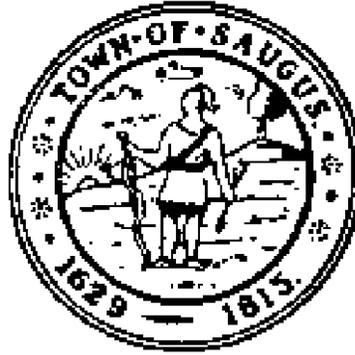


# **Rules and Regulations**



**Governing the Subdivision of Land**

**in**

**Saugus, Massachusetts**

**January 2010**

<b>Revision Effective Date</b>	<b>Approval Date</b>	<b>Description of Revision</b>
July 1,1997	July 1,1997	Section 3.C.1. Modification of Definitive Plan copy number and types required for submission, previously omitted due to typographical error.
Oct. 15,1998	Oct. 15,1998	Release of newly formatted Subdivision Rules and Regulations Book
Oct. 15,1998	Oct. 15,1998	Section 4. Design Requirements, A. Streets, 1. Location, a): added requirement for compliance to CMR521.
Oct. 15,1998	Oct. 15,1998	Added Section 4. Design Requirements, F. Utilities, 5. Storm Drainage, i). Location: add requirements for detention area location.  Modify Section 3, C. Definitive Plan, 13.Provisions for Long-Term Maintenance of Special Structures by omitting the words Detention Structures.
Oct. 15,1998	Oct. 15,1998	Modify Section 4. Design Requirements, A. Streets, 1. Location, e) Subsidiary Streets, (5)(c) to omit cul-de-sac island provision.  Added Section 4. Design Requirements, A. Streets, 1. Location, e) Subsidiary Streets, (5)(f). The use of islands within the Cul-de-sacs is prohibited.  Added Section 4. Design Requirements, A. Streets, 5. Dead End Streets, e). The use of islands within the Cul-de-sacs is prohibited.
Aug. 19,1999	Sept. 1,1999	Amend Section 2. Fees added for funding Clerk of the Works  Add Section 5.N.1. Clerk of the Works
Dec. 2,1999	Dec. 2,1999	Amend Section 4. Design Requirement by adding additional requirements under 4.F.2.g. and 4.F.2.h. (Water and Fire Protection requirements)  Modify Section 5.M. Maintenance of Improvements.
Nov 16, 2000	Nov 16, 2000	Amend Section 5. N. Provision of Competent Supervision – Provision for funding to ensure competent supervision  Strike Section 5.N.1. Clerk of the Works in its entirety.  Amend Section 2.C.2. – Fee for each lot within subdivisions shall equal \$1,000.
Jun 7, 2001	Jun 7, 2001	Add Section 4.I. Irregular Shaped Lots
July 15, 2004	July 15, 2004	Modify Section 3.C.6 (Performance Guarantee)  Insert new sub-section 3.C.7. (Modification)  Amend Section 5.C.1.a. (Basins, Manholes & Inlets)  Change entire subsection 6.C.2 (Building Permit)
November 17, 2005	November 17, 2005	Amend Sections: 2C.2 Definitive Plan: increase filing fee to \$300, and \$30 per abutter list 3C.6.(iii) Performance Guarantee: add: rough sidewalks, street lights, and all utilities installed prior to occupancy 3.C.6.b) Approval with Covenant: add requirement for value of property lien 5.C.1.a) Basins, Manholes and Inlets: add requirement for cascade grates 5.O. Insert new section: Employment of Outside Consultants 6.C.2. Building Permit: add requirement for street lights prior to lot release

<p>January 7, 2010</p>	<p>January 7, 2010</p>	<p>Amend Section: 3.C.2.(r) Cross Sections (add retaining walls) Insert new sub-section 3.C.2.(x) Walls Insert new sub-section 3.C.10 c) Retaining Walls Amend Section: 3.C.13. Provision for Long-Term Maintenance (add retaining walls within the right-of-way) Amend Section: 5.B.1.b) Utilities – Excavation for Structures Amend Section: 5.F. Highway Guard, Fences &amp; Walls (submission requirements). Amend Section: 3.C.2.p) – Drainage Calculations</p>
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# 1. PURPOSE AND AUTHORITY

## 1. A. Purpose

These subdivision regulations are adopted under the provisions of Chapter 41 of the General Law for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the Town of Saugus by "... regulating the laying out and construction 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 Appeals 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 the adjacent public ways; for reducing danger of life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for ensuring compliance with the Zoning By-Law; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and 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."

## 1. B. Authority

Under the authority vested in the Planning Board of the Town of Saugus of Section 81-Q of Chapter 41 of the General Laws, said Board has hereby adopted these rules and regulations governing the subdivision of land in the Town of Saugus. These rules and regulations shall be effective upon date of adoption.

# 2. GENERAL

## 2. A. Definitions

**Adequate Access:** Without waiver, and within the legal right of way, the minimum adequate access shall be defined as minimum roadway paved width of thirty (30) feet with a pedestrian sidewalk. The sidewalk shall be a minimum width of five (5) feet and shall be separated from the roadway pavement by a 2 1/2 foot seeded grass plot. A six (6) inch verticle granite curbing shall be used on all access roadways. The access roadway shall provide adequate access from the subdivision to a major street. The right of way shall be of reasonable horizontal alignment, provide for safe visibility and not exceed a nine (9) percent centerline grade.

**Applicant:** A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a person who applies under Section III. "Applicant" shall include an owner, or his agent or representative, or his assigns.

**Bench Mark:** A mark made in a durable object of known position and elevation as a reference point.

**Board:** The Planning Board of the Town of Saugus as established under Section 81-A of Chapter 41 G.L.

**Certified By:** Certified by (or endorsed by) the Planning Board, as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of the Planning Board.

**Designer:** A Professional Civil Engineer and a Land Surveyor registered to practice in Massachusetts or a person working under the direct supervision of a registered professional engineer or surveyor.

**Develop:** To construct a street, install utilities, erect a house or other structure, or in any way to improve a lot substantially.

**Developer:** A person (as hereinafter defined) who develops a subdivision under a plan of a subdivision approved pursuant to Section III of these Rules and Regulations.

**Easement:** A right acquired by public authority or other person to use or control property for a utility or other designated public purpose.

**Frontage:** The continuous horizontal distance unencumbered by easements or otherwise, measured between the side lot lines at the street line on a way that qualifies for frontage under Chapter 41, Section 81-L, General Laws.

**General Laws (Abbreviated G.L.):** The General Laws of Massachusetts, Tercentennial Edition, and as the same may be amended.

**Lot:** An area of land in one (1) ownership with definite boundaries used, or available for use, as the site of one (1) or more buildings. (Sec.81-L of Chapter 41 G.L.)

**Monument:** A permanent marker to indicate a boundary.

**Municipal Services:** Water drains, sewers, water pipes, gas pipes, electrical lines, telephone lines, fire alarm systems, similar systems and their respective appurtenances.

**Owner:** As applies to real estate, the person holding the ultimate fee simple title to a parcel, tract, or lot of land, as shown by the record in the Land Registration Office, Registry of Deeds, or Registry of Probate.

**Person:** An individual, two or more individuals, or a group or association of individuals, a partnership, trust, or corporation, having common or undivided interest in a tract of land.

**Plan: Preliminary:** A plan of a proposed subdivision or a re-subdivision of land prepared in accord with Section III to facilitate proper preparation of a Definitive Plan.

**Plan: Definitive:** The plan of a subdivision as duly submitted with appropriate application to the Board for approval, to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board, and such plan when approved and recorded; all as distinguished from preliminary plan.

**Planning Board Agent:** Town employee or consultant authorized by the Planning Board to review subdivisions and administer the regulations.

**Private Utilities:** This term shall include telephones, cable television, electric light and power, and gas lines whether installed on, above, or beneath the surface of the ground.

**Recorded:** Recorded shall mean recorded in the Registry of Deeds in Essex County, except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court. (Section 81-L of Chapter 41 G.L.)

**Registered Professional Engineer or Registered Professional Land Surveyor:** Shall mean having registrations in Massachusetts.

**Registry of Deeds:** Registry of Deeds shall mean the Registry of Deeds of Essex County, and when appropriate, shall include the Land Court. (Section 81-L of Chapter 41, G.L.)

**Roadway:** That portion of a way that is designed and constructed for vehicular travel.

**Sidewalk:** A way within the right-of-way of a street normally parallel to the street, designed for use by pedestrians.

**Standard Specifications:** "The Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges", 1988 edition as amended.

**Street, Major:** A street that, in the opinion of the Board, is being used or will be used as a thoroughfare within the Town of Saugus, that will connect communities or that will otherwise carry a heavy volume of traffic.

**Street, Minor:** A street that, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots and that will not be used for through traffic.

**Street, Secondary:** A street intercepting one (1) or more minor streets and that, in the opinion of the Board, is used or will be used to carry a substantial volume of traffic from such minor street(s) to a major street or community facility, and normally including a principal entrance street to a shopping center, industrial park, planned unit development, or a large subdivision, or a group of subdivisions, and any principal circulation street within such developments, or a street that will connect subdivisions.

**Street, Subsidiary:** A street serving only one lot. See 4.A.1e.

**Subdivision:** The division of a tract of land into two (2) 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 (2) or more lots shall not be deemed to constitute a subdivision

with the meaning of the subdivision control law, if at the time when it is made, every lot within the tract so divided has a frontage on (a) a public way, or a way, that the Town Clerk of the Town of Saugus 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 Town 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 buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning By-Law. 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 (2) or more buildings were standing when the subdivision control law went into effect in the Town into separate lots on each of which one (1) of such buildings remains standing, shall not constitute a subdivision. (Section 81-L of Chapter 41 G.L.)

**Subdivision Control:** The power of regulating the subdivision of land granted by the Subdivision Control Law, Chapter 41, Section 81-K through GG inclusive, as hereinafter amended. A plan shall be submitted under this section when delivered at a meeting of the Board or when sent by registered mail to the Planning Board, care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan.

**Town:** Town of Saugus, Massachusetts.

**Way:** A way is synonymous with the terms: road, street, highway, and avenue and shall denote any such line or route for passage whether public or private. The width of the strip of land laid out, designated, acquired, and/or dedicated for the use of such way. Such width includes the spaces for vehicular travel and sidewalks.

## **2. B. Approved Plan Required**

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement for sale of lots in a subdivision, or the construction of ways, or preparation therefore or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Board as hereinafter provided.

## **2. C. Fee**

To defray partially the costs to the Town in conjunction with subdivision processing, review, and inspection, the applicant shall deposit with the Planning Board the following amounts in the form of checks made payable to the Town of Saugus.

### 2. C. 1. Preliminary Plan

At the time of the submission of the preliminary plan (if any), one hundred dollars (\$100.00) against the cost of the initial engineering and planning review. Once the plans have been distributed to Town departments for comments, no refund shall be made of this fee.

**2. C. 2. Definitive Plan**

a) At the time of submission of the definitive plan, a fee of three hundred dollars (\$300.00) shall be paid by the applicant, to partially cover the cost of legal advertising, mailing notices, public hearing and plan reviews. The applicant is also required to pay a fee of thirty dollars (\$30.00) per list for legal notification to abutters.

(1) When the submission is the result of a frontage variance granted by the Zoning Board of Appeals, the total fee to partially cover clerical and other costs shall be two hundred dollars (\$200.00), and subsection (b) shall not apply.

b) In addition to (a) above, upon approval of the subdivision, an amount equal to one thousand dollars (\$1000) for each lot within the subdivision shall be paid.

If the definitive plan is disapproved, only the amount attributed to inspection costs as described in subsection (b) above shall be returned to the applicant, upon written request, and only if no resubmission with modifications is to follow.

If a definitive plan is resubmitted with modifications following a disapproval, and no refund has been made under the above paragraph, a new fee comprising item (a) above shall accompany the resubmission.

