certifies that at a meeting of said Board on \_\_\_\_\_, 20\_\_, at which a majority and quorum were present, following a public hearing by this Board on \_\_\_\_\_, 2001, pursuant to notice published in \_\_\_\_\_ on \_\_\_\_\_, 20\_\_ and on \_\_\_\_\_, 20\_\_, it was (unanimously) voted: That a plan of subdivision called \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_, and drawn by \_\_\_\_\_ registered as an engineer or land surveyor, submitted for the Board's approval by \_\_\_\_\_, applicant, be and hereby is approved on condition that prior to the Board's endorsement of its approval thereon the subdivider shall furnish guarantees to the Planning Board as provided in Section 367C of the Subdivision Regulations that except as otherwise expressly provided in Section 81-U of Chapter 41, G.L., no lot included in such plan shall be built upon or conveyed until the work on the ground necessary to serve such lot has been completed in the manner specified by the Subdivision Regulations of the Town of Tisbury, with the following specific qualifications (if any):

or a performance bond or other security in lieu of completion has been accepted by the Planning Board.

Respectfully submitted,

By \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Planning Board

FORM E – 1

PERFORMANCE BOND – SECURED BY DEPOSIT

Know all men by these presents that \_\_\_\_\_ of \_\_\_\_\_ (name of city/town), \_\_\_\_\_ (name of state) hereby binds and obligates himself/itself and his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Tisbury, a Massachusetts municipal corporation, in the sum of \_\_\_\_\_ dollars, and has secured this obligation by deposit with the Treasurer of said Town of Tisbury of the following: (statement of deposit)

The condition of this obligation is such, that whereas the said \_\_\_\_\_ (name of applicant) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, submitted a Definitive Plan of Subdivision to the Planning Board of the said Town of Tisbury pursuant to the provisions of Section 81– to 81–GG inclusive of Chapter 41 of the General Laws (Ter. Ed.) of Massachusetts, which plan is entitled \_\_\_\_\_, was drawn by \_\_\_\_\_, and is dated \_\_\_\_\_, 20\_\_\_\_; and further whereas the said \_\_\_\_\_ (name of applicant) desires to guarantee to the said Planning Board that the municipal services shown on said Plan shall be installed as shown on said plan and the ways shown on said plan shall be constructed as shown on said plan and in accordance with the Rules and Regulations of the said Planning Board in accordance with the following qualifications and time schedule: (Qualifications and Construction Schedule)

which guarantee is required by Section 81-U of said Chapter 41;

Now therefore; if the above bounden \_\_\_\_\_ (name of applicant) shall cause the ways shown on the said plan to be constructed, and shall cause the utilities and other improvements shown on the said plan to be installed as shown on said plan and in

accordance with the Rules and Regulations of the said Planning Board and in accordance with the above qualifications and time schedule, then the above written obligation shall be null and void; otherwise to remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said Town of Tisbury as liquidated damage.

\_\_\_\_\_  
 Witness Signature of Applicant

\_\_\_\_\_  
 Date

FORM E – 2

PERFORMANCE BOND – SURETY COMPANY

Know all men by these presents that \_\_\_\_\_, as Principal, and \_\_\_\_\_, a corporation duly organized and existing under the laws of the State of \_\_\_\_\_, and having a usual place of business in \_\_\_\_\_ (name of city/town), \_\_\_\_\_ (name of state), as Surety, hereby bind and obligate themselves and their respective heirs, executors, administrators, successors, and assigns, jointly and severally, to the Town of Tisbury, a Massachusetts municipal corporation, in the sum of \_\_\_\_\_ dollars. The condition of this obligation is such, that whereas the said \_\_\_\_\_ (name of Principal) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, submitted a Definitive Plan of a subdivision to the Planning Board of the said Town of Tisbury pursuant to the provisions of Sec. 81-K to 81-GG inclusive of Chapter 41 of the General Laws (Ter. Ed.) of Massachusetts, which plan is entitled \_\_\_\_\_, was drawn by \_\_\_\_\_ and is dated \_\_\_\_\_, 20\_\_\_\_; and further whereas the said \_\_\_\_\_ (name of Principal) desires to guarantee to the said Planning Board that the municipal services shown on said plan shall be installed as shown on said plan and in accordance with the Rules and Regulations of the said Planning Board and in accordance with the following qualifications and time schedule: (Qualifications and Construction Schedule)

which guarantee is required by Section 81-U of said Chapter 41:

Now therefore: if the above bounden \_\_\_\_\_ (name of Principal) shall cause the ways shown on the said plan to be constructed, and shall cause the utilities shown on the said plan to be installed, as shown on said plan and in accordance with the Rules and Regulations of the said Planning Board and in accordance with the above qualifications and time schedule, then the above written obligation shall be null and void; otherwise to remain in full force and effect and the foresaid sum shall be paid to the Town of Tisbury as liquidated damage.

