

## **ARTICLE 7: INSPECTIONS. COMPLETION & ACCEPTANCE**

### **SECTION 7.00      APPLICABILITY**

- A. The successful construction and completion of an approved subdivision is extremely important to the Board. It expects all contractors to perform all aspects of construction in a professional and competent manner “state of the art” technology and methods. Most subdivision streets will eventually be brought before the Town for acceptance. Subsequently, it is imperative that these ways be completed in accordance with the approved definitive plan.
- B. Failure to construct a subdivision to the satisfaction of the Board and/or its Inspector shall be considered reason for; consideration to use the performance guarantee to correctly complete the work, to return released lots to a covenant or to rescind approval of the definitive plan.

### **SECTION 7.01      CONSTRUCTION INSPECTIONS**

- A. Inspection Fee - Prior to the start of construction, the developer shall pay a fee in accordance with the Fee Schedule, payable to the Town of Foxborough. This fee shall address the costs of construction inspections by the Board’s Inspector.
  - 1. The number and sequence of site inspections shall be at the discretion of the Board and its Inspector.
- B. Board Notification - No construction associated with the street or the installation of public utilities shall commence without prior notification to the Board or its Inspector. This notice shall be given at least 48 hours in advance of the start of construction at 508-543-1250 or by facsimile at 508-543-6278 or by email to the Town Planning Department. This requirement shall be adhered to throughout the entire construction period of the subdivision.
- C. Contractor Progress Reports - At the request of the Board, its Inspector or the Director of Land Use and Economic Development or the designee thereof, the developer shall provide a progress report on construction at the site.
- D. Inspections of the work by the Board or its Inspector shall not relieve the developer of any obligations to perform the work as shown on the approved plans and as required under these subdivision regulations.
- E. Any proposed changes to the approved definitive plans shall be presented to the Board for approval.
- F. The Subdivision Inspector may issue a Field Report documenting deficiencies or the Director of Land Use and Economic Development or the designee thereof in consultation with the Town Engineer shall have the authority to issue a “Notice to Stop Work” at any construction site approved under these regulations. A Notice to Stop Work may be issued for any of the following reasons:
  - 1. Failure to conform to any of the conditions of approval of the subdivision.
  - 2. Failure to construct the subdivision improvements in accordance with the approved plans.
  - 3. Failure to conform to the construction standards within these regulations.

4. Failure to notify the Board or its Inspector of pending construction activities as required by Section 7.01 B. of these Regulations.
5. In order for the Board to review a modification to the subdivision design or construction specifications.

A Notice to Stop Work may only be lifted by action of the Planning Board or by the person that issued the Notice

- G. The Subdivision Inspector may require plan and specification submittals as well as material testing as necessary to assure proper construction.

## **SECTION 7.02 COMPLETION OF WORK**

### **A. Monuments and Bounds -**

1. Granite or concrete cement monuments not less than three (3) feet in length nor less than five (5) inches square top and bottom with three-eighths (3/8) inch drill hole in the top shall be set.
2. No monuments shall be installed until all construction which would disturb them is completed.
3. Monuments set along right of ways or in finished front yards shall be set to finished grade.
4. Monuments set at the back property line or elsewhere bounding a lot or open space parcels shall be set 4" above the existing or finished grade.

### **B. Final Inspections -**

1. Upon completion of the subdivision, the developer shall send the Board a written statement that the street(s) have been completed in accordance with the approved definitive plan. The Board and its Inspector shall perform an on-site inspection of the subdivision.
2. If the Board determines that the subdivision has not been satisfactorily completed, it shall specify in correspondence sent by registered mail to the developer (and copied to the Town Clerk) the details where the construction or installation falls to comply with the approved definitive plan or these regulations.
3. If the Board determines that construction and installation have been satisfactorily completed, it may reduce the performance guarantee upon written request.

### **C. "As-Built" Drawings -**

1. Upon satisfactory completion of the subdivision, the developer shall file as-built plans accompanied by a legal description of each street (whether constructed or only laid out) within the subdivision. The submittal shall include mylar sheets, two sets of prints and a flash drive in AutoCad dwg format and PDF format. As-built plans are required regardless as to the proposed ownership of the street(s). These plans shall be suitable for recording at the Registry of Deeds.
2. As-built plans shall show all applicable manmade improvements as required in Appendix C and Appendix E.
3. After receiving the as-built plans, and the certification of all bounds by a Registered Land Surveyor, the Board and its Inspector shall make a final inspection of the subdivision.
4. Failure to submit as-built plans and legal descriptions shall be considered a violation of the definitive plan approval. The Board reserves the right to use any remaining performance guarantee to complete as-built plans and legal descriptions per MGL, Chapter 41, Section 81-U.

### **SECTION 7.03 MAINTENANCE OF STREET**

- A. Upon completion of all work in the subdivision, or when directed by the Board, the developer shall remove from the streets and adjoining property, all temporary structures and all surplus material and such debris which may have accumulated during construction.
- B. The storm water system shall be cleaned by the developer to the satisfaction of the Board and its Inspector prior to any final release of the performance guarantee.
- C. The developer shall maintain all roads within the subdivision for vehicular travel in a manner satisfactory to the Board until the street is accepted as a public way by Town Meeting.
- D. The developer shall be responsible for snow and ice maintenance until the roadway has been accepted as a public way by Town Meeting.

### **SECTION 7.04 STREET ACCEPTANCE**

- A. No street or portion thereof shall be considered for acceptance or final release of the performance guarantee until the following has occurred:
  - 1. One year has passed since the installation of the wearing course of bituminous asphalt and,
  - 2. Eighty percent (80%) of the structures on the street are under construction and the associated grading, landscaping and slope stabilization in the area abutting the street is completed.
- B. For streets which are to become public ways, the subdivision process shall end by the acceptance of the street(s) at Town Meeting. The Board reserves the right to hold a reasonable portion of the performance guarantee until Town Meeting formally accepts the street.
  - 1. Acceptance by the Town shall require an article to be placed in the Town Warrant for consideration at the Town Meeting. This petition shall be initiated by the developer. The Board will only recommend acceptance of those petitions where the construction and maintenance of the street(s) have complied with these regulations.
  - 2. A petition for street acceptance or approval of the “as built” plans shall include the following: one set of mylar plans (in compliance with the requirements found in Appendix C) with space for endorsement by the Planning Board, two prints, a legal description of the street(s) or portion thereof and a cover letter requesting acceptance or approval.
- C. If the street(s) is to remain privately owned, the approval of the as-built plans by the Board shall signify the end of the subdivision process.
  - 1. The developer shall submit two prints of the endorsed “as built” plans prior to the return of the performance guarantee.
- D. In either case, the Board reserves the right to retain a portion of the performance guarantee for items not completed, to assure proper growth of landscaping/vegetation, or to assure successful operation of storm water basins after the street has been accepted or the as-built plan has been approved.

- E. If all work is completed to the Board's satisfaction and the performance guarantee is completely released, the applicant shall then submit an additional performance guarantee with the Town of Foxborough. This guarantee will be held in a cash account by the Town of Foxborough and shall be \$5,000.00 or \$10.00/foot of roadway, whichever is greater, and held until the acceptance of the roadway. This retainage shall be returned upon Town Meeting acceptance of the road. This requirement shall not apply to private roads.