**2. C. 3. Plan Not Requiring Approval (ANR)**

At the time of submission, a fee of twenty-five dollars (\$25.00) shall be paid for each such ANR plan to be endorsed, to help defray costs of engineering and clerical services by the Town. Only in the event of withdrawal by the petitioner shall this fee be refunded.

**2. D. Application by a Corporation**

A vote from the Clerk of the Corporation shall accompany submission of Definitive Subdivision Plans certifying authorization of individual(s) to act for the Corporation.

**2. E. Ownership of Property**

A copy of the deed(s) of property shall accompany submission of definitive subdivision plans.

### **3. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS**

#### **3. A. Plan Believed Not to Require Approval (ANR)**

##### 3. A. 1. Submission of Plan

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a Plan of Land, and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and four (4) contact prints thereof and two (2) copies each of properly executed "Form A" accompanied by the necessary evidence to show that the plan does not require approval of the Planning Board, at a regularly scheduled Planning Board Meeting. Said person shall also file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission to the Board for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

##### 3. A. 2. Contents

Said plan shall be legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds as amended pertaining to plan size, material, lettering, and related requirements, and shall contain all required seals and signatures required by the Registry of Deeds prior to the recording of said plan.

The plan scale shall preferably be forty feet (40') to the inch or such other scale as the Board may accept, and shall contain the following:

- a) The statement, "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and the signatures of all members of the Board.
- b) Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan.
- c) In the case of the creation of a new lot, all the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
- d) Names of abutters from the most recent local tax list unless the applicant has knowledge of any changes subsequent to the latest available Assessors' records.
- e) The name and width of the right-of-way providing frontage and access to the lots shown on the plan, and the extent of the paved improvements within the right-of-way.

- f) Bearings and distances of all lines of the lot or lots shown on the plan and the distance to the nearest permanent monument.
- g) Accurate location of all existing buildings including all municipal services, surface and subsurface drainage, and building setback, side yard and rear yard designations.
- h) Location of all bounds, brooks, fences, walls, easements and/or encumbrances, location of wetland areas, as delineated by a professional, according to the provisions of 310 CMR 10.00, the Massachusetts Wetland Protection Regulations, Section 404 of the Clean Water Act, and the Army Corps of Engineers Wetland Delineation Manual Technical Report Y-87-1 or later.
- i) Topography -- at contour lines at intervals of two (2) feet or as appropriate.
- j) In making a determination in the adequacy of a way, the Board shall consider the following conditions:
  - (1) Is the right-of-way at least forty (40) feet wide and of reasonable horizontal alignment?
  - (2) Does the existing horizontal and vertical alignment of roadway provide safe visibility?
  - (3) Is the roadway constructed to a minimum width of twenty-four (24) feet paved and with adequate provisions for drainage?
  - (4) Is the roadway surface adequate to accommodate the vehicular traffic to be generated by the division of land?
  - (5) Have provisions been made for adequate public utilities to each lot shown on the submitted plan, and have such provisions been reviewed by the D.P.W.?
- k) Plan shall contain a statement that the plan is based on an actual survey, and the date thereof.

**3. A. 3. Endorsement of Plan Not Requiring Approval**

If the Board determines that the plan does not require approval, it shall without a public hearing, and within the time specified by M.G.L. Ch. 41, Sec. 81-P, after submission, endorse the plan. The Board may add to such endorsement a statement of the reason approval is not required. The original plan shall be returned to the applicant, with a statement of the Board's decision, and the Board shall also notify the Town Clerk in writing of its action.

3. A. 4. Determination that Plan Requires Approval

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within the time specified by M.G.L Ch. 41, Sec. 81-P after submission of the plan so inform the applicant in writing and return the plan. The Board shall also notify the Town Clerk in writing of its action.

3. A. 5. Failure of Board to Act

If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the persons submitting the plan of its action within the time specified by M.G.L. Ch. 41, Sec. 81-P after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith, make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

**3. B. Preliminary Plan**

3. B. 1. Submission of a Preliminary Plan

A Preliminary Plan of a subdivision is mandatory for non-residential property, and may be submitted for residential property by the applicant. The Preliminary Plan, five (5) sets of contact prints and ten (10) sets of 11" X 14" reduced size prints along with the minimum filing fee (see section 2.c) shall be filed with the Planning Board together with two (2) copies of properly executed application "Form B" shall be submitted under this section when delivered at a meeting of the Board or when sent by registered mail to the Planning Board, care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan.

The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission of a Preliminary Plan to the Board for such approval accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, the Department of Public Works, the Police Department, the Fire Department, and other Town agencies and the owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case.

3. B. 2. Contents

The Preliminary Plan shall be drawn on tracing paper or other reproducible substance at a suitable scale, preferably forty feet (40') to the inch or such other scale as the Board may accept. The plan shall be designated as a "Preliminary

Plan" and to form a clear basis for discussion of the details of the subdivision and for preparation of the Definitive Plan, the plan shall contain the following:

- a) The subdivision name, if any, boundaries, north point, date, scale, legend, and title "Preliminary Plan".
- b) The names and addresses of the record owner of the land and the subdivider and the name, seal, and address of the designer, engineer, and surveyor who made the plan, which shall appear in the lower right-hand corner.
- c) The names of all abutters, as determined from the most recent local tax list, unless the applicant shall have more recent knowledge of such abutters.
- d) The existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision, in a general manner.
- e) Major features of the land such as existing walls, fences, monuments, buildings, wooded areas, outcroppings, ditches, swamps, water bodies, natural waterways, and soil types according to the most recent edition of "Soil Survey of Massachusetts", prepared by the U.S. Dept. of Agriculture, Soil Conservation Service.
- f) The proposed system of sewage disposal, water installation and of drainage, including adjacent existing natural waterways.
- g) The approximate boundary lines of proposed lots, with lot numbers, approximate areas and dimensions.
- h) The names, approximate location and widths of adjacent streets, and of street approaching or within reasonable proximity of the subdivision.
- i) The existing and proposed topography of the land with a minimum two-foot (2') contour interval based on the Town Datum (U.S. Coast and Geodetic Survey). Water bodies and their elevations shall be shown with the date of measurement.
- j) The proposed names of the proposed streets and a number on each lot on each proposed street.
- k) The profiles of existing grades and proposed finished grades of the roadway, and drain and sewer utilities, together with a cross section of any open channel streams.
- l) The zoning classification of land shown on the plan and its abutting properties.
- m) Easements and rights-of-way applicable to the area shown on the plan.

n) Necessary engineering calculations to provide information to the Saugus Planning Board that fire protection, vehicular traffic flow, and all other safety precautions are being provided.

o) Areas of the plan designated as wetlands by the Conservation Commission and/or the Flood Plain.

p) Access Plan

An access plan of suitable scale showing the proposed access to and from the subdivision to the major street with proposed improvements is required. Such plan shall show the access right of way widths and roadway centerline grades.

### 3. B. 3. Approval of a Preliminary Plan

The Board may give such Preliminary Plan approval in accordance with M.G.L. Ch. 41, Sec. 81-S, with or without modification or suggestion, after the Board's review, and at the Board's option, review with the Board of Health, the Conservation Commission, the Department of Public Works, Police Department, Fire Department, and other Town agencies. Such approval does not constitute approval of the subdivision, but facilitates the preparation of the Definitive Plan and the securing of approval thereof. The original of the Preliminary Plan will be returned to the applicant. Approval shall be effective for six (6) months or until a Definitive Plan evolving from the Preliminary Plan is filed, whichever comes first. During the discussion of the Preliminary Plan, the complete information required for the Definitive Plan and the financial arrangements will be developed.

### 3. B. 4. Disapproval of a Preliminary Plan

In the event of disapproval of a Preliminary Plan, the Board shall state the reasons for its disapproval in accordance with Section 81-S of Chapter 41, G.L.

## **3. C. Definitive Plan**

### 3. C. 1. Submission of a Definitive Plan

Any person who submits a Definitive Plan of a subdivision to the Board for approval shall file with the Board all items required in sub-sections 1 and 2 of this Section and the minimum filing fee (see Section 2.c) for a Definitive Plan to be duly submitted in accordance with these Rules and Regulations and the General Laws of Massachusetts. Such submission shall be submitted under this Section when delivered at a meeting of the Board or when sent by registered mail to the Planning Board, care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan. Such submission shall include and conform to the following:

- a) Two (2) original drawings of the Definitive Plan, five (5) contact prints and ten (10) sets of 11" X 14" reduced size prints thereof, dark line on white background. One (1) original drawing will be returned after approval or disapproval. One (1) set of original mylar drawings suitable for recording, and one (1) set of reproducible stable base plans shall be submitted for signatures upon approval of the subdivision.
- b) Properly executed Form C -- Application for Approval of a Definitive Plan. Approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified.
- c) The Definitive Plan shall be prepared by a professional engineer and a land surveyor registered in Massachusetts, all pages shall be recordable and shall be clearly and legibly drawn in accordance with the rules and regulations of the Registry of Deeds as amended pertaining to plan size, material, lettering, and related requirements. In addition, it shall contain the following:
  - (1) The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instruction, Commonwealth of Massachusetts. It is recommended that all other survey and Definitive Plan preparations, where not herein specified, be guided by the Manual of Instruction. A letter of certification by the Registered Professional Land Surveyor shall be submitted stating that the survey was actually made and that it is in conformance to the above, and listing the error closure, along with any calculations that may be deemed necessary by the Board.
  - (2) The plan shall be at a scale of one inch (1") equals forty feet (40'), or such other scale as the Board may accept to show details clearly and adequately, including graphic scale.
  - (3) Sheet sizes shall be twenty-four by thirty-six inches (24" × 36") including a three-quarter inch (¾") border.
- d) The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval accompanied by a copy of the completed Form C -- Application for Approval of a Definitive Plan.
- e) As required by Section 81-U, Chapter 41 G.L., a copy shall also be filed with the Board of Health, which shall, within 45 days after such filing, report to the Planning Board in writing as specified in said Section 81-U; failure to report shall be deemed approval.

3. C. 2. Contents

The Definitive Plan shall contain the following information:

- a) A title, appearing in the lower right-hand corner of each sheet showing the name of the subdivision if any, the date, scale, graphical scale, north arrow, the names and seals of a Massachusetts registered professional engineer and surveyor who made the plan, and provisions to show the dates of all revisions to the plan.
- b) North point, whether true, magnetic, or grid benchmark and so indicated, and the boundaries of the subdivision indicated by shading.
- c) Location and ownership of abutting property as determined from the most recent local tax list, unless the applicant shall have more recent knowledge of such abutters, so indicated, including all abutting land owned by the applicant not presently being subdivided, and all other land within one-hundred feet (100') of the boundaries of the land shown in the subdivision.
- d) Major features of the land, such as existing waterways, swamps and water bodies, natural drainage courses, walls, fences, buildings, wooded areas, outcroppings, and ditches that exist on or near the site at the time of the survey.
- e) Lines of existing and proposed streets, ways, lots, lot numbers, easements, and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board. If the subdivision consists of more than one section, all lot numbers shall be consecutive. One copy of plan shall be given to Assessing Department for house numbering.
- f) Sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines of all subdivision lot lines including lot frontage on the streets, of the radii, tangents, and central angles of all curves in lot lines and street lines. All angle points, or intersections of tangents along the street lines, shall be shown, areas of lots with lot numbers and the area and frontage on public ways as set forth in Section 81-L of Chapter 41 G.L. of adjoining lands of the applicant not included in the subdivision shall be shown. The engineer or surveyor shall have the mathematical computations available to present to the Board (and/or Town Engineer), for a matter of record. It is recommended that traverse computations be placed on a separate or subsequent sheet.
- g) Location of all permanent monuments properly identified as to whether existing or proposed.
- h) Location, names, and present widths of streets or private ways bounding, approaching, or within reasonable proximity of the subdivision, showing both pavement widths and right-of-way widths.