IN WITNESS WHEREOF we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Principal

\_\_\_\_\_

By \_\_\_\_\_

(Title)

Surety

\_\_\_\_\_

By \_\_\_\_\_

Attorney-in-Fact

FORM F

COVENANT

The Undersigned \_\_\_\_\_

of \_\_\_\_\_(name of city or town), \_\_\_\_\_(name of state), hereinafter called "Covenantor", having submitted to the Tisbury Planning Board, a definitive plan of a subdivision entitled \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_, made by \_\_\_\_\_ does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to Sec. 81-U, Chapter 41, G.L. (Ter. Ed.) as amended, that:

The Covenantor is the owner of record of the premises shown on said plan;

This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;

The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of the Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquired title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;

Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;

This covenant shall take effect upon approval or said plan;

Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned \_\_\_\_\_ (name of any person or organization with interest in said premises) hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

Then personally appeared \_\_\_\_\_ and acknowledged the foregoing instrument to be a free act and deed, before me

\_\_\_\_\_, seal \_\_\_\_\_

NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

FORM G

CERTIFICATE OF PERFORMANCE

Tisbury, Mass. \_\_\_\_\_, 20\_\_

The undersigned, being a majority of the Planning Board of the Town of Tisbury, Massachusetts, hereby certify that the requirements for work on the ground called for by Covenant dated \_\_\_\_\_, 20\_\_, and recorded in Dukes County Registry of Deeds, Book \_\_\_\_\_ Page



\_\_\_\_\_ (or registered in) \_\_\_\_\_ Land Registry of District No. \_\_\_\_\_,  
in Registry Book \_\_\_\_\_ Page \_\_\_\_\_ have been completed to the satisfaction of the  
Planning Board as to the following enumerated lots shown on Plan entitled  
\_\_\_\_\_ recorded with said Deeds, Plan Book \_\_\_\_\_ Page \_\_\_\_\_,  
(or registered in said Land Registry District, Plan Book \_\_\_\_\_, Plan No. \_\_\_\_\_ ) and said lots are  
hereby released from the restrictions as to sale and building specified thereon. Lots designated  
on said Plan which are hereby released are as follows:

Majority of the Planning Board of the Town of Tisbury

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss \_\_\_\_\_, 20\_\_\_\_

Then personally appeared \_\_\_\_\_ one of the above named members of the  
Planning Board of the Town of Tisbury, Massachusetts, and acknowledged the foregoing  
instrument to be the free act and deed of said Planning Board, before me

\_\_\_\_\_

Notary Public

My Commission expires:

\_\_\_\_\_

FORM H

INSPECTION FORM

Tisbury, Massachusetts

Name of Subdivision \_\_\_\_\_ From Sta. \_\_\_\_\_ to Sta.  
\_\_\_\_\_

Name of Developer \_\_\_\_\_ Phone No. of Developer  
\_\_\_\_\_

Responsible agency and Planning Board shall be notified in writing at least 24 hours before each  
required inspection as listed.

SUBJECT RESPONSIBLE INITIALS DATE OF

AGENCY OF AGENT INSPECTION

\_\_\_\_\_

Clearing of right-of

Way, and subgrade

preparation Road Comm. \_\_\_\_\_

Foundation material Road Comm. \_\_\_\_\_

Foundation placement Road Comm. \_\_\_\_\_

Drainage (below grade)

Installation Road Comm. \_\_\_\_\_

Water System Road Comm. \_\_\_\_\_

Binder Course Road Comm. \_\_\_\_\_

Drainage (at surface)

Installation Road Comm. \_\_\_\_\_

Berm Installation Road Comm. \_\_\_\_\_

Finish Course Road Comm. \_\_\_\_\_

Path Construction Road Comm. \_\_\_\_\_

Trees and planting Planning Bd. \_\_\_\_\_

Street signs and

Monuments Planning Bd. \_\_\_\_\_

Final clean-up Planning Bd. \_\_\_\_\_