

**Rules and Regulations
Governing the Subdivision of Land
Provincetown, Massachusetts
Adopted Under the Subdivision Control Law
Section 81K - 81 GG Inclusive
Chapter 41, General Laws
Provincetown Planning Board**

**Section I
Authority - Purpose**

A. Authority

Under the authority vested in the Planning Board of the Town of Provincetown by Section 81-0 of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Provincetown. Such rules and regulations shall supersede and replace any previously adopted Subdivision Control Law rules and regulations and may be amended in accordance with provisions of 81-Q of the General Laws.

B. Purpose (Section 81-M of Chapter 41 G.L.)

These rules and regulations have been established for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the Town of Provincetown by the regulating and laying out and constructing 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 the Planning Board and the 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 adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, street lighting and other requirements where necessary in a subdivision, and for coordinating the ways in a subdivision with each other and with the public ways in the town and with the ways in neighboring subdivisions.

**Section II
General**

A. Definitions

For the purpose of these Rules and Regulations, the following words and terms used herein are hereby defined or the meaning thereof explained, extended, or limited as follows:

BOARD: The Planning Board of the Town of Provincetown

MAJOR STREET: A street which in the opinion of the Board is being used or will be used primarily as a thoroughfare between different portions of the Town of Provincetown, or which will otherwise carry a heavy volume of traffic.

SECONDARY STREET: A street intercepting one or more minor streets, which in the opinion of the Board, is used or will be used to carry a substantial volume of traffic from a minor street (s) to a major street or community facility, and normally including the principal entrance street of a Type C subdivision or a group of subdivisions and the principal circulation streets within such subdivisions.

MINOR STREET: A street which in the opinion of Board is being used or will be used primarily to provide access to abutting lots, and which is designed to discourage its use by through traffic.

SUBDIVISION: A division of land into two or more lots in such a manner as to constitute "subdivision" as further defined in Section 81-L, Chapter 41 of the General Laws.

SUBDIVISION TYPE A: A subdivision of land in which there are not more than five (5) lots or potential lots

SUBDIVISION TYPE B: A subdivision in which there are more than five (5) and not more than twenty five (25) lots or potential lots.

SUBDIVISION TYPE C: A subdivision in which there are over twenty five (25) lots or potential lots.

WETLANDS: That area of land which may not be excavated or filled as of right and is subject to federal, state, county, or town regulations governing tidal lands, salt marshes, lakes, ponds, rivers, streams, and fresh water swamps.

BASE FLOOD ELEVATIONS: Zones as designated by the F.I.A., zones AI and VI designating ten feet (10') above mean sea level.

B. Plans Believed Not to Require Approval.

Only those which constitute "subdivision" as defined in Section 81-L of Chapter 41, General Laws, require approval of the Board. However, all plans, whether "subdivision" 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, unless a plan bears a certificate by a registered land surveyor that the property lines shown are the lines dividing existing ownership and the lines of streets and ways shown are those of public or private ways or streets already established, and that no new lines for division of existing ownership or for new ways are shown.

Anyone may submit a plan seeking endorsement that the plan does not require approval under the Subdivision Control Law. The plan and one copy (to be retained by the Board), a Form A (see appendix) must be submitted to the Board. A copy of the Form A must be filed (by delivery, registered or certified mail) with the Town Clerk. If the Board determines that the plan does not show a subdivision, it shall, without a public hearing, endorse the plan "approval under the Subdivision Control Law Not Required" forthwith. The Board will return the original of the plan to the applicant, notifying both him and the Town Clerk of its action. The Board may add to such an endorsement a statement of the reason approval is not required. Endorsement may be withheld only if the plan shows a subdivision. If the Board takes no action within twenty-one days of the submission, the plan is automatically deemed not a subdivision plan, and the Town Clerk may so certify.

Chapter 41 of the General Laws was accepted by the Town on February 10, 1947. Land under buildings standing before that date may be divided in the manner set forth in Section 81-L of that Chapter with no requirements as to building setbacks or street frontage.

