



SUBDIVISION REGULATIONS BROOKLINE, MA

*Department of Planning and Community Development
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Brookline, MA 02445
(617) 730-2130*

**RULES
REGULATIONS
AND REQUIREMENTS
WITH RESPECT TO THE
PLATTING OF SUBDIVISIONS AND THE
CONSTRUCTION OF WAYS THEREIN
JUNE 12, 1968**

**PLANNING BOARD
BROOKLINE, MASSACHUSETTS**



TOWN of BROOKLINE
Massachusetts

PLANNING BOARD

HERBERT L. SHIVEK, Chairman
MICHAEL D. CUTLER
ROBERT H. De VRIES
BRUCE W. HAMBLIN Jr.
TARA R. LANGERMAN

MARCH 1, 1990

AMENDMENTS TO SUBDIVISION RULES

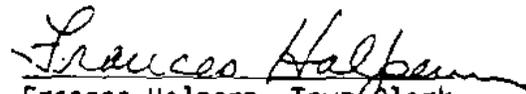
At its meeting on March 1, 1990, after a duly-noticed public hearing, the Brookline Planning Board amended Section 9 of the Planning Board's Subdivision Rules to read as follows:

Section 9 Fees. The following filing fees shall be paid to the Town of Brookline upon submission of the plans listed below:

- (a) Plan requiring endorsement but not approval -
where lot lines are changed but no new lots are created \$100
- (b) Plan requiring endorsement but not approval -
where new lots are created \$100 + \$200 ea. new lot
- (c) Record or definitive plat \$200 per lot

Note: These filing fees are in addition to the inspection fee required in Section 4 (e).

A true copy: ATTEST


Frances Halpern, Town Clerk



TOWN OF BROOKLINE

SUBDIVISION CONTROL LAW

TOWN OF BROOKLINE

Rules, Regulations and Requirements of the Planning Board with Respect to the Platting of Sub-Divisions and the Construction of Ways Therein

The following rules, regulations and requirements with respect to the platting of subdivisions and the construction of ways therein have been adopted by the Planning Board of the Town of Brookline by virtue of the authority granted by General Laws, Chapter 41, Section 81 Q.

Section 1. Definitions. For the purposes of these rules, regulations and requirements, the following words and terms used herein are hereby defined or the meaning thereof is explained, extended or limited as follows:

Applicant. A person who applies for the approval of a plat of a subdivision, and shall include one or more persons, a group or association of persons, a partnership and a corporation.

Board. The Planning Board of the Town of Brookline.

General Laws. The Subdivision Control Law, Chapter 41, Secs. 81 K-81 GG of the General Laws with all additions thereto and amendments thereof. In case of a re-arrangement of the General Laws of the Commonwealth, any citation of particular sections of the General Laws shall include the corresponding sections in the new codification.

Lot. An area of land in one ownership, with definite boundaries ascertainable or to be ascertainable of record, and used, or set aside and available for use, as the site of one or more buildings and buildings accessory thereto or for any other definite purpose.

Major Way. A way which, in the opinion of the Board, is being or will be used primarily as a thoroughfare between different cities and towns or is carrying or will carry an exceptionally great amount of traffic.

Minor Way. A way which, in the opinion of the Board, is being or will be used primarily to provide access to the lots abutting upon such way, and which will not be used to any great extent as a thoroughfare or carry any great amount of traffic.

Owner. As applied to real estate, the person, as herein defined, having the ultimate fee simple title as shown by the record in the Registry of Deeds, and the Registry of Probate.

Person. This term shall include an individual, two or more individuals, a group or association of persons having common or undivided interests in a tract of land, a partnership and a corporation.

Planning Board. The Planning Board of the Town of Brookline, and, when warranted by the context, shall include its predecessor, the Board of Survey.

Public Utilities. This term shall denote sewers, surface water drains, water pipes, gas pipes, electric lines, telephone lines, police and fire alarm lines, and their appurtenances.

Record Plat. The proposed definitive plat of a subdivision, to be recorded in the Registry of Deeds when approved by the Planning Board, and such plat when approved and recorded.

Secondary Way. A way which, in the opinion of the Board, is being or will be used primarily as a thoroughfare from one part of the town to another or to an adjacent city or town, or to connect two major ways, and which is carrying or will carry a substantial amount of traffic.