- i) The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the plan and the applicable minimum front, side, and rear yard depths for each lot as is required by the Zoning Bylaws. All lots shown shall comply with the applicable zoning district requirements for the proposed land utilization. Where a parcel contains existing buildings, no subdivision shall be approved in which the proposed lot lines would make the existing lot, structures, or uses non-conforming with respect to lot coverage, setbacks, parking, or other requirements of the zoning by-laws.
- j) Indication of all existing and proposed easements and rights-of-way applying to the land and their purposes, whether or not within the subdivision, and any decision on appeal or any variances or special permits granted by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.
- k) If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant.
- l) Suitable space to record the action of the Board and the signatures of all members of the Board, including where appropriate the words "Deeds of Easements to be recorded herewith", or the words "Covenants to be recorded herewith", at the same location on all pages of the subdivision submission.

Items "m" through "r" may be submitted on separate sheets of the same size and material as the plan sheet or on the same sheet as the Definitive Plan. Each sheet shall bear title block and signature block as required in paragraphs a and l above.

**m) Plan and Profile**

Existing profiles of the exterior lines and center line drawn in fine black line, dot dash for left, dot dot dash for right side, and dash for center line, and proposed profile on the finished center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'), or such other scales acceptable to the Board. At least two (2) benchmarks are to be shown on plan profile sheets and grade elevations at every fifty foot (50') station except in vertical curves which shall be at every twenty-five foot (25') station. All existing and proposed intersections and sidewalks, and walkways shall be shown with all proposed grade elevations calculated. Elevations are to be referred to the Town Datum. (United States Coast and

Geodetic Survey). Gradients shall be shown by figures expressed in per cent.

n) Contour Plan

Existing and proposed topography at two feet (2') contour intervals and by symbols the highest known high water mark to the last one hundred (100) years. All benchmarks will be noted, as well as items required in Section D.

o) Utility Plan

Whenever possible, for the purpose of clarity, the utility plan should be on separate pages.

Size and location of existing and proposed water mains and their appurtenances, hydrants, sewer pipes and their appurtenances, and/or sewage disposal systems, storm drains and their appurtenances, and easements pertinent thereto, including data on borings and soil test pits, and easements for drainage as needed, whether or not within the subdivision.

If drainage water is to be discharged into adjacent existing street drainage or onto adjacent properties not owned by the applicant, he shall clearly indicate what course the discharge will take, and shall present to the Board evidence from the Town Engineer, Conservation Commission and/or the owner of adjacent property that such discharge is satisfactory and permitted by public or private ownership of property.

All other utilities shall be shown on this plan (See Paragraph 4.F).

p) Drainage Calculations

Hydraulic calculations, prepared by a Registered Professional Engineer, shall be submitted to substantiate all design features of any proposed drainage system. Computations for run-off shall be made in accordance with standard engineering practice, acceptable to the Town Engineer and Planning Board, and the method of calculation shall be noted. A drainage report must be submitted and must comply with D.E.P. standards.

q) Tree Plan

Plan shall show existing and proposed location and species of street trees, as well as any proposed landscaped or planting areas, including but not limited to, screening, buffer areas, entrance areas, wall coverings, etc., and shall indicate size, spacing, and species of plantings, and existing trees over twelve inches (12") in diameter. Individual lot landscaping need not be shown. Reference "Protection of Natural Features".

r) Cross-Sections

Typical cross-sections of each street, roadway, drainage ditch, retaining wall, and sidewalk to be constructed.

s) Environmental Assessment

An Environmental Impact Statement may be required. The document shall be filed with sufficient information to provide a basis for general conclusions about the effect on the environment and the community of the proposed plan compared to one or more alternatives permitted under the Zoning By-law. If such a document has been filed with the Preliminary Plan, and accepted by the Board, it shall constitute a submission under this Section.

In addition, a statement, in writing, concerning the status of the proposed project in relationship to the removal, fill, or dredge of any bank, flat marsh, meadow, or swamp bordering on any inland water (Wetlands Protection Act, Mass. G.L. Chapter 131, Section 40).

t) Excavation Impact Report

For land within 1,000 feet of existing dwellings, structures, or roadways, the applicant shall be required to submit an Excavation Impact Report, to be prepared by a Geotechnical Consultant approved by the Saugus Planning Board, qualified by training and experience, and signed and stamped by a Registered Professional Engineer, that shall at a minimum contain the following information:

(1) A top of bedrock contour plan, at a scale of not less than 1" = 40', for all areas proposed to be excavated to a depth more than 2 ft. below existing grade, whether temporarily or permanently. Sufficient subsurface investigations shall be conducted to develop the contour plan to a 2 ft. contour interval. Investigations may consist of test borings, test pits, air track drill probes, seismic surveys, or other techniques capable of adequately determining elevation of top of bedrock while minimizing disturbance to the natural features. In addition, subsurface investigations shall be made at the following locations and to the following depths to determine top of rock elevation:

(a) At roadways, to top of rock or to a minimum elevation 5 ft. below lowest utility line invert elevation, whichever is higher, at an interval of no less than 50 ft. along the roadway centerline.

(b) At proposed utility trenches outside of roadways, to top of rock or to a minimum elevation 5 ft. below utility invert

level, whichever is higher, at an interval of no less than 50 ft.

(c) At proposed dwellings, to the top of rock or to a minimum elevation 5 ft. below foundation elevation, whichever is higher, at each end of the proposed dwelling along the long axis.

(2) An exploration location plan, at a scale not less than 1" = 40', showing the locations of each subsurface exploration and indicating the elevation or ground surface and top of rock at each exploration. This plan should be prepared from a surveyed site plan showing existing topography.

(3) Volumetric calculations (in cubic yards) of proposed cuts and fills based on existing and proposed topography, and top of bedrock contour plan, including: Total excavation quantity; total soil excavation quantity; total rock excavation quantity (non-blasting); total rock excavation quantity (blasting); total fill quantity required; total excavated soil to be used as fill; total excavated rock to be used as fill; total excavated soil and rock to be trucked off-site; total fill material to be trucked onto the site.

(4) An evaluation of required blasting, that will include the following of each area on the site where blasting will be required:

(a) Maximum rock cut depth.

(b) Estimated hole spacing and loading and maximum charge weight per delay for required blasting.

(c) Estimated maximum peak particle velocity at the nearest adjacent dwellings from the assumed maximum charge weight per delay.

(5) Recommendations for procedures to alleviate impacts of blasting on residents in the area (i.e. maximum charge weights per delay, maximum allowable peak particle velocity, maximum allowable air blast over-pressures, etc.)

(6) Technical specifications for controlled blasting at the site that will be included as part of the contract under which rock excavation and blasting will be conducted at the site. These specifications shall include provisions based on recommended procedures to alleviate impacts of blasting on residents, and shall include the following provisions as a minimum:

(a) Blasting mats shall be utilized for each blast round detonated, to control the throw of flyrock.

(b) Maximum peak particle velocity should be based on recommendations from the U.S. Bureau of Mines Report of Investigation No. RI 8507, of 1980, or as amended, entitled "Structure Response and Damage Produced by Ground Vibrations from Surface Mine Blasting".

(c) Maximum peak air blast over-pressure shall be based on recommendations from the U.S. Bureau of Mines Report of Investigation No. RI 8485, of 1980, or as amended, entitled "Structure Response and Damage Produced by Air Blast from Surface Mining".

(d) An independent geotechnical engineer or blasting consultant shall be engaged by the applicant or by the excavation or blasting contractor to conduct pre-blast condition surveys on all houses within the following distances to proposed blasting:

Estimated Maximum Charge Wt/delay (lbs.)	Distance (ft.)
<= 4	100
5 - 16	200
17 - 25	300
26 - 36	400
37 - 50 (maximum)	500

(e) An independent geotechnical engineer or blasting consultant shall be engaged by the applicant or by the excavation or blasting contractor, to maintain records of blast round design parameters, blast locations, and to conduct blast vibration monitoring of all blasting to be undertaken at the site, to ensure conformance with the blast vibration criteria.

Some of the provisions of the Excavation Impact Report requirements may be waived at the discretion of the Planning Board, by majority vote of all members, upon request by the applicant in writing and when accompanied by appropriate backup information and the recommendations by the Geotechnical Consultant.

In lieu of submission of an Excavation Impact Report, the applicant shall accept a no-blasting restriction on the subdivision, which will be made a condition of subdivision approval.

u) Open Space

The location of all open spaces as defined by Paragraph 4.C.

v) Petitioner should submit a list of any other permits required for completion of the subdivision, such as percolation tests (where septic systems are required), special permits, Conservation Commission filings, and the status of each.

w) Access Plan

An access plan of suitable scale showing the proposed access to and from the subdivision to the major street with proposed improvements is required. Such plan shall show the access right of way widths and roadway centerline grades.

x) Walls

Retaining walls proposed within the subdivision shall be shown on the definitive plan. A separate submission for walls eight feet (8') or over in height shall be required and must contain; general structural notes and specifications, site retaining wall plan, site retaining wall profiles, site retaining wall details, proposed drainage and grading plans. All plans must be certified by a structural engineer or geotechnical engineer.

3. C. 3. Staking

To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing of the Definitive Plan, the applicant may be required to stake the center line of all proposed streets at a minimum of every one-hundred feet (100') with the center line stations and the cut or fill dimensions to finish grade marked on the stakes.

3. C. 4. Soil Survey and Percolation Test

The Board may require soil surveys and/or test pits or borings that are to be prepared at the expense of the applicant to establish the suitability of the land for the proposed storm drainage system and proposed street construction.

a) Test pits, borings or soundings may be required to be taken along the center line of each street shown on the plan at intervals of at least every two-hundred feet (200') and at locations such as cut sections and areas of questionable foundation material where the subsurface conditions may be, in the opinion of the Board or its Agent, factors affecting the quality and service life of the street. Test pits shall not be back filled until the applicant has been notified by the Board or its Agent that all necessary inspection and sampling has been completed. Where borings are used, samples shall be taken at five foot (5') intervals and at each change in strata. Soundings shall be taken in areas of unsuitable material for the

purpose of determining the hard bottom contours. Test pits and borings, where required, shall extend to a minimum depth of five feet (5') below the street profile grade or to bedrock, whichever is less. The applicant shall indicate on the plan a proposed layout of the subsurface exploration program complete with location, spacing, and type of exploration proposed.

- a) Soil surveys when required by the Board or its Agent shall include a test excavation not less than seven feet (7') below finished grade at a frequency of one (1) per every four (4) lots, location of which must be shown on the contour plan, and a report thereon. Percolation tests shall be in accordance with Title 5 of the Commonwealth of Massachusetts State Environmental Code.
- b) All information concerning the test pits, borings, or soundings (location, depth, soil stratas, depth of water table) shall be submitted to the Board in a written report to be made, evaluated, and stamped by a Registered Professional Engineer.
- c) Land Within the 100-Year Flood Plain
- d) If any portion of the land shown in a subdivision is located within the One Hundred (100) Year Flood Plain, as defined in the following section, the following additional regulations shall apply.
- e) The One Hundred (100) Year Flood Plain shall include all areas designated A, A0, and A1 through A30 on maps entitled "Flood Insurance Rate Maps (FIRM), Town of Saugus, Mass.", dated January 19, 1983, Community Panel Nos. 250104, 001-004.

**Additional Submission Requirements:**

- (1) Submitted Subdivision Plans, both Preliminary and Definitive, must clearly show the following:
  - (a) The portion of the land proposed for subdivision that is located within the One Hundred (100) Year Flood Plain.
  - (b) The elevation of the One Hundred (100) Year Flood as shown on the Town of Saugus Flood Insurance Rate Maps.
- (2) For any proposed lot that lies partially or wholly within the One Hundred (100) Year Flood Plain, the submitted Subdivision Plans, both Preliminary and Definitive, shall show a potential building site and how a building located on that site would be protected from flooding.
- (3) For any public utilities, particularly water, sewer, gas, and electrical, located within the One Hundred (100) Year Flood Plain,

the applicant shall indicate what location and construction design measures are proposed to ensure that the potential for flood damage has been eliminated or minimized.