The Board shall be notified by an owner or his agent of a forthcoming plan believed not to require approval at least one meeting before the plan is submitted for consideration. The purpose of this is to permit business in question to be entered on the agenda for the meeting, and to allow the Board to inspect the property prior to the meeting.

Anyone seeking endorsement of a plan not believed to require approval under the Subdivision Control Law must cite on the original plan the specific reference in Chapter 41 that permits such endorsement.

C. Subdivision: Lot Improvements or Sale.

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 Board as hereinafter provided.

D. Compliance with Zoning.

After the approval of such a subdivision plan, the location and width of ways shown thereon shall not be changed without the approval of the Board; but the number of lots shown on the plan so approved may not be increased, but may otherwise be changed without action of the Board, subject to the provisions of Section 7A, Chapter 40A, Mass. General Laws, provided every lot so changed still has frontage on a public way or a way shown on a plan approved by the Board; and provided that such frontage, size, and shape of the lot meet the latest requirements of the Zoning By-Laws of the Town of Provincetown.

**Section III
Procedure for the Submission and Approval of Plans**

A. Preliminary Plan

1. General

A Preliminary Plan of a subdivision may be submitted by a subdivider to the Board and to the Board of Health for discussion and approval, modification, or disapproval by the Board. The submission of such a Preliminary Plan will enable the subdivider, the Board, and the Board of Health, to discuss and clarify problems of such a subdivision before the Definitive Plan is prepared. Therefore it is recommended that a Preliminary Plan be filed in every case. When submitting a Preliminary Plan the subdivider shall follow the procedures listed below. The applicant shall give written notice to the Town Clerk by delivery or by registered mail that he has submitted such a Preliminary Plan, stating the day of each submission. The date of delivery or mailing, whichever method is employed, is to be considered the submission date. The written notice shall be accompanied by a copy of the completed Form B. A properly executed Form B shall also be filed with the Planning Board, along with three copies of the Preliminary Plan.

The developer may review his plan with the Highway Department, Water Department, Fire Department, Conservation Commission, and the Board of Selectmen for their comments. Review and comment on the Preliminary Plan by the Board of Health will be sought by the Planning Board in its review.

2. Contents.

The Preliminary Plan shall be drawn on tracing paper at a suitable scale. Said Preliminary Plan shall contain the following information about the subdivision, to provide a clear basis of discussion:

- a. The subdivision name, boundaries, north arrow, date, scale, legend, and the words "Preliminary Plan."
- b. The names of the owner of record and the applicant. Also included shall be the names of the engineer, or surveyor, and/or designer together with the names of all abutters within a radius of three hundred feet as determined by the most recent tax list.
- c. The existing and proposed right of way lines of streets, ways, easements, and public or common areas within the subdivision in a general manner.
- d. The proposed system of drainage, including adjacent existing wetlands, and waterways, in a general manner.
- e. The topography of the land, in a general manner.
- f. The approximate boundary lines of proposed lots with approximate areas and dimensions. Lots must be numbered consecutively
- g. The names, approximate location, and widths of adjacent streets.
- h. Proposed sewer and/or water lines.

- i. Proposed drainage pipes, structures, and easements.
- j. A locus plan of the subdivision at one inch equals one thousand feet, showing proposed roads and their relation to the surrounding areas.
- k. In the case of a Preliminary Plan of a subdivision covering less than all of the land owned by the subdivider in the area of the subdivision, an accompanying plan showing in a general manner the over-all proposed development of all the land owned by the subdivider in the area of the subdivision, and indicating the section for which approval is desired.
- l. During discussion of the Preliminary Plan the complete information required for the Definitive Plan and the financial arrangements will be developed.

3. Approval or Disapproval of a Preliminary Plan.

Within sixty days after submission of a Preliminary Plan, the 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 Board to approve or disapprove of the Preliminary Plan within sixty days shall be construed as approval.