Standard Specifications of the Brookline Department of Public Works. The Standard Specifications for Highways and Bridges, Edition 1965, by the Massachusetts Department of Public Works, as amended, used by the Brookline Department of Public Works

together with the Standard Construction Details on file in the office of the Engineering Division of the Brookline Department of Public Works.

Subdivider. A person undertaking the subdivision of a tract of land.

Subdivision. The division of a tract of land into two or more lots, as more specifically defined in the General Laws.¹

Way, Width of. The width of a way shall be the width of the strip of land acquired or dedicated for the use of such way.

Section 2. Approval of Subdivision Required. No person shall undertake the subdivision of any lot, tract or parcel of land within the town, or proceed

¹The definition of subdivision contained in Chapter 41 Section 81 L of the General Laws as of the date of adoption of these regulations is as follows:

"Subdivision" shall mean the division 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 or 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 city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

ANR
APPROVAL NOT REQUIRED

with the improvement or sale of lots in a subdivision or the laying out and construction of ways therein, unless a record or definitive plat of such subdivision has been approved by the Planning Board as hereinafter provided.

Notwithstanding the foregoing, the recording of a plan of land within the town in the Registry of Deeds of Norfolk County prior to March 18, 1924, showing the division thereof into existing or proposed lots, sites or other divisions and ways furnishing access thereto, shall exempt such land from the application of this section with respect to such lots, sites and divisions as have been sold and are held in ownership separate from that of the person or persons owning the remainder of the land so divided, and with respect to ways and parts of ways in which rights of way appurtenant to such lots, sites or divisions have been expressly or impliedly granted, and with respect to lots, sites and divisions fronting upon such ways or parts of ways.

Section 3. Preliminary Plat or Plan.² A person, before submitting his definitive plat for approval, may at his own election submit to the Board a preliminary plat showing his proposed subdivision in a general way. The submission of a preliminary plat is not required, but is strongly advised, except in the simplest and least controversial cases.

The preliminary plat may be drawn on paper with pencil, preferably on a scale of one inch to each hundred feet, shall be filed in duplicate and shall show:

- (a) Name (if any) of subdivision, north point, date and scale.
- (b) Name and address of owner, subdivider and designer, engineer or surveyor.
- (c) Names of all owners of abutting real estate, as they appear in the most recent town tax list.
- (d) The names, widths and exterior lines of existing ways, public and private, the boundaries of existing areas dedicated to other public uses, the location and character of other easements, public or private, within or adjacent to the subdivision, the exterior lines of proposed public ways and other

²This conforms to the definition of Preliminary Plan in the General Laws Chapter 41, Section 81 L.

public places or areas within the subdivision shown on the Master Plan of the Town as desirable, but not yet laid out or established, and of the ways and parks which the applicant proposes to locate within the subdivision.

(e) Proposed system of drainage.

(f) The location of all present and proposed water and gas pipes, electric and telephone wires, and fire and police alarm wires, and their appurtenances.

(g) Proposed lots and lot lines, with approximate areas and dimensions.

(h) Topography, with two (2) -foot contour intervals, when required by the Board.

(i) Profiles of proposed ways, when required by the Board, on a horizontal scale of fifty (50) feet to an inch and on a vertical scale of five (5) feet to an inch.

Items (h) and (i) may be submitted separately, and if they are required by the Board, the plat will not be deemed to be before the Board until they are submitted.

The preliminary plat, if submitted, will be studied by the Board to determine whether it is in compliance with the requirements of design adopted by the Board. Within sixty (60) days after submission, the Board will tentatively approve, disapprove, or approve with modifications the preliminary plat, noting thereon its action on the plat and any changes which should be made. Failure of the Board to act upon a preliminary plat within sixty (60) days after submission thereof shall be deemed to constitute tentative approval of such plat.

Tentative approval of a preliminary plat shall not become final until after a record or definitive plat has been submitted and approved as hereinafter provided.