3. C. 5. Procedure

a) Review by Other Town Officials

The Planning Board will transmit copies of the Definitive Plan to Town Officials (and others), other than the Board of Health, as follows:

- (1) Conservation Commission
- (2) Department of Public Works
- (3) Fire Department
- (4) Police Department
- (5) Engineering Department
- (6) Building Department

b) Before the Definitive Plan is approved, the Board will request written statements from the above officials with regard to the proposed improvements in the following respects:

- (1) Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L. and the effects of the subdivision on streams, wildlife, and similar considerations within the scope of the Conservation Commission.
- (2) The Engineering Department as to the design of the street system, location of easements, monuments, drainage systems, water systems, sewage systems, and their appurtenances, and relationship to existing water and drainage systems.
- (3) The Fire Department as to location of hydrants, installation of the alarm system, and emergency access.
- (4) The Police Department as to street safety, both vehicular and pedestrian, and access to emergency vehicles.
- (5) The Department of Public Works as to materials conforming with that being used by the Town.

c) Public Hearing

Before taking any action to approve, modify and approve, or disapprove a Definitive Plan, the Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter, sufficient for identification shall be published in a newspaper of general circulation in the Town of Saugus once in each of two (2) successive

weeks, the first publication to be not less than fourteen (14) days before the date of the hearing and by mailing a copy of such advertisement to the applicant and to all owners of land within three-hundred feet (300') of the property line of the land shown on the plan as shown on the most recent tax list, at the expense of the applicant, as covered by Section 2.C.

d) Planning Board Procedure

The procedure that the Board will follow with regard to approval, disapproval, or modification of the Definitive Plan submitted by the applicant will be that as set forth in Chapter 41, Section 81-U of the General Law, as amended. In summary, the Board, after receiving the Plan and profiles, will review the same to determine whether they are in compliance with its adopted Rules and Regulations.

The Board shall establish that the street pattern is safe and convenient, that proper provision is made for street extension, and that all other purposes of the General Laws are met. The Board may, as a condition of granting a building permit under Section 81-Y, impose reasonable requirements designed to promote the health, convenience, safety, and general welfare of the community and to benefit the Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the subdivision control law be deemed to be part of the plan. Where the application to the Board is due to the requirement of a frontage waiver, because of the approval of a frontage variance by the Zoning Board of Appeals, the Planning Board may, upon the application for approval of a Definitive Subdivision Plan, at its discretion, if the frontage waiver is approved, also waive some of the requirements of subsecs. 3.C.1, 3.C.2, 3.C.3, and 3.C.4, where an accessible street is already in existence and utilities are in place. Said waiver request is to be submitted in writing when application is filed.

3. C. 6. Performance Guarantee

Before endorsement of the Board's approval of any Definitive Subdivision Plan, the applicant shall agree to (i) complete (except in the case of any portion of the subdivision for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.C.6.a) the required improvements for the subdivision, specified in Section 5, within three (3) years of the date of such approval, (ii) to complete the required improvements for any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.C.6.a, within two (2) years of the date of the Board's approval of the Definitive Plan, whichever date shall occur the earlier, and (iii) that no structure will be occupied without written approval from the Planning Board that the utilities have been installed according

to the approved plan and the base course of the bituminous concrete, rough sidewalks (binder course), street lights are installed and operational, and all utilities have been installed in accordance with the approved plan, as specified in Section 5, has been applied to the streets that serve those structures. Such construction and installation shall be secured by one, or in part by one and in part by the other, of the following methods that may from time to time be varied by the applicant with the written consent of the Board.

a) Approval with Bonds or Surety

The applicant shall either file a duly executed surety company performance bond on Form F or on such other form as the Board requires or a duly executed performance bond secured by a deposit of money or negotiable securities on Form G or such other form as the Board requires, in an amount determined by the Board to be sufficient to cover the cost of all of the improvements specified in Section 5 not covered by a Covenant under 3.C.6.b, hereof. Such surety company performance bond or performance bond secured by a deposit of money or negotiable securities shall be approved as to form, manner of execution and, in the case of surety company performance bond secured by negotiable securities, as to the negotiable securities by the Town Treasurer; and shall be conditioned on the completion of such improvements within two (2) years of the date of the performance bond.

b) Approval with Covenant

The applicant shall file a duly executed covenant on Form H or on such other form of covenant as the Board requires, that provides that no lot may be built upon or sold until the ways and municipal services necessary to serve adequately such lot have been constructed and installed. Such covenant shall be approved as to form and manner of execution by Town Counsel and shall be recorded in the Registry of Deeds by the owner of record and shall run with the land. If a lien on real property is to replace the Bond or Surety, the appraised value of that real property must exceed three times the value of the monetary Bond or Surety which would be required, to offset the non-negotiable nature of the Bond.

3. C. 7. Approval or Disapproval

The action of the Board in respect to such plan shall be by vote, copies of which shall be filed with the Town Clerk and sent to the applicant. If the Board modified or disapproves such a plan, it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the Rules and Regulations of the Board, and to the recommendations of the Board of Health. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the

Board's certificate of approval or disapproval, as the case may be (see Form C-1 and Form C-2), with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal has been made, said endorsement shall be subject to the construction specifications contained herein and to the rules and regulations of all Town Boards and the Board of Health. After the Definitive Plan has been approved and endorsed, the Board shall return the original to the applicant.

The Board may extend the time permitted by Ch. 41, Sec. 81-U, between submission of a Definitive Plan and action thereon, upon written request of the applicant.

Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the plan.

(1) Time for Completion

If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant, or so required by the Board, any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town. Ways or portions thereof not completed within the time required shall thereafter be completed in accordance with the design and construction standards of the Board in effect upon the expiration of such time, unless an extension of time is granted.

(2) Endorsement

The endorsement of the plan approval by the Board shall be valid for a period of three (3) years from the date of said endorsement. Prior to the expiration of the three (3) year approval period, the developer and/or owner shall request in writing to the Board an extension of time, if necessary. Failure to request an extension of time prior to the expiration of the three (3) year approval period shall result in the Board's notifying the Building Inspector that no additional building permits shall be issued in said development. The request for an extension shall state the reasons for the requested extension and also the length of time requested. The first extension shall not exceed two (2) years. Additional extensions after the first may be applied for but shall not exceed one (1) year.

(3) Modification

The applicant shall return to the Planning Board for a determination of whether a new hearing and approval are required for any change to the approved definitive subdivision plan. The determination of whether the change is significant shall be made by a majority vote of the Planning Board.

3. C. 8. Recording

The applicant shall file all pages of the approved Definitive Plan and Covenant, if any, at the Registry of Deeds, and shall notify the Board in writing presenting evidence of the recording of the plan and the covenant. The applicant shall deliver to the Board one (1) copy of the approved and recorded Definitive Plans, a copy of an affidavit filed by the owner stating that the title to the premises shown on said plan and appurtenances thereto are in the name of the applicant and are free of all encumbrances or with encumbrances as set forth, before any building permits in the subdivision may be issued.

3. C. 9. Conveyance of Utilities and Easements to the Town

Prior to the release by the Board of a surety bond or deposit, or, in the case of a covenant, the issuance of a Release Form, the applicant shall execute an instrument on a Form approved by the Board, (see Form K) transferring to the Town, without cost, valid unencumbered title to the electric power system and street light, and to all storm drains, sewer mains and water mains, and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveying to the Town without cost and free of all liens and encumbrances perpetual rights and easements to construct, inspect, repair, renew, replace, operate, and forever maintain the aforesaid above ground and underground utilities, with any poles, manholes, pipes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or portion thereof to be approved and if any such utilities have been constructed and installed in land not within such streets, then in, through, and under an easement as shown on the Definitive Plan.

3. C. 10. Inspection for Release of Performance Guarantee

Prior to inspection for release of security for performance that was given by bond, tripartite agreement, depositor covenant, the applicant shall submit, at the following construction stages, a statement stamped and certified by either a Registered Professional Engineer or a Registered Land Surveyor (as delineated in Definitions) that the required improvements are built-in conformity with the Rules and Regulations and the approved Subdivision Plan and the Standards of the DPW and the Order of Conditions of the Conservation Commission. If the As-Built Certification of a or b below is performed by a Registered Land Surveyor and if any of the required improvements are not in conformity with the approved Subdivision Plan or the Rules and Regulations, then said RLS Certification and other appurtenant information shall be accompanied by a statement stamped and certified by a Registered Professional Engineer describing the non-conforming construction and a statement, if appropriate or applicable, that in his opinion the described non-conforming construction and/or installation is equal to or better than what is required by the Rules and Regulations and the approved Subdivision Plan and the Standards of the DPW and the Order of Conditions of the Conservation Commission.

a) **Underground Utilities and Drainage:**

Prior to any backfilling the applicant's Registered Professional Engineer or Registered Land Surveyor shall observe and certify that the As-Built location and elevation of all underground utilities including, but not limited to, drainage, water, and sewer, conform to the Rules and Regulations and the approved Subdivision Plan. In addition, the Registered Professional Engineer or Registered Land Surveyor shall observe and certify that the location, elevation, and grading of the entire drainage system including drainage easements, swales, retention/detention areas, and all visual drainage appurtenances are in conformity with the Rules and Regulations and approved Subdivision Plan and Order of Conditions. In any instance where the As-Built construction is not in conformity, the Registered Professional Engineer or Registered Land Surveyor shall list the exceptions and attach a "redlined, marked-up print" that shall consist of a print of the approved Subdivision Plan identifying those areas marked in red pencil, wherein the construction and/or installation is inconsistent with either the Rules and Regulations or the approved Plan.

b) **Binder Application**

Following the binder application and prior to any further roadway construction, the applicant shall submit an As-Built Certification signed and stamped by either a Registered Land Surveyor or a Registered Professional Engineer. Said Certification shall certify the roadway location, width, elevation, and that the centerline of all roadways coincide with the centerline of the street right-of-way and that the preceding items conform to the Rules and Regulations and the approved Subdivision Plan.

c) **Retaining Walls**

Retaining walls eight feet (8') or over in height shall be certified by a Structural or Geotechnical Engineer for structural defects or settling.

**3. C. 11. Reduction or Release of Performance Guarantee**

a) **Reduction of Bond Surety**

The penal sum of any such bond or the amount of any deposit held under clause paragraph 3.C.F.A. may from time to time be reduced by the Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required by the Board.

(1) **Final Release of Performance Guarantee**

Upon completion of improvements required under Section V security for the performance of which was given by bond, deposit, or covenant, or upon the performance of any covenant with respect to any lot, the developer or owner at his expense will cause to be published in a

newspaper of general circulation in the Town of Saugus at least seven (7) days prior to the releasing of the performance bond or surety, an announcement that such release is contemplated. He shall also send by registered mail to the Town Clerk and the Planning Board a written statement that the said construction or installation in connection with which such bond, deposit, or covenant has been secured, has been completed in accordance with the requirements contained under Section V; such statement to contain:

- (a) Name and address of the applicant.
- (b) A compliance certificate signed under oath by the developer and his Engineer that the development has been completed according to the Rules and Regulations of the Planning Board and the Town of Saugus Zoning Bylaws.

(c) Written evidence from the following:

Superintendent of Public Works as to construction of all ways and sidewalks, installation of monuments, street signs, pavement, gutters and curbs, required grading and drainage lot drainage, planting and seeding.

Written evidence from the Board of Health as to the installation of sewage disposal facilities if applicable.

Written evidence from the Fire Department as to the installation of the fire alarm system, and hydrants.

All to be in accordance with the Definitive Plan.