B Definitive Plan

1. General

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

- a. With the Board
 1. An original drawing (linen) of the Definitive Plan and two contact prints thereof, dark line on white background. The original drawing will be returned after the approval or disapproval.
 2. Two copies of a properly executed Form C.
 3. A filing fee which shall be sufficient to cover the cost for review and inspection of the plan. and for publication of the legal notices of the hearing, but in no case less than the following:

For each Subdivision Type A, twenty five dollars (\$25.00)

For each Subdivision Type B or C. fifty dollars (\$50.00 plus two dollars (\$2.00) per lot.

Check or money order to be made payable to the Town of Provincetown.

- b. With the Town Clerk
 1. delivery or registered mail, a notice stating the date of the submission of the plan for such approval.
 2. A copy of the completed application Form C.
- c. With the Board of Health
 1. A copy of the Definitive Plan
 2. One copy of the completed application Form C.

2. Contents.

The Definitive Plan shall be prepared by a Registered Professional Engineer or Land Surveyor and shall be drawn to a scale of one inch equals forty feet, or such other scale as the Board may accept to show details clearly and legibly. The Definitiv Plan shall contain the following information:

- a. Subdivision name, date, boundaries, north point, scale, and file number assigned.
- b. Name and address of the owner of record, applicant, and engineer or surveyor.

- c. Names of all abutters within a radius of three hundred feet as determined from the most recent tax list.
- d. Existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision. (The names of proposed streets will be shown in pencil until they have been approved by the Board.)
- e. Location, names, and present widths of streets and ways bounding, approaching, or within a reasonable proximity of the subdivision.
- f. Sufficient data to determine readily the location, direction and length of every street and way line, lot line, and boundary line and to establish these lines on the ground.
- g. Location of all permanent monuments properly identified as whether existing or proposed.
- h. Boundary lines, areas, dimensions of proposed lots, with all lots designated numerically and in sequence.
- i. Suitable space to record the action of the Board and the signatures of the members of the Board, space for certification of the Town Clerk, as required, and a Registered Professional Engineer' certificate, which shall read as follows:

"I hereby certify that this plan was made in accordance with Provincetown Planning Board instructions, and that the permanent points shown on the plan are in existence on the ground."

Date

Registered Professional Engineer

- j. Width and location of existing and proposed roadways and sidewalks within reasonable proximity of the subdivision.

Items k, l, m, and n, may be submitted on the same sheet as the Definitive Plan or on separate sheets. If multiple sheets are used, they shall be accompanied by an index sheet.

- k. Proposed system of storm drainage including all appurtenances.
- l. Existing and proposed topography at a suitable contour interval if required by the Board.
- m. Separate plan and profiles of every street, showing the following data:
 - 1. exterior lines of the way, with sufficient data to determine their location, direction, and length.
 - 2. existing centerline profiles with elevations at fifty foot intervals, except where there is a vertical curve, the elevation shall be shown every twenty five feet, in general to be shown as dashed lines and each line properly labelled. Also, to be shown is a typical cross section of every street drawn at a suitable scale. Existing centerline profile for intersecting streets shall be shown for at least one hundred feet from each side of the Intersection of street centerlines.
 - 3. existing watercourse, ponds, and wetlands to be indicated.
 - 4. all drainage facilities to be shown on plan, and to be shown on profiles in red, showing sizes, invert elevations, and slopes.
 - 5. locations and sizes of all water mains to be shown, along with hydrants and maingate valves.
 - 6. location of gas and cable facilities, if any.

7. location of the following, as applicable; street paving, sidewalks, street lighting standards, curbs or gutters, and fire alarm boxes.
 8. all plans and profiles shall be drawn to suitable scale, as determined by the Engineer.
 9. elevations shall refer to USGS datum when available. The location of the F.I.A. base flood elevation must be shown in a heavy line on plans and profiles; if encountered, the location must be shown of the boundaries of the AI and VI zones as designated by the F.I.A. Flood Hazards Boundary Maps, numbers 25-001-105, 0 through 5, on file with the Town Clerk, the Planning Board, the Building Inspector, and the Board of Health.
 10. a copy of the drainage calculations and traverse notes shall be furnished to the Board upon request.
- n. A locus plan of the subdivision showing the relationship of the subdivision to the surrounding areas at one inch equals one thousand feet scale.