Section 4. Record or Definitive Plat — Procedure

(a) **Application.** An application for final or definitive approval of a plat of a subdivision shall be made upon a form approved by the Board and shall be signed by the owner or owners of all of the land within the proposed subdivision. The application shall state all easements, restrictions and mortgages to which the land within the subdivision is subject and

all easements and restrictions appurtenant to such land over the land of others. If a preliminary plat of the same subdivision has been approved by the Board, the application for final or definitive approval shall conform to the preliminary plat as approved and shall be filed within three months from the date of the approval of the preliminary plat. The application shall be accompanied by an original drawing of the proposed record plat, prepared as hereinafter prescribed, and two (2) prints thereof, a profile plan of proposed ways, a contour map, if required, and a designer's certificate, all on the forms or in the manner hereinafter prescribed, ~~and a fee of \$25.00 to cover the cost of giving notice of a public hearing on the application.~~

Every applicant shall state in his application the time within which the ways in the subdivision will be completed and the public utilities installed therein, which time shall not be greater than two years from the date of approval of the plat unless the Board, at the time of approval, allows additional time with respect to all or a specified portion of such ways; but nothing herein shall prevent the Board, in a proper case, from subsequently extending the time of such completion and installation.

The applicant, before submission of his application, shall have obtained, from the agency and for the facilities as listed below, the approval of sizes, locations and other pertinent provisions for proposed facilities and verification of the sizes and locations of existing facilities:

The Water Division of the Brookline Department of Public Works, water pipes and appurtenances.

The Engineering Division of the Brookline Department of Public Works, sewers and surfaces water drains and appurtenances.

The Fire Department, fire and police alarm wires and appurtenances.

The Boston Consolidated Gas Co., gas pipes and appurtenances.

The Boston Edison Co., electric wires and appurtenances.

The N. E. Tel. and Tel. Co., telephone wires and appurtenances.

Any other utility corporation or agency, the facilities owned or controlled by it.

(b) **Reviewing of Director of Public Health as to Suitability of Land.** At the time of filing of the definitive plat, the applicant shall also file with the Brookline Director of Public Health two copies of said plat. The Director of Public Health shall, within forty-five (45) days after filing of the plat, report to the Planning Board in writing his approval or disapproval. In the case of disapproval, the Director of Public Health shall make specific findings as to which, if any, of the lots shown on the plat cannot be used for building sites without injury to the public health and include such findings and the reasons therefore in such report and, where possible, shall make recommendations for the adjustment thereof.

(c) **Hearing.** Before approval of a record or definitive plat is given, a public hearing shall be held by the Board. The date assigned for such hearing shall be not more than sixty (60) days from the filing of the application, unless the applicant requests in writing a later date. Notice of the hearing shall be given at least fourteen (14) days prior thereto, by advertisement in a newspaper of general circulation in the town and by sending a copy of such advertisement by certified mail, return receipt requested, to all owners of real estate abutting upon the land included in such plat or lying within 100 feet of any tract of land of the applicant any part of which is included in the proposed subdivision, all as appearing on the most recent tax list, and to all mortgagees of record, if any, known to the Board, of the land within the proposed subdivision.

The Board shall arrange and pay for the publication and transmission of the notices of the hearing, and, not less than 24 hours before the date assigned for the hearing, shall file with its clerk a list of the persons notified and their addresses, a statement of the capacity in which they were notified, the return postal receipts, and a copy of each edition of the newspaper in which the notice was published. Any objection to the sufficiency of the notice may be raised at the hearing. ~~After the hearing the Board will cause the excess, if any, of the filing fee over the actual cost of giving notice of the hearing to be repaid to the applicant.~~

(d) **Performance Bond.** Before approval of a plat of a subdivision becomes effective there shall be filed

with the Board a bond in form satisfactory to the Board, conditioned on the completion of the ways and the installation of the public utilities shown on the plat, or as required herein, in the time and manner prescribed, in a penal sum equal to the cost of such completion and installation, as estimated by the Commissioner of Public Works. Such bond shall be executed by the applicant as principal and a surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or secured by the deposit with Town Treasurer of cash or United States government bonds in an amount equal to the penal sum of the bond; provided that the Board will, in a proper case, approve a plat without requiring a bond, upon the delivery of a duly executed and recorded covenant running with the land providing that no lot in the subdivision shall be built upon or conveyed except by mortgage deed until the ways are completed and the public utilities are installed in accordance with the specifications laid down by the Board so as to adequately serve such a lot. Compliance with such condition shall be evidenced only by a certificate of the Board.