(2) Determination of Incompleteness

The Planning Board shall retain a surety in the sum of fifteen percent (15%) of the total cost of improvements that shall be released eighteen (18) months after final completion. If the Board determines that said construction, installation, or filing of "as-built" plans has not been completed, it shall specify to the Town Clerk and to the developer, in writing by registered mail, the details wherein said construction and installation shall have failed to comply with requirements contained in Section V. Upon failure of the Board to act on such application within the time specified in M.G.L. Ch. 41, Sec. 81-U, after the receipt of the application by the Town Clerk and the Board, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any such covenant shall become void.

In the event that said time period cited in the paragraph above expires without such specification, or without the release and return of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, that may be recorded.

3. C. 12. As-Built Plans

Prior to the final release, the developer shall file a complete "as-built" plan showing all utility lines, with rim and invert elevations where applicable, hydrant location and type, main water and gas gates, sidewalk gates for water and gas (if installed), stationing of individual lot "y" or "t" on main sewer lines, ties to and depth of ends of sewer and water services at the street line, finished line and grade of streets, and any special drainage structures. Plan should indicate that all required monuments have been set as required and contain a certification as to their accuracy. (See 5.I.6) Plan should be suitable for recording. (This would allow presentation to Town.)

3. C. 13. Provisions for Long-Term Maintenance of Special Structures

All new subdivisions with proposed special structures such as bridges, drainage culverts, pumping stations, or retaining walls within the right-of-way will include provisions for the long-term maintenance of all such new systems. These provisions shall contain a release clause that will allow private maintenance provision to be terminated upon formal acceptance by the Town, which may require a bond for a period of years to be determined by the Planning Board.

## **4. DESIGN REQUIREMENTS**

### **4. A. Streets**

4. A. 1. Location

- a) All streets and ways in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular and pedestrian travel and an attractive street pattern through curvilinear street layout whenever possible, they will obtain the maximum safety and amenity for future residents of a residential subdivision and of future employees or visitors to a non-residential subdivision, and they shall comply with the latest revision of the Architectural Access Board Rules and Regulations CMR521 and with the Rules and Regulations of the Planning Board.
- b) The proposed streets shall conform in location, so far as practicable, to any existing and proposed plans of the Board, and, where required by the Board, to the existing and proposed street system.
- c) Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property, whether or not in subdivision.

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.

e) Subsidiary Street is a private street that, in the opinion of the Saugus Planning Board may be built to a less exacting standard than otherwise described in the "Rules & Regulations", provided the following are met:

(1) Such subsidiary street serves as legal frontage for, or actual access to, not more than one (1) lot except where an existing lot has a majority of its frontage on the existing street.

(2) Such subsidiary street shall be no longer than 250 ft.. If there is a cul-de-sac, the subsidiary street may be up to 250 feet long from the intersection of a street to the beginning of the cul-de-sac.

(3) There will be a covenant concerning the subsidiary street that shall include that such subsidiary street shall remain a private way unless it is both redesigned and improved in accordance with the minimum standards for streets by the owner or owners. In the event water or sewer lines are installed in subsidiary street, the covenant shall provide that the owner or owners of the subsidiary street shall be solely responsible for the maintenance of the water and sewer installation. The owners of land abutting on a subsidiary street shall maintain and plow said private subsidiary street at their own expense. This covenant shall be referenced and noted on individual plot plans.

(4) Such subsidiary street shall have no connection with or projection to any street existing or proposed, other than that with which it originates.

(5) The design of the subsidiary street shall be as follows:

(a) Curbs, sidewalks, and street trees are only mandatory in exceptional circumstances.

(b) Pavement will be a minimum of 24 feet wide.

(c) For dead ends, there shall be cul-de-sacs or other turning designs acceptable to the Planning Board. Cul-de-sacs shall be constructed with a minimum 100-foot diameter right-of-way, and the diameter to the exterior edge of pavement shall be 84 feet minimum.

(d) The subsidiary street shall be posted as a private way at its entrance or entrances.

(e) Pavement design and geometrics shall be the same as for a street except as noted in a through d above.

(f) The use of islands within the Cul-de-sacs is prohibited.

4. A. 2. Alignment

a) Street jogs with centerline offsets of less than one hundred fifty feet (150') shall be avoided.

b) The minimum centerline radii of curved streets shall be as follows:

Major Street -- Three-hundred fifty feet (350').

Secondary Street -- Two-hundred fifty feet (250').

Minor Street -- One-hundred fifty feet (150').

c) A tangent at least one-hundred fifty feet (150') in length on a major street, shall separate all reverse curves on major and secondary streets except where at least one (1) radius is five hundred feet (500') or more or where the radius of curvature of both the curves is in excess of two (2) times the minimum specified in Section 4.A.2.b.

d) 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°).

e) Property lines at street intersections shall be rounded or cut back to provide for a radius of not less than twenty-five feet (25') in a residential subdivision or of not less than forty feet (40') in a non-residential subdivision.

f) Streets shall be laid out so as to intersect with adjacent streets or adjacent unsubdivided land at intervals of from six-hundred feet (600') to twelve-hundred feet (1200').

4. A. 3. Width

a) Except for subsidiary streets (4.A.1.e) the minimum width of right-of-way shall be fifty feet (50'). Greater width shall be required by the Board when deemed necessary for present and future vehicular travel.

4. A. 4. Grade

a) The centerline grade for any street shall not be less than five-tenths of one percent (0.5%). However, every effort should be made to provide a centerline grade of at least eight-tenths of one percent (0.8%).

b) The maximum centerline grade for streets shall be as follows:

Minor Street and Secondary Street	Nine percent (9%) for a distance not in excess of three hundred feet (300'); in all other cases seven percent (7%).
Major Street	Five percent (5%).

c) Where changes in grade exceed one-half of one percent (0.5%), vertical curves will be provided. The minimum length of vertical curves shall be designed in accordance with the following:

$$L = K (G^2\%)$$

G = Grade

L = Length

The values for K are listed below:

	Crests	Sags
Major & Secondary Streets (30 miles per hour)	28	35
Major Streets & Streets in a High Density or High Intensity Area, as determined by the Planning Board (40 miles per hour)	55	55

Roadways shall have a cross slope at two percent (2%) or one-quarter inch (1/4") per foot.

d) Where curves and grades combine to create potentially dangerous driving conditions, the Board may require a suitable amount of super elevation of the curves or other protection.

e) Where a grade is four percent (4%) or greater within one-hundred fifty feet (150') of the intersection of street right-of-way lines, there shall be provided in a residential subdivision containing only single family dwellings, a leveling area of at least seventy-five feet (75'), with a maximum grade of three percent (3%), and in all other subdivisions, a leveling area of at least two-hundred feet (200'), with a maximum grade of two percent (2%).

f) The grade of any street except in special instances shall be so designed that the surface runoff of water shall be from the building line to the street. Where one side of a street drops off so that surface water runoff cannot drain into the street, provision must be shown for drainage tiles and catch basins, with any easement needed to prevent overflow onto neighboring lots or erosion of banks.

4. A. 5. Dead-End Streets (Except Subsidiary Streets 4.A.1.e)

a) For the purpose of this section, a dead-end street is a street, extension of a street, or a system of streets connected to a throughway at a single point. Any proposed street that intersects with a dead-end street shall be deemed to be an extension of the dead-end street.

b) Dead-end streets shall be discouraged by the Board. However, if they are necessary, dead-end streets and their extensions, if any, shall not be longer than five-hundred feet (500') unless in the opinion of the Board, a greater length is necessitated by topography or other local conditions.

c) Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one-hundred twenty feet (120').

d) The Board may require a roadway easement from the end of the dead-end street to adjacent property. If a dead-end street is subsequently extended beyond the required turn-around, any easement other than land required for the extension of the roadway may be relinquished to the adjacent properties.

e) The use of islands within the Cul-de-sacs is prohibited.

4. A. 6. Street Names

Proposed street names shall be approved by the Board to provide names in keeping with the character of the Town. Proposed street names shall not duplicate nor bear phonetic resemblance to the name of existing public ways, paper streets, or any other way qualified to afford frontage under Section 81-L of Chapter 41 G.L. A proposed street that is in alignment with an existing street shall bear the same name as the existing street.

4. A. 7. Adequate Access from a Public Way

When the physical condition or width of a public way from which a subdivision has its access is considered by the Planning Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the applicant to dedicate a strip of land for the purpose of widening the abutting public way to a width at least as great as that required within the subdivision, and to make physical improvements to and within such public way to the same standards required within the subdivision. Any such dedication of land for purpose of way, and any such work performed within such public way shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of such widening or construction shall be borne by the applicant. The Board may also require the provision of an emergency second access to a proposed subdivision, if safety factors such as fire and police protection are deemed by the Police and/or Fire Depts. to make this necessary.

#### **4. B. Easements**

4. B. 1. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided of a width of at least twenty feet (20').

4. B. 2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, the Board shall require a storm water easement or drainage right-of-way of adequate width and proper side slope as determined by the Town Engineer to conform substantially to the lines of such water course, drainage way, channel, or stream and to provide for construction or other necessary purposes. In no case shall the width be less than twenty feet (20') or the side slope be steeper than two (2) horizontal on one (1) vertical.

4. B. 3. Access easements or parcels to adjacent property shall be provided, if required by the Board, for use by emergency vehicles and for the benefit of the Town. They shall be a minimum width of twenty feet (20').

4. B. 4. Wherever possible easements along rear lot lines shall be contiguous to the street at the end of the block to connect with the adjoining blocks in the shortest direct line.

#### **4. C. Open Space**

Before approval of a plan, the Board may also, in proper cases, require the plan to show a park or parks, suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land, and shall be at least equal to one (1) acre of land for each twenty (20) single family dwelling units or fraction thereof shown on the plan. The area shall be equal to three (3) times the floor area of all other dwelling units, and ten percent (10%) of the land area for all non-residential subdivisions. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years. Each area reserved for such purpose shall be of suitable area, dimensions, topography, and natural character for the purposes of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Board. The Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probably subdivisions. Any land so reserved shall be graded to dispose properly of surface water and shall be left in condition for the purpose intended, as required by the Board. Land acquired in this manner shall be compensated as provided in Section 81-Q of Chapter 41 of the G.L.

#### **4. D. Protection of Natural Features**

4. D. 1. Due regard shall be shown for all natural features, such as trees, wooded areas, water courses, scenic points, historic spots, and similar community assets, that if preserved will add attractiveness and value to the subdivision. Any clearance, backfilling, cutting, thinning, or other disturbance to trees twelve inches (12") or over in diameter measured four feet (4') above finished ground level, located within the minimum front setback distance or other natural vegetation shall be prohibited unless deemed both proper by the Board and not in conflict or contradiction to the intent of Section 4.E. Any such proposed clearance shall be shown on the plan and written reasons therefor may be requested by the Board. Tree wells or retaining walls should be installed when requested by the Town Engineer for suitable grading around trees. Tree wells or retaining walls shall be of such design to meet the standards as set forth in the Tree Experts Manual or some similar publication.

#### **4. E. Lot Drainage**

4. E. 1. Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way of a minimum width of twenty feet (20') and proper side slope shall be provided. Storm drainage shall be designed in accord with the specifications of the Board. Where required by the Planning Board or the Board of Health, the applicant shall furnish evidence as to any lot or lots to either Board as necessary that adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.

#### **4. F. Utilities**

All required utilities exclusive of transformers shall be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, electricity, gas, wiring for street lights, fire alarm systems, and cable TV unless otherwise specified by the Board.

Where adjacent property is not subdivided, or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility systems by continuing the mains the full length of streets and to the exterior limits of the subdivision at such grade and size that will, in the opinion of the Board, permit their proper extension at a later date.

Connections for drain, water, gas, sewer, 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.