3. Review by the-Board of Health as to Suitability of the Land.

Should the Board of Health be in doubt as to whether any of the land in the subdivision can be utilized for building purposes without injury to the public health, upon its review of the Definitive Plan, it shall so notify the Planning Board, in writing within forty five days of the application date. Any approval of the Plan by the Planning Board shall then only be given on the condition that the lots or land as to which such doubt exists shall not be built upon without prior consent of the Board of Health, and shall endorse the plan with such conditions, specifying the lots of land to which said conditions apply.

All building lots unserved by municipal sewer shall be provided with a "sewerage disposal system" satisfactory to the Board of Health.

4. Performance Guarantee

The Board shall require, before endorsement of its approval of a Definitive Plan of a subdivision, that the subdivider shall agree to complete the required improvements specified in Section V according to his plans and profiles, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant;

- a. Approval with Bonds or Surety:
The subdiviler shall either file a performance bond or deposit money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of the improvements shown on his plans. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties, by the Selectmen, and shall be contingent on the completion of such improvements within a time set by the Board, which may also, at its discretion, grant a time extension.
- b. Approval with Covenant:
The subdivider shall file a covenant acceptable to the Board, and approved as to form and manner by the Town Counsel, executed and duly recorded with Barnstable County Registry of Deeds by the owner of record, running with the land, whereby such ways and services as shown on his plans shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed provided that a mortgagee acquires 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 to that portion of this covenant which provides that no lot shall be built upon unless or until such

ways and services have been provided to serve such lot. The penal sum of any such bond, or the amount of any deposit held as a performance guarantee may, from time to time, be reduced by the Board and obligations of the parties thereto released by said Board in whole or in part.

5. Public Hearing.

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board. Notice of such hearing shall be given by the Board in advertisement in a newspaper of general circulation in the Town of Provincetown, once in each of two successive weeks, the first publication being not less than fourteen days before the date of the hearing, and by mailing a copy of such advertisement to the applicant. A copy of the Definitive Plan must be in the Town Clerk's office fourteen days before the public hearing.

It shall be the responsibility of the applicant to mail a, copy of such advertisement by certified mail with return receipt, to all of the owners of land abutting, and within a radius of 300 feet, of the land listed in such plan as appearing on the most recent local tax list. The applicant is to present to the Board at the time of the hearing or before, the collection of certified mail return receipts and an identical listing of abutters certified by the Town Assessor

6. Certificate of Approval.

Within sixty days following submission of the Definitive Plan, the Board shall act on such plan. The action of the 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 Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. 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 Action of the Board with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. Following the signing of the Plan by the Board, the applicant shall insure that the Board has a reproducible copy of two contact prints of the Plan for its own files. The Board shall provide the applicant with a completed Form D.

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

7. Recording of Plan

Within ten days after the Definitive Plan as approved or endorsed has been recorded at the Barnstable County Registry of Deeds, and in the case of registered land, with the Assistant Recorder of the Land Court, the applicant shall notify the Board in writing of such recording. Upon receipt of notification of such recording, the Board shall file one print of the Definitive Plan with the Building Inspector. In accordance with the statute, where approval with covenant is noted thereon, he shall issue no permit for the construction of a building on any lot within the subdivision except upon receipt from the Board of a copy of the certificate of Release of Covenant releasing the lot or lots in question.