(e) **Inspection of Improvements.** Prior to the start of construction of any required improvements, the subdivider shall furnish to the Brookline Department of Public Works a copy of the specifications included in any contract entered into by the subdivider for such construction.

The construction of all required improvements shall be supervised by a registered professional engineer employed by the subdivider, who, after completion of construction, shall certify to the Planning Board that all required improvements have been constructed as required and approved by the Board and conform to all Town specifications and shall furnish to the Commissioner of Public Works a certified plan showing all improvements as constructed, in the same detail as required for the definitive plat under Section 5 (b).

The Commissioner of Public Works, or other duly designated official, shall inspect required improvements during construction to assure their satisfactory completion, and the Planning Board shall require a certificate from such official stating that all required improvements have been satisfactorily completed. The subdivider shall pay to the Town an inspection fee of 1.5 percent of the cost of required improve-

ments as estimated by the Commissioner of Public Works and the definitive plat shall not be endorsed by the Planning Board until such fee has been paid. In order to facilitate inspection, the subdivider's engineer shall set stakes no more than 25 feet apart along all proposed street, utility and drainage lines. All stakes shall be marked with (a) proper center line station and offset, and (b) cut or fill to street grade and depth to invert of any sewer or drain construction. Where several lines run parallel to each other, only one set of stakes shall be required.

If the Commissioner of Public Works finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved plans and specifications, the subdivider shall be responsible for completing said improvements according to said plans and specifications. If the Commissioner of Public Works or other duly designated official does not carry out inspection of required improvements during construction, the subdivider or the bonding company shall not in any way be relieved of their responsibilities.

(f) **Final Approval.** Final approval, if granted, shall be attested on the original drawing of the record plat by the signatures of a majority of the members of the Board. Final approval of a plat shall not be deemed the laying out or acceptance by the Town of any way or other public improvement shown on such plat.

Failure of the Board to take final action regarding a plat submitted to it within *135* days after such submission shall be deemed to be an approval of such plat, unless further time shall be approved upon the written request of the applicant.

Section 5. Record or Definitive Plat—Form and Contents.

(a) Form of Plat. Surveying and Drafting Requirements.

(1) The record or definitive plat shall be prepared by a registered professional, engineer or surveyor, and shall be clearly and legibly drawn upon tracing cloth. The size of sheets shall be either 24 inches by 37 inches to the border line with $1\frac{1}{2}$ inch margin, or 19 inches by 24 inches with one inch margin.

(2) The plan shall be drawn in black India ink, except that names of proposed ways, until approved

by the Board, shall be drawn in pencil, and all tangents, radii, length of curves and central angles for center line and exterior lines shall be drawn in orange ink. The profile of the proposed exterior line of each way (after approval by the Commissioner of Public Works) and all data pertaining thereto shall also be drawn in orange ink.

(3) The horizontal scale shall be 40 feet to an inch, unless the Board approve a more convenient scale. The vertical scale shall be one-tenth of the horizontal scale.

(4) All surveying shall conform to the current requirements of the Land Court, Class A, as set forth in the Manual of said court, (a copy of which is on file in the office of the Board).

(5) The plat shall show the co-ordinates of all angles in the boundary lines of the subdivision and of the intersections of the tangents of the proposed ways. Co-ordinates must be based on the co-ordinate system of the Engineering Division of the Department of Public Works. The plan shall be accompanied by a calculation sheet showing traverse.

(6) All elevations shall be referred to the Brookline base.

(b) Contents of Plat. The record or definitive plat shall contain the following:

(1) A title stating the name of the subdivision, if any, the date, the scale, all bench marks, the name of the applicant and of the engineer or surveyor who prepared the plat and the zoning district or districts in which the subdivision is located.

(2) The true north point.

(3) The names of all abutting owners, as shown on the most recent tax list, and the location of abutting land.

(4) The names, widths and exterior lines of existing ways, public and private, the boundaries of existing areas dedicated to other public uses and the location and character of other easements, public or private, within or adjacent to the subdivision.