4. F. 1. Sewerage

- a) If a public sewerage system is located within one-thousand feet (1000') of the subdivision, the applicant shall connect all lots to the public sewerage system in accordance with the Saugus Planning Board.
- b) If a public sewerage system is planned by the Town but not yet constructed, the applicant shall be required to design and install at his cost in the street and to every lot, sewerage laterals that can be connected later to the public sewerage system. In order for the applicant to design and install properly such laterals, the Town shall be responsible for establishing and providing the applicant, at the applicant's expense, with the necessary plan, specifications, and design standards of the proposed public sewerage system.
- c) If a and b above do not apply, the applicant shall design an acceptable sewerage system but may install private on-lot systems in conformance with Board of Health regulations.
- d) Where public sewers are required, the following design standards shall apply:
  - (1) Public sewers shall be designed according to professional engineering practices and Town of Saugus D.P.W. standards and specifications.
  - (2) Public sewers shall not be less than eight inches (8") in diameter, with six inch (6") house laterals.
  - (3) Manholes shall be located at every change in grade or horizontal alignment but not more than three hundred (300') apart. Sewer ejector pumps may be permitted at the discretion of the Board.

4. F. 2. Water

- a) Every subdivision shall be connected to the public water system by the developer unless otherwise approved by the Planning Board and the Board of Health.
- b) Water pipes and related equipment such as hydrants and main shutoff valves shall be installed within the subdivision as necessary to provide all lots on each street with adequate water supply for domestic and fire protection use.

- c) All house connections shall be installed in accordance with the requirements of the Water Department.
- d) If the Planning Board and the Board of Health approve a private well or private water system, the requirements of the Board of Health shall govern the design of the well or system.
- e) Without a waiver based on recommendations of the Board's consulting engineer and/or the Fire Dept., from the Planning Board, the water main shall be looped into a separate water main.
- f) No subdivision shall be approved unless there is adequate water supply in terms of quantity, quality, and water pressure.
- g) A 1000 gallon per minute (GPM) minimum flow shall be required for all new subdivision.
- h) A properly certified Fire Protection Engineer shall review all subdivision plans and make written recommendations to the Planning Board regarding fire flow and fire protection prior to subdivision approval.

4. F. 3. Gas

Mains may be installed if gas connection is available.

4. F. 4. Telephone Lines

Shall be installed in underground conduits at the time of initial construction.

4. F. 5. Storm Drainage

General Requirements

Storm water run-off shall be disposed of through a combination of storage and controlled release. Drainage systems shall be designed according to the following principles and criteria:

- a) Peak Flows: Property shall be developed in such a manner as to maximize storm water recharge on the site and to minimize direct overland run-off into adjoining streets and water courses. Peak flows at the boundaries of the subdivision shall be no higher following development than before development. In addition, all storm water run-off flows at the boundaries of the subdivision shall be no higher following development than before development.
- b) Capacity: Drainage systems shall have adequate capacity to handle all storm water run-off presently flowing through the subdivision, as well as to dispose of any additional run-off generated by the proposed development up to and including the runoff from a one-hundred (100) year storm using the following methods:

(1) Drainage facilities designed to carry storm water flows through the subdivision site will be designed to have adequate capacity to handle and dispose of flows generated from a twenty-five (25) year frequency storm of twenty-four (24) hour duration. Flows shall be conveyed through the site, following natural drainage patterns, wherever possible, in a manner that shall maintain the ratio of run-off to infiltration at the same percentage as under natural conditions.

(2) Detention facilities shall be provided to handle all run-off that exceeds the percolation capacity of the site, up to and including the run-off generated from a one-hundred (100) year, twenty-four (24) hour storm. All detention facilities that are proposed must be reviewed by the DPW Superintendent prior to approval of a Definitive Plan. The subdivider shall provide the DPW and Planning Board with the applicable design standards and capacity information relating to such a facility. The proposed design will be stamped by a Registered Professional Engineer at the same time a Definitive Subdivision Plan is filed.

c) Release Rate: The combination of storage and design release rate shall not result in a storage duration of greater than seventy-two (72) hours. Maximum depth of storm water retention areas shall be four (4) feet. Detention area side slopes shall be kept as close as possible to natural land contours, ten percent (10%) or less wherever possible.

d) Outlet Structures: Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation.

e) Emergency Overflow: Each storm water detention area shall be provided with a method of emergency overflow in the event of a storm in excess of a one-hundred (100) year frequency type.

f) Natural Patterns: Natural drainage patterns shall be used wherever possible. All existing watercourses shall be left open unless approval to close them is obtained through the Conservation Commission. All new open watercourses shall be appropriately seeded, sodded, paved, or ripped.

g) Alteration: Any alteration of land on the site shall be such that changes in existing patterns of drainage shall not adversely affect properties outside the subdivision by increasing the amount of flow or rate of peak flow.

h) Structured Systems: Where soil conditions or topography make natural drainage systems impractical and where existing drains in adjacent streets or easements are adequate in capacity to accommodate the drainage flow from the subdivision, a structured system shall be used and appropriate connection to the existing Town drainage system shall be made, where possible.

i) Location: Drainage facilities in the form of detention or retention basins or ponds may not be located within any street right-of-way, nor on any proposed building lot, nor within any open space area intended to be conveyed to the Town. Such facilities, if required as part of a subdivision, shall be located on separate parcels which are to be retained by the applicant or developer, or conveyed to an association or lot owners within the subdivision. The Planning Board shall have the authority to review and approve any documents related to an association of lot owners, and may require a performance guarantee to be established to ensure the continued operation and maintenance of a drainage facility. Access easements shall be provided to all such facilities.

Where storm water run-off is intercepted and directed to on-site leaching or detention systems, proper documentation of such system(s) and its capacity shall be submitted to the DPW Superintendent for approval prior to the approval of the Definitive Plan to the Planning Board. In such instances, catch basins shall be required on both sides of the street on continuous grade at intervals of not more than three hundred feet (300'), at low points in the street, and near the corners at intersecting streets.

4. F. 6. Electricity

The Board may permit transformers, switches, and other such equipment to be placed on the ground in approved locations, screened from view with evergreen shrubbery. All electrical conduit shall be laid underground at the time of initial construction.

4. F. 7. Lighting

Street lighting shall be supplied by the developer to provide sufficient light for pedestrian safety and guidance, and guidance for vehicles traveling on the street, with due consideration given for cost of maintenance and electric power.

#### 4. G. Fire Hydrants

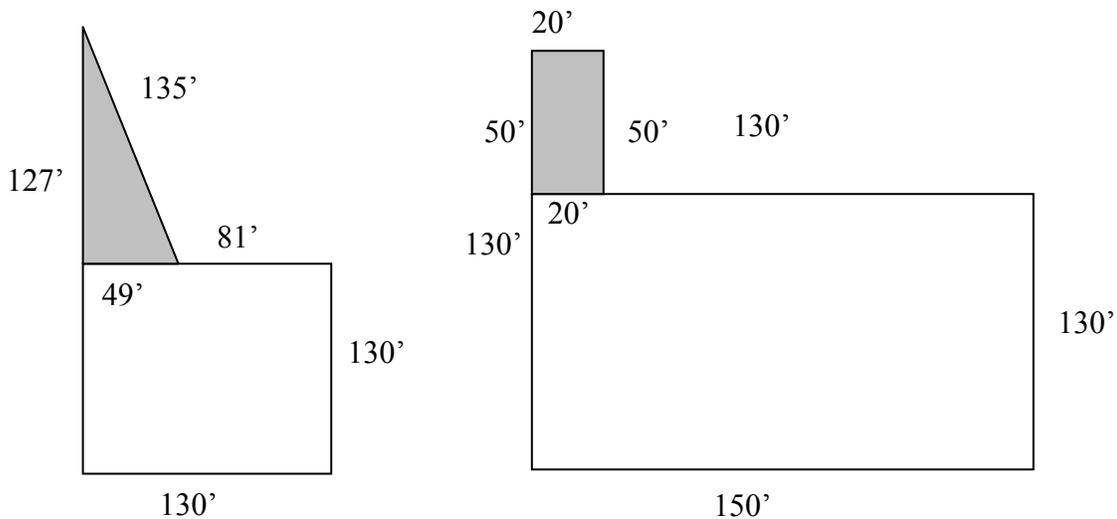
Hydrants shall be provided every five-hundred running feet (500') or portion thereof on one (1) side of each street unless a greater distance is approved by the Fire Department in writing. A hydrant shall in all cases be installed at the terminal end of each water main. They shall be of a type approved by the water department and the American Underwriters Association.

#### 4. H. Sidewalks, Grass Plots, Trees

Sidewalks, grass plots, and trees shall be provided on both sides of each street for the full length of the street except where in the opinion of the Planning Board, the proposed housing density and/or expected traffic intensity is such that a sidewalk on one side is sufficient.

#### 4. I. Irregular Shaped Lots

When the distance between any two points on the boundary of a lot is less than 50 feet, and the shortest distance along the lot lines connecting those points is greater than three times the distance between those two points, the land so bounded may not be considered in satisfaction of the minimum lot size.



*(Note: In the above diagrams, the light portion of the diagram on the left contains 16,900 sq.ft., and the shaded portion contains 3,111 sq.ft., but only 16,900 sq.ft., would count toward the minimum lot size requirement. The diagram on the right contains 19,500 sq.ft. in the light portion and 1,000sqft in the shaded portion, but only 19,500 sq.ft. count toward the minimum lot size requirement).*

## 5. CONSTRUCTION REQUIREMENTS

### 5. A. General

5. A. 1. It is the intent that no street or way through private property shall be accepted by the Town unless the same be previously constructed and completed in accordance with the Standard Cross Section Street Layout Plan, Profile and the following specifications.

5. A. 2. To ensure high quality and uniformity of construction and unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements of the "Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges, 1988 Edition", as amended; hereinafter referred to as the "Standard Specifications" and the special provisions include hereinafter. Appropriate illustrations are found in "Commonwealth of Massachusetts, Department of Public Works, Construction Standards, 1977", as amended. Amendments to the above are those in effect at the date of adoption of these rules and regulations.

5. A. 3. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated are to the aforesaid Standard Specifications, amendments or addenda. These specifications and special provisions shall take precedence and shall govern when they are stricter.

All references in the Standard Specifications, amendments or addenda to Commission, Department, Department of Public Works, Engineer, Party of the First Part, etc. shall be construed to mean the Planning Board of the Town of Saugus or its duly authorized representative.

5. A. 4. To facilitate reference where appropriate, each paragraph in these specifications is noted with the paragraph number of a particular section as contained in the Standard Specifications.

5. A. 5. The extent of work required shall be completed as shown upon approved plans, and shall be in compliance with the Standard Cross Section.

Improvements to minimize adverse environmental impact if required shall be installed in accordance with all details as shown on the approved definitive plan, and all possible measures shall be taken during construction to minimize dust erosion.

5. A. 6. Construction Approval

As each construction operation is completed, it shall be approved by the proper Town authority and/or utility company and the Planning Board or its agent prior to starting work on the succeeding operation.

The Subdivider shall provide for tests when requested to do so, to the Town agencies concerned, including water pressure tests and television camera inspections, said cost to be borne by the developer.

**5. B. Utilities**

5. B. 1. Materials and Installation Methods

Unless otherwise specified, all materials and installation methods used shall conform to the standards of the Town of Saugus.

a) Location and Placement

All underground utilities and other structures located within the right-of-way shall be installed to the right-of-way upon completion of the roadway subgrade and before placing of the sub-base, gravel base courses, sidewalk, or pavement. If the pavement is removed, excavated, or damaged, the trench shall be covered with a poured reinforced concrete slab to the lines, grades, and dimensions approved by the Planning Board Engineer.

b) Excavation for Structures

Excavation for structures, including foundations for drains, sewers, gas and water pipes, walls, and other structures shall be made to the depth indicated on the Definitive Plan or established by the Planning Board Engineer as appropriate. Rocks encountered in trench excavation determined to be Class B shall be removed as directed by the Planning Board Engineer. All trenches must comply with regulation 520 CMR 14.00. Any excavation greater than 3' in depth and is 15' or less between soil walls must have an excavation permit, be attended, barricaded, or back-filled. Any trench/hole that is excavated on public ways or public areas is the jurisdiction of the Department of Public Works, and on private property is the jurisdiction of Inspectional Services.