8. Release of Performance Guarantee.

Upon completion of improvements shown on the subdivider's plans, security for the performance of which was given by the bond, deposit, or covenant, or upon the performance of any covenant with respect to any lot, the subdivider shall send by registered mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with such bond, deposit, or covenant, has been given, has been completed in accordance with these Rules and Regulations, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Board. If the Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the

Applicant and the Town Clerk the details wherein the said construction and installation fails to comply with these Rules and Regulations. Upon failure of the 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 the 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 Board action or without the return and release of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

9. Evidence of Satisfactory Performance.

Before the Board will release the interest of the Town in a performance bond or deposit, or in the case of approval with a covenant, issue a release of covenant:

a. The applicant shall file with the Board a certificate prepared by a Massachusetts Registered Professional Engineer stating that the work has been completed, as per the approved Definitive Plan. Said certificate shall show all pavement, sidewalks, bounds, poles, private underground utilities, storm drainage, and water mains and appurtenances all in relation to the approved right-of-way. Certification shall be by the engineer employed by the applicant at his own expense, and shall indicate by a statement on the plan that "all streets, sidewalks, sewers, storm drains, and water mains, and their appurtenances, shown have been constructed in accordance with the lines and grade of the approved plan or the approved revised plan and are accurately located as shown hereon."

b. The Board shall obtain, in writing, from the Water Commissioners and the Sewer Commissioners and the Water Department and/or Health Agent, a statement that they have inspected and the applicant has completed each water main and sanitary sewer and their appurtenances in accordance with the requirement of these Rules and Regulations, and they have approved the methods of construction and materials used in the performance of such work.

Section IV Design Standards

A. Streets

1. Location

- a. All streets in the subdivision shall be designed so that they will provide for safe vehicular traffic.
- b. Provision satisfactory to the Board shall be made for the proper projection of streets, and for access to adjoining property, which is not yet subdivided.
- c. Street and open space configuration shall be designed to minimize the number of lots having frontage exclusively on major streets.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Board, such strips shall be in the public interest.

2. Alignments.

- a. Street jogs with centerline offsets of less than one hundred and twenty five feet (125') should be avoided.
- b. The minimum centerline radii of curved streets shall be one hundred feet (100'). Greater radii may be required for major streets.
- c. 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 sixty degrees (60).

- d. Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than twenty five feet (25').

3. Width.

- a. The minimum width of street rights-of-way shall be as follows:

Minor Streets	28 feet
Secondary Streets	30 feet
Major Streets	40 feet.

Greater width shall be required by the Board when deemed necessary for present and future vehicular traffic.

4. Grade

- a. The centerline grade for any street shall not be less than eight tenths of one percent (.8%) and a maximum grade of eight percent (8%).
- b. Where unusual topographic conditions exist, the Board may permit steeper grades on minor streets, but in no case greater than twelve percent (12%) , and on secondary streets no greater than ten percent (10%).
- c. Each lot shall have egress over streets with centerline grades not lower than base flood elevations.

5. Dead End Streets.

- a. Dead end streets, whether temporary or permanent, shall not be longer than 400 feet, unless in the opinion of the Board, a greater length is necessitated by topography or other local conditions.
- b. Dead end streets shall be provided at the closed end with a circular turn turn-around having an outside roadway diameter of at least ninety feet (90') and a property line diameter of at least one hundred ten feet (110').
- c. Temporary turn-arounds shall be used where logical future projections of streets are feasible. These temporary turn-arounds shall have the same dimensions as the circular turn-around (cul-de-sac). The permanent right-of-way shall extend to the property line (subdivision perimeter line). "T" type turn-arounds are not permitted.

6. Sight Distances

- a. Forward sight distances shall not be less than one hundred feet (100') on minor streets, one hundred fifty feet (150') on secondary streets, and four hundred fifty feet (450') on major streets.

B. Easements

1. Easements deeded to the Town and maintained by the Town for utilities across lots or where centered on rear or side lot lines shall be at least twelve feet wide (12').
2. Where a subdivision is traversed by a water course, drainage way, channel, stream or Cape Cod Mosquito Control Ditch, the Board may 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 courses, drainage ways, channels, streams or ditches, and to provide for construction of other necessary purposes.
3. Drainage easements outside of the area of the subdivision but occasioned by it, may be required of the subdivider.
4. Slope easements shall be provided where cut or fill slopes cannot be contained within the street right-of-way.