(5) The names, widths and exterior lines of proposed public ways and the boundaries of other public places or areas within the subdivision shown on the Comprehensive Plan of the Town as desirable but not yet laid out or established, and of the ways and parks

which the applicant proposes to locate within the subdivision.

(6) The lines, boundaries, areas and lot numbers of all lots, sites or divisions into which the subdivision is to be divided.

(7) The location of all permanent monuments, and of all fences, walls, buildings, waterways, large boulders or outcroppings of rock, trees over 12 inches in diameter and other natural objects of like importance.

(8) Data to determine readily the location, bearing and length of every way line, lot line and other boundary line shown on the plat, whether straight or curved, sufficient to reproduce the same on the ground, with all bearings referred to the true meridian.

(9) Topography, with two-foot contour intervals, when required by the Board.

(10) Profiles of proposed ways on a horizontal scale of forty (40) feet to an inch and a vertical scale of four (4) feet to an inch. Such profiles shall be stationed on the center line and shall show the existing surface of the ground on the center line and both exterior lines, and the sills and steps of all houses abutting upon the way. The proposed exterior line profile shall show the elevation of intersections of tangents, stations, rates of slope, vertical curves and data pertaining thereto, in figures.

(11) Size and location of existing and proposed water mains and their appurtenances.

(12) Size and location of existing and proposed sewers and their appurtenances.

(13) Size and location of existing and proposed surface water drains and their appurtenances.

(14) Size and location of existing and proposed gas pipes, location of existing and proposed electric and telephone facilities, and location of existing and proposed fire and police alarm mains, together with their appurtenances.

(15) Width and location of existing and proposed driveways for each lot within the subdivision.

(16) Cross sections of proposed ways, if such ways are of a width for which cross sections are not shown on the Standard Construction details of the Brookline Department of Public Works.

(17) A space for the attestation signatures of the members of the Board.

Section 6. General Requirements for Approval

(a) **Suitability of System of Ways.** No plat of a subdivision shall be approved unless the ways shown on the plat comply with the following requirements:

(1) The major and secondary ways shown on a plat shall conform to the Comprehensive Plan as adopted by the Board.

(2) Ways shall be continuous and in alignment with existing ways, as far as practicable, and shall compose a convenient system with connections adequate to insure free circulation of vehicular travel.

(3) If adjoining property is not subdivided, consideration shall be given to the possibilities of projection of proposed ways. Proposed ways shall continue to the exterior boundary of the subdivision unless the Board approves otherwise.

(4) When the alignment of a way deviates from a continuous straight line, the tangents shall be connected by means of a curve. The minimum radii of the inner exterior way line curves shall be as follows: 100 feet for a minor way, 350 feet for a secondary way, and 500 feet for a major way. Unless otherwise approved by the Board, all reverse curves shall be separated by a tangent with a minimum length equal to the width of the way. All curved ways must be designed to permit safe vehicular travel, and shall afford, in the opinion of the Board, safe sight distances. For a way designed to reduce the volume and speed of vehicular traffic by a change of direction of alignment by more than 60 degrees, the curve at the point of change of direction shall be considered to be an intersection of ways, subject to paragraph (c) of this section.

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(5) Every dead-end way shall be provided with a circular turn-around at its end having an exterior line radius of not less than 60 feet, and said way shall not be longer than six times the lot width minimum specified in Section 5.00 of the Zoning By-law for the zoning district in which the lots fronting on the way are located.

(6) In any of the districts designated as residential under the Zoning By-law, no alley shall be designed for service to more than one lot.

(7) The system of ways shall, when practicable, be designed so as to provide space for two tiers of lots between the longitudinal ways.

(b) Width and Grade of Ways *Row*

(1) No way of a width of less than 50 feet will be approved except in cases where unavoidable conditions of grade or otherwise are such that a width of 50 feet or more will impair the economic efficiency of the proposed way. A way of less than 50 feet in width which had been constructed, or the exterior lines of which had been established on the ground or on a plan recorded in the Registry of Deeds, prior to March 18, 1924, may also be approved. In no event shall a way of a width of less than 40 feet be approved. No secondary way of a width of less than 60 feet, nor major way of a width of less than 80 feet, will be approved.

