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AMENDMENTS TO THE BOARD'S RULES AND REGULATIONS GUIDELINES FOR PROTECTION OF OPEN SPACE WITHIN SUBDIVISION DEVELOPMENTS (DRAFT)

The Southborough Planning Board has established the following Rules and Regulations guidelines to reflect the importance of preservation and protection of Open Space ("OS") in the Town of Southborough. These Rules and Regulations guidelines will not only benefit the Town, but also benefit applicants by providing them with a process for Town inspections during development, thereby ensuring compliance with Approvals issued by the Planning Board ("PB"). These guidelines also serve to promote the interest of future residents of new developments, insofar as boundary lines will be clearly and permanently identified and delineated, thereby removing any future uncertainty concerning land ownership.

- 1) Prior to the commencement of construction in areas adjacent to OS (e.g. land clearing, grading, installation of infrastructure etc.), construction fencing shall be installed (staggered with wildlife gaps as appropriate) between OS and disturbed areas to act as a visual barrier. Fencing shall be shown on a plan approved by the Planning Board and when installed shall be inspected by the PB's consulting engineer prior to the commencement of any work. Installation of fencing may be allowed in phases of construction if approved by the PB. Open Space may not be part of the staging area during construction.
 - (a) If open space is down gradient, silt fencing shall be installed and in areas where open space is uphill, orange construction fencing shall be installed.
- 2) Prior to the issuance of an Occupancy Permit ("OP"), any portions of a lot touching open space shall be permanently marked with granite bounds or reinforced concrete at least three (3) feet long and six (6) inches square in cross section and shall be set under the supervision of a registered land surveyor with the top flush with the ground at corner points and changes in direction and boundary markers such as an iron pin, rebar, galvanized steel or feno spike with caps marked "OS" every 100' between corner points and changes in direction for portions of the lot touching the open space and shall be inspected by the Planning Board's designee to determine that there are no encroachments.
 - (a) If requesting an occupancy permit during inclement weather (snow coverage or frozen ground) the planning board may consider accepting a bond sufficient to ensure boundary markers are installed. Construction fencing must remain installed until permanent boundary markers are installed.
- 3) Portions of open space not touching individual lots require boundary markers such as an iron pin, rebar, galvanized steel or feno spike with caps marked "OS" at corner points and changes in direction and every 100' between corner points and changes in direction unless waived by the Planning Board (in certain situations where a stone wall is a natural boundary or adjacent to other open space). Additionally open space conveyed to the Southborough Conservation Commission or others may require additional identification markers and shall be installed by the developer on trees and posts on the perimeter of the open space and access areas and any trails as recommended by the Conservation Commission and others;
 - (a) Boundary Markers for this portion of the Open Space must be installed prior to conveyance to the designee or sooner if conditioned by the Planning Board.

Comment [JB1]: Fencing needs to be installed in areas with active construction. Someone suggested that we state how many feet away the construction is from open space e.g. 100', 50' etc...

Comment [JB2]: The Board could consider saying that each development is unique so the board has the authority to allow waivers for any of these conditions.

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- 4) Prior to the conveyance of OS and/or release of the bond or road acceptance the Planning Board's designee(s) shall conduct a site inspection of the open space to confirm that no encroachments have occurred. A report shall be filed with the Planning Board by the party conducting the inspections.
- 5) Encroachments in violation of the conditions of the decision of the PB should be reported to the Building Commissioner for enforcement and reported to the designees of the OS (Trust, Conservation Commission etc.)
6. Prior to the request for release of performance guaranties and/or conveyance of the OS, the applicant shall submit to the Board three (3) copies of as-built plans bearing a certification by a registered land surveyor or registered civil engineer that bounds conform exactly to the approved plans and the actual as-built locations.

Approved:

Planning Board Chairman,

Dated:

*** e.g. Town Planner, Planning Board Consulting Engineer, Conservation Administrator/Commission, Open Space Preservation Commission, Home Owners Association, Building Inspector, Sudbury Valley Trustees, Southborough Open Land Foundation (SOLF) etc.