5. Easements shall be submitted to the Board for review prior to the public hearing.

C. Open Spaces.

Before approval of a Subdivision Type C plan, the Board may require the plan to show a park or parks suitably located for a playground, recreational purposes, or common landing place, or for providing light and air. The park, parks, or landings, shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land; with said park, parks, or landings being no greater than $1/n$ times the total area of the lots in the subdivision, with n equal to the number of lots. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park, parks, or landings without its approval for a period of three years. Such parks or landings shall be for the enjoyment of the citizens of Provincetown where they border on public ways.

D. Drainage

1. Storm drains, 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 runoff along streets at intervals reasonably related to the extent and grade of the area drained. To a maximum extent deemed feasible, stormwater shall be disposed of by subsurface leaching rather than piped to surface waters, except in developments wherein each lot contains at least 22,000 square feet and there is an abundance of vegetation or wooded area, blacktopped waterways carrying surface water off the roadways are permissible, provided that no accumulation of water results except in designated ponding areas.
2. Storm sewers and leaching basins shall be based on a fifteen (15) year frequency storm, and water velocities shall be between two feet (2') and ten feet (10') per second. Culverts shall be based on a fifty (50) year frequency storm. Storm drainage systems shall also be based upon coastal flooding to ten feet (10') above mean sea level and shall employ tide gates, back flow valves, or other devices as necessary to avoid damage from reverse circulation of flood waters.

E. Pedestrian Circulation

Whenever, in the opinion of the Board, traffic, proximity to public land or recreational facilities, or continuation of abutting pathways reasonably requires them, sidewalks within the street right-of-way or within special rights of way not in excess of eight feet (8') reserved for pedestrian travel shall be provided.

Section V Required Improvements

The following improvements shall be made without expense to the Town, and consistent with the typical street cross sections included in the Appendix of these Regulations. All work performed by the applicant as a consequence of these Rules and Regulations will be subject to review and acceptance or approval of the Board. Therefore, the Board may employ a Registered Professional Engineer or Land Surveyor to act as its agent for the inspection of the work as required by these Rules and Regulations, which would be charged to the subdivider.

A. Street Grading

1. The width of the pavement and shoulders (right-of-way) shall be cleared of all stumps, brush, roots, boulders, trees, and like material, not intended for preservation. All such materials shall be disposed of outside the subdivision, unless authorized by the Board.

2. All materials not suitable for the foundation shall be removed from an area ten feet (10') wider than the paved width (five feet from each shoulder) and to a depth of at least nine inches (9") below finished grade. Peat, silt, loam, or similar yielding materials shall be removed to a firm foundation for full width of the right-of-way. No loam suitable for reuse shall be removed from the subdivision, without the approval of the Board.
3. No slopes resulting from grading of streets shall exceed one foot vertical to two feet horizontal in fill and in cut. Slope easements or retaining walls shall be employed where slopes cannot be contained within the street sidelines. Land between the outside of the layout and the street pavement, and the driveway entrances, shall be so graded as to prevent surface water on the street from draining onto private land except as designated ponding areas.
4. Travelled ways and shoulders shall be provided with a foundation consisting of at least six inches (6") compacted thickness of good binding gravel satisfactory to the project Engineer, clean, free of organic matter, and containing no stones over three inches (3") in diameter, or four inches (4") of loam or clay hardening, dense rated gravel, or the equivalent. 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.
5. The wearing surface of roadways and driveways within the right-of-way shall be a two course Type I bituminous concrete pavement (native stone aggregate allowed) applied with a two inch (after compaction) base course and one inch finish course, in accordance with Mass. Dept of Public Works Standard Specification 460, after the roadway has been subjected to traffic for a time specified by the Town Engineer.
6. The subdivider shall furnish the Board with a report from a materials testing engineer on samples of bituminous concrete pavement collected by the project Engineer at the time pavement is applied. No bituminous work shall be done during rainy weather, upon surface where water is ponding, when weather conditions as to temperature must be no lower than 34° F. and rising and/or when frost is on the ground.
7. The pavement width, exclusive of curbing or berms, shall be as follows:

Minor Street	20 feet
Secondary Street	22 feet
Major Street	26 feet.
8. Pavement shall be centered within the right of way.
9. Molded bituminous berms two feet (2') in width or paved gutters shall be installed wherever pavement grades exceed two percent (2%).