(2) The minimum gutter grade for any way shall be 0.6 percent. The maximum longitudinal grade for a minor way shall be 10 percent, for a secondary way 7 percent and for a major way 5 percent. Where a way intersects another way at a different rate of grades, the difference in rates of grades shall be connected by means of a vertical curve commencing not less than 20 feet from the side lines of the ways. At any other point of the way having a change in grade, the transition shall be made by means of a vertical curve providing a minimum sight distance of 200 feet on a minor way, or 500 feet on a secondary or major way.

(c) Intersection of Ways. All intersections of ways shall be at an angle of 90°, if possible; otherwise at such angle as the Board shall approve. The number of ways converging upon any one point shall be kept to a minimum. All intersections of ways shall be rounded with a curve at each corner having a radius of not less than 25 feet at the exterior lines unless the Board shall approve otherwise. When the intersection of two ways varies more than 10 degrees from a right angle, the radius of the curve at the acute angle may be less and at the obtuse angle greater than 25 feet, to the extent approved or required by the Board.

(d) Compliance with Zoning By-law. No plat of a subdivision shall be approved unless all of the lots shown on the plat comply with the Zoning By-law.

(e) **Parks, Playgrounds and Preservation of Attractive Features.** The Board may decline to approve a plat of a subdivision if the plat fails to show a park or parks suitably located and of adequate size for playground or recreation purposes or for providing light and air, and if due regard is not shown for the preservation of 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 property.

(f) **Proposed Development of Applicant's other Contiguous Land.** The Board may decline to approve a plat of a subdivision if the applicant owns land contiguous to that shown on the plat and fails to furnish sufficient data to enable the Board to relate the proposed subdivision to the applicant's remaining land. Such data shall include the lines of proposed ways and lots and approximate grades and such other details as the Board may reasonably require.

(g) **Lots of Abnormal Size.** In case a tract is subdivided into parcels larger than normal building lots, the Board may decline to approve the plat unless such parcels are arranged so as to allow the opening of proper future ways and logical and proper subdivision.

(h) **Boundary Marks and Monuments.** The Board will not approve a plat of a subdivision until suitable boundary or location marks have been installed. Such marks shall be installed at such points at the intersections of proposed ways with each other, or with public ways, and on the exterior boundaries of the subdivision, as the Board shall designate and at such other points as it shall require. Such marks shall be monuments of stone or concrete, or iron pipes, as the Board shall direct, and shall be installed as directed. At least fifteen days before the date of the public hearing, the applicant shall have his engineer place on the ground points marking the intersections of the center line tangents of the proposed way or ways, and the intersection of the center line of a proposed way with that of another proposed or existing way, and he shall submit to the Board a sketch showing ties to the points. These points may be established by means of wood stakes or such other means as the Board shall approve.

Section 7. Construction of Ways and Installation of Public Utilities Therein. Unless the ways, shown on a plat approved by the Board, are laid out as public ways by the Selectmen and accepted by the Town, before construction by the subdivider, such ways shall be constructed and the public utilities therein shall be installed in the following manner:

(a) General Rules.

(1) All ways shall be constructed and sewers and surface water drains shall be installed therein in accordance with the Standard Specifications of the Brookline Department of Public Works.

Where peat is encountered, such peat shall be removed to its full depth and to a width of at least five feet beyond the toe of embankment.

(2) The grading at the intersection of ways shall be so designed as to be safe and convenient for travel and to direct the flow of surface water in a suitable manner, to the satisfaction of the Commissioner of Public Works, who shall, so far as practicable, require such grading to conform to the standard practice of his department in the case of the intersection of public ways.

(3) If the proposed ways are of a width for which cross sections are not shown on the Standard Specifications of the Brookline Department of Public Works, the cross sections shall conform, as nearly as may be, to the cross sections there shown and shall be subject to the approval, as so conforming, of the Commissioner of Public Works.

(b) Underground Structures.

(1) All sewers, surface water drains, water and gas pipes, electric and telephone facilities, and fire and police alarm wires, together with their appurtenances, within the limits of a way shall be placed underground and shall be installed prior to the construction of the finished surface of the way. All electric and telephone facilities elsewhere within the subdivision shall also be placed underground.