5. B. 2. Sewage

On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations, and requirements of the Board of Health. Due consideration should be given to surface and subsurface soil conditions, drainage, and topography in the location of such on-site facilities.

5. B. 3. Water

Public water mains and related facilities shall be installed to the standards of the Saugus Public Works.

5. B. 4. Gas

If gas is to be installed within a subdivision, the Boston Gas Company shall be notified by the developer upon approval of the Definitive Plan so that installation of gas mains may be completed without undue delay. If excavation is made after the subgrade is completed and inspected, the mains may be put in a trench covered with a poured concrete slab to the lines, grad, and dimensions approved by the Superintendent of the Department of Public Works.

5. B. 5. Other Utilities

Other utilities shall be installed in underground conduits in accordance with the methods outlined for TRAFFIC CONTROL DEVICES (Section 800) or as required by the utility company or department. Fire alarm, telephone, and, if any, cable television shall be installed underground and may be in the same trench with vertical and/or a horizontal separation as approved by the Planning Board. Service shall be provided to each lot before the subgrade is prepared.

**5. C. Drainage**

5. C. 1. Surface and Sub-Surface Water

Adequate disposal of surface and sub-surface water shall be provided. Where pipes, manholes, and catch basins are required they shall be shown on the Definitive Plan and shall be in accordance with the following:

a) Basins, Manholes, and Inlets

The standard depth of catch basins shall be two and one half feet (2½') below the invert of the lowest drain. Manholes shall be constructed to the required depth at each junction point and shall be as shown on the plan. Basin and inlet grates shall be of a type approved by the Superintendent of the Public Works. Grates on catch basins within a slope which meets or exceeds 4%, or within fifty feet of the bottom of such slope must use properly orientated "cascade grate" covers.

b) Culvert, Storm Drains

All pipes except sub-drains shall be reinforced concrete pipe and shall be installed in accordance with the size and location on the approved plan. All open ended drain lines shall have a reinforced concrete headwall surrounding it and a typical of said headwall shall be shown on the Definitive Plan.

c) Sub-Drains

Where sub-drains are required they shall be designed and constructed in conformance with Section 260 of the Standard Specifications.

**5. D. Sidewalks**

5. D. 1. Sidewalks shall be constructed within the Subdivision along the full length of each side of each street and around the outside of each turnaround, and at other locations within the subdivision as shown on the approved Definitive Plan, except as provided in Section 4.8 of these Rules and Regulations.

5. D. 2. All sidewalks shall be a minimum width of five feet (5') and shall be separated from the road pavement by a seeded grass plot. All sidewalk construction shall be in accordance with the requirements of the Town of Saugus and as shown on the standard cross-section found in the appendix. C

**5. E. Curbing**

The Planning Board requires the use of vertical granite curbing throughout subdivisions of more than two homes. At a minimum, sloped granite curbs shall be required at all intersection points of ways. Curved vertical or sloped granite curbing shall be provided for curve radii of fifty feet (50') or less. Vertical granite curb inlets shall be provided at the back of all catch basins when placed between granite curbing.

All curbing shall be installed and prepared in accordance with Massachusetts DPW "Standard Specification for Highways and Bridges, 1988 ed." and as amended.

**5. F. Highway Guard, Fences, and Walls**

Guard fences, rails, and walls shall be installed wherever determined necessary by the Planning Board and/or Superintendent to provide needed protection to the public. When provided, they shall be constructed in accordance with the relevant portions of "Highway Guard, Fences, and Walls", Section 600, of the "Standard Specifications", and Section 4 of the "Construction Standards". Construction details of all fences, rails, and walls will be shown on the Definitive Plan for the Subdivision.

Where retaining walls eight feet (8') or over in height are proposed as part of the site preparation, details of said wall(s) and related safety features shall be included as part of the submission and must include:

1. General Structural Notes and Specifications
2. Site Retaining Wall Plan
3. Site Retaining Wall Profiles
4. Site Retaining Wall Details
5. Proposed Drainage and Grading Plan

All work shall be in accordance with the requirements of the Town of Saugus Building Department and the Massachusetts State Building Code (MSBC – latest edition). The wall must be certified after completion by a Structural or Geotechnical Engineer.

**5. G. Grass Plots**

5. G. 1. A grass plot shall be provided on each side of each roadway between the pavement and the sidewalk areas, and shall occupy all the remaining area not paved. Grass shall be used unless other ground cover is approved by the Planning Board.

5. G. 2. The areas to be seeded shall be covered with loam to a depth of six inches (6") in accordance with Loam Borrow Processed Planting Material or Topsoil, Rehandled and Spread (Section 751).

5. G. 3. The scope of the grass plot shall be as shown on the profiles and standard cross sections (see appendix).

5. G. 4. Street lighting stanchions and street lights shall be located in the grass plot or in the median, if there is one, but shall not be nearer than twenty-five feet (25') from the intersection of two (2) streets, measured from the intersection of the transients of the intersecting street curb lines. If street lights are located in the median, the Board may require pedestrian lighting placed in the grass plot. (Also see Section 5.K., Street Lights.)

**5. H. Trees, Shrubs, and Ground Cover**

5. H. 1. Street trees of nursery stock conforming to the standards of the American Association of Nurserymen of the species approved by the Saugus Tree Warden and/or the Planning Board, shall be planted on each side of each street in a subdivision, except where the Definitive Plan shows trees to be retained that are healthy and adequate, that shall be retained. Street trees shall be located within the unpaved portion of the right-of-way as shown in the profile and Standard Cross Sections, approximately at one-hundred feet (100') intervals; shall be at least twelve feet (12') in height; two inches (2") measured four feet (4') above the approved grade, unless otherwise required by the tree warden and/or Planning Board.

5. H. 2. All deciduous street trees shall be clear of any branches from the approved grade level to a point seven feet (7') above ground level.

5. H. 3. Except as otherwise provided, all cut bankings shall be planted with a low growing shrub or vine, and wood chipped to a minimum depth of six inches

(6") or seeded with a deep rooted perennial grass to prevent erosion. (See Section 5.G.)

5. H. 4. Planting methods, including wrapping, staking, and guying shall be in accordance with Planting Tree, Shrubs, and Ground Cover (Section 771) of the Standard Specifications.

5. H. 5. All reasonable care shall be exercised to preserve the trees in the subdivision in accordance with Section 4.D.

5. H. 6. The developer will be liable for all trees so planted as to their erectness and good health after planting and until the release of all guarantees.

## **5. I. Monuments and Markers**

5. I. 1. Monuments shall be installed on streets at all points of intersections of streets with each other and at all points of curvature and at all points of change in direction.

5. I. 2. Monuments shall be a standard permanent granite conforming to Granite Bounds (M9.04.8.) and of not less than four feet (4') in length and not less than six inches (6") in width and breadth and shall have a one half inch (½") diameter hole and one and one-half inches (1½") deep, drilled in the center of the top surface.

5. I. 3. Monuments shall be installed in accordance with Bounds (Section 710) at the time of final surface grading with the top flush with the top final grade surface.

5. I. 4. Markers shall be installed at each point where the lot line intersects the street right-of-way at all corners of lots, and at all other points where, in the opinion of the Planning Board, markers are necessary.

5. I. 5. Markers may be one row pipes, one row pins, or granite bounds.

5. I. 6. The placement and accurate location of these monuments and markers shall be certified by a registered land surveyor and properly located on the As-Built acceptance plans. (See Section 3.C.12.)

## **5. J. Street Signs**

5. J. 1. From the time of rough grading until such time as each street is accepted by the Town as a public way, the sign posts at the intersection of such street with

any other street shall have affixed thereto a sign designating such street as a private way.

5. J. 2. Street signs for each intersecting street shall be installed at each intersection to conform to those used by the Saugus Highway Department.

5. J. 3. No street sign, temporary or permanent shall be installed showing a name other than the one approved by the Saugus Planning Board. (See Section 4.A.6.)

## **5. K. Street Lights**

5. K. 1. Street and pedestrian lighting shall be installed to conform to the type and style specified by the Saugus Electrical Department.

5. K. 2. Street and pedestrian light stanchions shall be of a type approved by the Electrical Department, and shall be located in the grass plot or median (See Section 5.G.4.) at such intervals as recommended by the Electrical Department and/or Board of Selectmen unless otherwise specified by the Planning Board.

5. K. 3. Luminaries

All luminaries shall be mercury vapor, metal halide, sodium vapor type, or other types as approved by the Electrical Inspector.

## **5. L. Cleanup**

No lot shall be considered complete until all stumps, brush, roots, and like material, and all trees, rocks, and boulders not intended for preservation by the subdivider shall have been removed and disposed of in a manner and place satisfactory to the Planning Board. Any fire hazard shall be removed promptly to the satisfaction of the Fire Chief. This paragraph does not authorize violation of the Earth Removal By-Law, that is, it does not authorize the removal, including severing and stripping of soil, loam, sand, or gravel on such lot. No occupancy permit will be issued by the Building Inspector until he has received approval from the Planning Board that the slopes on the lot adjacent to the road have been completed to the satisfaction of the Board.

## **5. M. Maintenance of Improvements**

For the purpose of protecting the safety, convenience, and welfare of the Town's inhabitants, for the provision of adequate access to all of the lots in a subdivision, and for byways that will be safe and convenient for travel, for reducing the danger of life and limb in the operation of motor vehicles, for securing safety in the case of fire, flood, panic, and other emergencies; under the authority of Chapter 41, Section 81-M as amended, the applicant or his successor shall provide for the proper maintenance and repair of improvements during the period of construction and continuing until the

applicant or his successor presents to the Planning Board evidence of the recording of the conveyance of the utilities and ways to the Town (Form K). Such improvements include streets, sidewalks, lighting, gas, telephone, water and sewer, grass and other plantings, and fences where required. Such maintenance shall include snow removal beginning from the time of occupancy of an individual owner or tenant other than the developer.

## **5. N. Provision of Competent Supervision**

The applicant shall provide competent supervision during the development of their subdivision. If at any time it becomes apparent that the supervision is not satisfactory, the Planning Board may order the discontinuance of the development until competent supervision is provided.

The applicant may be required to provide for the necessary funds for an outside consultant to provide competent supervision or inspection services as stated in section 6.D. Said funds shall be deposited with the Town Treasurer, who shall establish a special account for this purpose. The Planning Board may then expend the funds, without Town Meeting appropriation, in connection with the employment of an outside consultant to provide these services. Expenditures from this special account shall be made only in connection with oversight and inspection of a subdivision approval for which the funds have been required. Accrued interest may also be spent for this purpose. If the funds deposited are insufficient to cover the costs of the services, the Board may require the applicant to provide additional funds. Failure of an applicant to provide the funds necessary to provide this service shall be grounds for denial of the subdivision application. After completion of the project, any excess amount in the account, including interest attributable shall be repaid to the applicant and/or their successor in title. Any person or entity claiming to be an applicant's successor in title shall provide the Board with documentation establishing such succession in title.

## **5.O. Employment of Outside Consultants**

- a) When reviewing an application for, or when conducting inspections in relation to, applications submitted to the Planning Board for approval, the Planning Board may determine that the assistance of outside consultants is warranted due to size, scale, technical or scientific complexity of a proposed project, because of a project's potential impacts, or because the Town of Saugus lacks the necessary expertise to perform the work related to the specific approval.
- b) If the Planning Board determines that such assistance of outside consultant(s) is warranted, it may require applicant(s) to pay a "project review fee" consisting of the reasonable costs incurred by the Planning Board for the employment of outside consultants engaged by the Planning Board to assist in the review of a proposed project.
- c) In hiring outside consultant(s) the Planning Board may engage engineers, planners, lawyers, urban designers or any other appropriate professional who can assist the Planning Board in analyzing the project and to ensure compliance will all relevant laws, by-laws, and regulations. Such assistance may include, but is not limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Planning

Board's regulations or decision, or inspecting a project during construction or implementation.