B. Sidewalks

1. Where required, sidewalks shall be four feet (4') in width.
2. Preparation of the base shall be accomplished by removing material to a depth of at least six and one half inches (6-1/2") below finished design grade. Any further soft spots shall be removed and the excavated area filled with gravel or hardening to subgrade two and one half inches (2-1/2") below finished grade. The sidewalks shall slope toward the street with a slope of one quarter inch (1/4") per foot.
3. Surfacing shall continue the material of connecting sidewalks, or where they do not exist, shall be either a two course two and one half inch (2-1/2") Type I bituminous concrete pavement, one inch (1") peastone or washed stone surface, or other material specifically approved by the Board.

C. Utilities

1. A complete storm drainage system shall be installed as follows:

- a. Piping shall be concrete unless protected corrugated aluminum as approved by the Board. Piping with less than thirty six inches (36") cover shall be of reinforced concrete.
 - b. Catchbasins and manholes shall be at least six feet (6') deep and five and one half feet (5-1/2') in diameter (inside measurement). They shall be constructed of precast concrete units. Such units shall be backfilled with one and one half inch (1-1/2") washed stone surrounding the unit for a minimum, of one foot (1') to within four inches (4") of the top. The remainder is to be backfilled with peastone and covered with tarpaper, except in developments wherein each lot contains at least 22,000 sq. feet and there is an abundance of vegetation or wooded area, blacktopped waterways carrying surface water off the roadways are permissible, provided that no accumulation of water results except in designated ponding areas.
 - c. The Board may require that drainage ditches shall be shaped to a cross section and gradient and provided with stream hardening all acceptable to the project Engineer.
 - d. Open ends of culverts and storm drains shall have masonry, rip rap, or concrete headwalls.
2. All wiring, cables, and other appurtenances of electric power, telephone, cable television and fire alarm systems as applicable, shall be placed underground within the limits of a street right-of-way, except in situations where such underground installations would, in the opinion of the Board, cause undue hardship by reason of topography, subsoil conditions, or other site peculiarities, or by reason of the existing development pattern. All underground wiring cables shall be not less than thirty inches (30") below finish grade. All installation of such utilities must be consistent with the specifications and requirements of the utility company involved. This requirement shall not apply until October 1, 1980, and shall apply only to subdivisions of six or more lots. All underground utility systems, including power and communications, shall have their above ground appurtenances designed to avoid system interruption, or damage in the event of flooding to base flood elevation.
 3. A complete water system shall be installed, including mains, gates, valves, and hydrants, consistent with the specifications and pipe size of the Water Department and the Water Commissioners. Before making connection with the municipal water system, the developer shall agree to comply with all appropriate regulations of the Water Department and the Water Commissioners. No Definitive Plan shall be approved by the Planning Board unless each lot therein falling within AI and VI zones as designated by the FIA will be served by water and sanitary disposal systems certified by the Board of Health to be so designed as to neither be impaired by nor contribute to contamination in the event of flooding to base flood elevation.
 4. Fire hydrants shall be located as close as possible to the outside of the right-of-way. Water mains shall be located six feet (6') horizontally in from the edge of the right-of-way on the side selected by that utility, gas mains in three feet (3') from the edge of the right-of-way, and telephone, electricity, and any other communications cables as applicable located in a single trench six feet (6') in from the opposite side of the right-of-way.

5. Cutting of existing pavement should be avoided and where possible, all utilities are to be sleeved or pushed.

D. Monuments.

Monuments shall be installed at all street intersections, all points of change in directions or curvature of street, or at other points, where in the opinion of the Board, permanent monuments are necessary. Such monuments shall be at least five inches by five inches by thirty two inches (5"x5"X32") of concrete or granite. No permanent monuments shall be installed until all construction which would disturb or destroy the monuments is completed. Within areas falling within AI and VI zones as designated by the FIA, granite monuments shall be set indicating base flood elevations at each point on the street sideline where such elevation is encountered.