(2) The subdivider shall file with the Board an agreement running with the land that, in case any of the ways in the subdivision containing public utilities are taken over by the Town, either through the laying out of the ways in which they are located or otherwise, and whether such taking over is by purchase or

by eminent domain, he will convey without cost to the Town such public utilities within such ways.

(3) The excavation of trenches, the character of the pipes, fittings and appurtenances, the methods and material of backfilling and all other matters relating to the installation of water pipes shall conform to the Standard Specifications of the Brookline Department of Public Works, so far as applicable, and shall be subject to the approval of the Commissioner of Public Works. All water pipes, by whomsoever furnished, shall be laid, and the joints thereof made up, by the Water Division of the Department of Public Works.

(4) Connections for sewer, drain, water, gas, electric and telephone service from the main structure in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole or in part, in the case of a lot to be used for a park, playground or for any other purpose for which, in the opinion of the Board, such connections shall not be required. A plat of a subdivision shall not be approved until the owners of all lots in the subdivision shall have filed agreements with the Board that they will lay the above named service connections and pay the cost thereof.

(5) A plat of a subdivision shall not be approved unless the owners of all lots therein have filed with the Board an agreement to pay to the appropriate public utility corporation the difference between the actual cost of underground installation of the telephone and electric main facilities in the ways and the cost of overhead installation of the same wires, as set forth in the tariff or regulations of the particular utility corporation, or, if not set forth in such tariff or regulations, as estimated by such corporation and approved by the Commissioner of Public Works, and the cost of the installation of the police and fire alarm facilities.

(c) Stone Monuments. Granite monuments shall be set at all points of curvature of the exterior lines of ways. Such monuments shall be set on the exterior lines of the way, with their tops at the proposed surface grade unless the Commissioner of Public Works directs otherwise. The monuments shall conform to the Standard Specifications of the Brookline

Department of Public Works. They shall be set in bank gravel unless the Commissioner of Public Works shall otherwise direct.

(d) **Curbing.** All the ways in areas zoned for lot areas of 7,500 sq. ft. or less and with grades in excess of 5% shall have the gutter lines for their entire length curbed with granite curbstone. The granite curbstone and its installation shall conform to the Standard Specifications of the Brookline Department of Public Works.

(e) **Sidewalks.** All sidewalks of ways shall have a hard surface constructed in conformity with the Standard Specifications of the Brookline Department of Public Works.

(f) **Wall or Slope Support.** Where the grade of the way is above or below the grade of the adjacent land, walls or slopes shall be constructed in conformance with the Standard Specifications of the Brookline Department of Public Works, and, in any event, sufficient in the opinion of the Board to support the way or the adjacent land, as the case may be.

(g) **Guard Rails.** Where the grade of the way as constructed is 2½ feet or more above the grade of the adjacent land, guard rails shall be built to protect travel. Such guard rails shall conform to the Standard Specifications of the Brookline Department of Public Works.

(h) **Driveways.** There shall be constructed in each sidewalk an opening for each driveway shown on the record or definitive plat. The width of each such opening shall be 18 feet at the gutter line, or such other width as the Commissioner of Public Works shall determine to be more consistent with the public safety and convenience. Each such opening shall be curbed at the gutter line with three-foot granite corners. Nothing herein shall prohibit the construction of driveways not shown on the record or definitive plan subsequent to the date of its approval, if in conformity with the foregoing requirements. The grade of the driveway shall not deviate from the established street side line profile by more than six inches in a uniform grade within a distance of ten feet from said side line.

(i) **Signs.** Signs of the type and character used on public ways in the Town, bearing the name of the

way as approved by the Board, shall be set up at all intersections of ways in the subdivision. There shall also be set up at all points within the subdivision at which a private way intersects with an existing public way a sign indicating that such first named way is not a public way.

(j) **Street Trees.** The Board may require the planting of street trees of a size, kind, and spacing acceptable to the Tree Planting Committee along any way where the lots fronting on such way do not contain existing trees to be preserved in locations that will provide the same standard of attractiveness as prevails in developed residential areas in the vicinity of the subdivision.

Section 8. Variation. A variation of the requirements of Section 6 or Section 7 may be permitted when, in the opinion of the Board, topography or other consideration necessitates such variation; but no variation of the requirements of Section 7 shall be permitted without the approval of the Commissioner of Public Works.