E. Street Signs.

When the road surfacing and grading are completed, a street or road sign, white letters on green board, not exceeding six inches by twenty four inches (6" x 24") shall be installed on a post at the intersection of any new road or way with existing town ways, and at all intersections within the subdivision. The Fire and Police Departments shall be notified in writing of the names and locations of all new ways. Such notification is to be made by the subdivider.

F. Cleaning Up.

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

G. Other Requirements.

1. Planting. Existing trees, which in the opinion of the Board are suitable for street trees, shall be preserved. Trees to be retained within required front yard areas shall not have the grade over their root areas changed more than six inches (6"), except with the explicit approval of the Tree Warden. All unpaved areas within the layout lines shall be surfaced with not less than four inches (4") of quality topsoil, seeded and rolled to the satisfaction of the Board (or stabilized with bark, pine needles, and/or other vegetative materials on slopes of not more than twenty five percent (25%).
2. Inspections. Inspections shall be carried out at appropriate times during the improvement of the subdivision as indicated in Inspection Check List, Form E. The subdivider shall notify the responsible agency and the Planning Board three days before carrying out each operation to be inspected. The responsible agency shall appoint a competent person or shall make arrangements with a professional person or firm to carry out such inspection or the Board may accept the certification of a professional Engineer. Any cost resulting from such Inspection shall be borne by the subdivider.
 - a. Excavation and Subgrade Preparation: The right-of-way shall be cleared as specified.
INSPECTION #1 - Clearing of right-of-way.
 - b. Subgrade of Roadway - The subgrade shall be prepared as specified.
INSPECTION #2 - Subgrade preparation.
 - c. Installation of Utilities - Storm and surface drains shall be installed as specified and in conformity with the Definitive Plan
INSPECTION #3 - Drainage (below grade) installation.
INSPECTION #9 - Drainage (at surface) installation.
Water mains and related equipment including fire hydrants shall be installed as specified and in conformity with the Definitive Plan.

- INSPECTION #4 - Water Installation
A fire alarm system shall be installed as specified and in conformity with the Definitive -Plan.
- INSPECTION #5 - Fire Alarm Installation.
- d. Gravel Base - The gravel base shall be laid as specified.
INSPECTION #6 - Gravel Base.
- e. Curb and Berm Installation - all curbs and berms shall be installed as specified and required by the Definitive Plan.
INSPECTION #7 - Curb Installation
INSPECTION #10 - Berm Installation
- f. Pavement Construction - all pavement shall be installed as specified and as required by the Definitive Plan.
INSPECTION #8 - Binder Course
INSPECTION #11- Finish Course
- g. Sidewalk Construction - Sidewalks shall be installed as specified.
INSPECTION #12 - Sidewalk Construction
- h. Trees and Planting - Street trees shall be installed as specified
INSPECTION #13 - Street Trees and Planting.
- i. Grass Strips - grass strips shall be installed as specified.
INSPECTION #14 - Grass Strips
- j. Street signs and monuments - street signs and monuments shall be installed as specified.
INSPECTION #16 Street signs and Monuments.
- k. Street Lights - Street lights shall be installed as required by the Planning Board.
INSPECTION #15 - Street Lights.
- l. Final Clean-up. - Final Clean-up shall be accomplished.
INSPECTION #17 - Final Clean-up.
- m. Maintenance - Streets and appurtenances shall be maintained as specified.
INSPECTION #18 - Maintenance.

Section VI Administration

A. Variation

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

B Business

All business before the Board requiring the vote or the signatures of the Board, shall be conducted at regular, special, or otherwise designated legal meetings, at a place in which a quorum of the Board is present.

C. Reference.

For matters not covered by these Rules and Regulations, reference is made to Sections 81K to 81GG inclusive, of Chapter 41 of the General Laws of Massachusetts.

Provincetown Planning Board

George D. Bryant, Chairman
Jeffrey N. Parker, Clerk
Chester G. Peck, Jr.
Catherine C. Saffron
Approved December 16, 1975