- d) Funds received by the Planning Board pursuant to these rules shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial.
- e) At the completion of the Planning Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. For the purpose of this rule, any person or entity claiming to be an applicant's successor in interest shall provide the Planning Board with documentation establishing such succession in interest.
- f) Any applicant may take an administrative appeal from the selection of the outside consultant to the Planning Board. Such appeal must be made in writing and may be taken only within 20 days after the Planning Board has mailed, by First Class Mail, or hand-delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Planning Board within one month following the filing of the appeal, the selection made by the Planning Board shall stand.

## **6. ADMINISTRATION**

### **6. A. Waivers**

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. Any such waiver must be made in writing by the Board as a part of its approval or amendment thereof; otherwise, all requirements contained herein are deemed applicable. The following steps are required to grant waivers:

- 6. A. 1. Petitioner shall be asked to state reason(s) that granting waiver(s) would be in the public interest and not inconsistent with the Subdivision Control Law, as required by M.G.L. Ch. 41, Sec. 81-R.

6. A. 2. A motion shall be made by a Board member to grant or deny each waiver, restating reason(s) given by petitioner that each waiver, individually, is in public interest and not inconsistent with the Subdivision Control Law.

6. A. 3. A roll call vote shall be taken on each waiver requested.

6. A. 4. If any waiver is denied, all necessary steps shall be taken by the Board to table, request extension(s), allow withdrawals, etc., until a new plan without denied waivers is submitted for vote.

## **6. B. Reference**

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

## **6. C. Building Permit**

6. C. 1. No building shall be erected on any lot within a subdivision without separate written permission for each lot from the Board. This permission is in addition to any other permits required for building, such as a permit from the Building Inspector required by other Town By-Laws.

6. C. 2. No lot shall be released and no building permit shall be authorized by the Planning Board until the base coat of bituminous concrete, rough sidewalks (binder course), street lights are installed and operational, and all utilities have been installed in accordance with the approved plan as specified in Section V has been applied to streets that serve the structure.

## **6. D. Inspections**

6. D. 1. Inspections shall be arranged by the developer with the Planning Board or its agent for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at every stage of construction.

6. D. 2. Inspection shall be requested of the Board at least forty-eight (48) hours in advance of the inception of any stage of the construction.

6. D. 3. The Board may establish the order of the required inspection and will require satisfactory completion of one (1) step before the subdivider proceeds to the next. It may require tests to be done by the subdivider at his expense as a condition for approval when in the opinion of the Board it is advisable.

6. D. 4. Approval for backfilling will not constitute final approval of the utility until such lines are properly pressure tested, in the case of water main installation, and television inspected in the case of sewer lines and drain lines.

6. D. 5. It shall be the responsibility of the subdivider to see that all the proper forms are properly filled out and properly signed, and returned to the Planning Board subsequent to each inspection.

6. D. 6. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the applicant or rescission of the approval of the plan in accord with Chapter 41, Section 81-W, of the General Law of Massachusetts.

### **6. E. Validity**

If, in any respect, any provision of these Rules and Regulations, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect that part of such provision which shall be invalid and in all other respects these Rules and Regulations shall not be invalidated, impaired, or affected thereby.

### **6. F. Effective Date**

These regulations become effective after approval by the Board, certification by the Town Clerk, and filing with the Registry of Deeds and the Recorder of the Land Court.

# Appendix

## List of Forms

Form A	Application for Endorsement of Plan Believed Not to Require Approval (ANR)
Form B	Application for Approval of a Preliminary Plan
Form C	Application for Approval of a Definitive Plan
Form C-1	Certificate of Approval of a Definitive Plan
Form C-2	Certificate of Disapproval of a Definitive Plan
Form D	Certified List of Abutters (accompanies submission of a Definitive Plan)
Form F	Performance Bond -- Surety Company
Form G	Performance Bond -- Secured by Deposit
Form H	Covenant
Form I	Standard Tri-Party Agreement
Form J	Tri-Party Release of Funds
Form K	Conveyance of Easements and Utilities

3.A.1

**FORM A**

Town Clerk's Stamp:

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

**APPLICATION FOR APPROVAL OF PLAN BELIEVED** PLAN # \_\_\_\_\_

**NOT TO REQUIRE APPROVAL (ANR)**

To the Planning Board of the Town of Saugus:

The undersigned wishes to record the accompanying plan and requests a determination by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons:

6. F. 1. 1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage and area required by the Saugus Zoning By-Law and is on a public way, namely, \_\_\_\_\_ or a private way, namely, \_\_\_\_\_ Assessor's Map # \_\_\_\_\_ Block # \_\_\_\_\_ Parcel(s) \_\_\_\_\_

6. F. 2. 2. The division of land shown on the accompanying plan is not a subdivision for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The owner's title to the land is derived under deed from \_\_\_\_\_ Dated \_\_\_\_\_

and recorded Certificate of Title No. \_\_\_\_\_, registered in \_\_\_\_\_ District Book \_\_\_\_\_ Page \_\_\_\_\_.

Applicant's Signature \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Owner's Signature \_\_\_\_\_

and Address if not the Applicant \_\_\_\_\_

3.B.1

**FORM B**

Town Clerk's Stamp:

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

PLAN # \_\_\_\_\_

**APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN**

To the Planning Board of the Town of Saugus:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

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

By \_\_\_\_\_ Dated \_\_\_\_\_  
\_\_\_\_\_ Year

being land bounded as follows: \_\_\_\_\_

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

Assessors' Map # \_\_\_\_\_ Block # \_\_\_\_\_ Parcel(s) \_\_\_\_\_

hereby submits said plan as a PRELIMINARY subdivision plan in accordance with the Rules and Regulations of the Saugus Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from \_\_\_\_\_

\_\_\_\_\_ by deed dated

\_\_\_\_\_ and recorded in the Essex County Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_, registered in the \_\_\_\_\_

Registry District of the Land Court,

Certificate of Title No. \_\_\_\_\_.

Applicant's Signature \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Owner's Signature \_\_\_\_\_

and Address if not the Applicant \_\_\_\_\_

Town Clerk's Stamp:

3.C.1

**FORM C**

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN PLAN # \_\_\_\_\_

To the Planning Board of the Town of Saugus:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled \_\_\_\_\_

\_\_\_\_\_

By \_\_\_\_\_ Dated \_\_\_\_\_

Year

being land bounded as follows: \_\_\_\_\_

\_\_\_\_\_

Accessors' Map # \_\_\_\_\_ Block # \_\_\_\_\_ Parcel(s)

hereby submits said plan as a DEFINITIVE plan in accordance with the Rules and Regulations of the Saugus Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from \_\_\_\_\_

\_\_\_\_\_

by deed dated \_\_\_\_\_ and recorded in the Essex County Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_, registered in the \_\_\_\_\_ Registry District of the Land Court, Certificate of Title No. \_\_\_\_\_; and said land is free of encumbrances except for the following: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Said plan has [ ] has not [ ] evolved from a preliminary plan submitted to the Board on \_\_\_\_\_, and approved (with modifications) [ ] (disapproved) [ ] on \_\_\_\_\_

\_\_\_\_\_. The undersigned hereby applies for the approval of said Definitive Plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's Rules & Regulations. The undersigned hereby further covenants and agrees with the Town of Saugus upon the approval of said DEFINITIVE plan by the Board:

3.C.1

**FORM C**

1. to install utilities in accordance with the Rules and Regulations of Planning Board, the Department of Public Works, the Board of Health, and all general as well as Zoning By-Laws of the Town of Saugus, as are applicable to the installation of utilities within the limits of ways and streets;
2. to complete and construct the streets or ways shown thereon in accordance with Section 5 of Rules and Regulations of the Planning Board and the approved Definitive plan, profiles, and cross-sections of the same. Said plan, profiles, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole or part of said land, and assigns of the undersigned; and
3. (i) to complete (except in the case of any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.C.6.a. the required improvements for the subdivision, specified in Section 5, within three (3) years of the date of such approval, (ii) to complete the required improvements for any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.C.6.a. within two (2) years of the date of the performance bond or within three (3) years of the date of the Board's approval of the Definitive Plan, whichever date shall occur the earlier, and (iii) that no structure will be occupied until at least the basic course of the bituminous concrete, as specified in Section 5, has been applied to the streets that serve those structures.

Applicant's Signature \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Owner's Signature \_\_\_\_\_  
and Address if not  
the Applicant \_\_\_\_\_

Town Clerk's Stamp:

3.C.7

**FORM C-1**

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

**CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN** PLAN # \_\_\_\_\_

It is hereby certified by the Planning Board of the Town of Saugus, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on \_\_\_\_\_ it was voted under the provisions of General Laws, Chapter 41, Section 81-M to approve a Definitive Plan entitled: \_\_\_\_\_

submitted by: \_\_\_\_\_

originally filed with the Planning Board on \_\_\_\_\_,

concerning the property located \_\_\_\_\_

with the following conditions:

A copy of this certificate of approval is to be filed with the Saugus Town Clerk and a copy sent to the applicant.

A true copy, attest:

\_\_\_\_\_  
Clerk, Saugus Planning Board

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Saugus Planning Board

Town Clerk's Stamp:

3.C.7.

**FORM C-2**

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

PLAN # \_\_\_\_\_

**CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN**

It is hereby certified by the Planning Board of the Town of Saugus, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on \_\_\_\_\_ it was voted under the provisions of General Laws, Chapter 41, Section 81-M to disapprove a Definitive Plan entitled: \_\_\_\_\_

submitted by: \_\_\_\_\_

originally filed with the Planning Board on \_\_\_\_\_,

concerning the property located \_\_\_\_\_

for the following conditions:

A copy of this certificate of disapproval is to be filed with the Saugus Town Clerk and a copy sent to the applicant.

A true copy, attest:

\_\_\_\_\_  
Clerk, Saugus Planning Board

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Saugus Planning Board

**FORM D**

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

PLAN # \_\_\_\_\_

**CERTIFIED LIST OF ABUTTERS**

To the Planning Board of the Town of Saugus:

The undersigned, being an applicant for approval of a Definitive Plan of a proposed subdivision entitled: \_\_\_\_\_

\_\_\_\_\_ submits the attached listing of the adjoining property owners' names and addresses including the Assessor's Map numbers and lot numbers for each property. This listing includes owners of land separated from the subdivision only by a street.

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

\_\_\_\_\_  
Address

\_\_\_\_\_, Massachusetts

\_\_\_\_\_  
Date

To the Planning Board of the Town of Saugus

This is to certify that at the time of the last assessment for taxation made by the Town of Saugus the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above where as above written, except as follows:

\_\_\_\_\_  
Assessor

\_\_\_\_\_  
Date

**FORM F**

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

PLAN # \_\_\_\_\_

**PERFORMANCE BOND -- SURETY COMPANY**

Know all men by these presents that \_\_\_\_\_

as Principal, and \_\_\_\_\_ a corporation duly organized and existing under the laws of the State of \_\_\_\_\_ and having a usual place of business in \_\_\_\_\_ as Surety, hereby bind and obligate themselves and their respective heirs, executors, administrators, successors, and assigns, jointly and severally, to the Town of Saugus, a Massachusetts municipal corporation, in the sum of \_\_\_\_\_ Dollars, (\$ \_\_\_\_\_).

The condition of this obligation is that if the Principal shall fully and satisfactorily observe and perform in the manner and in the time therein specified, all of the covenants, conditions, agreements, terms, and provisions contained in the application signed by the Principal and dated \_\_\_\_\_ under which approval of a Definitive Plan of a certain subdivision, entitled:

\_\_\_\_\_ and dated \_\_\_\_\_ has been or is hereafter granted by the Saugus Planning Board, then this obligation shall be void, less ten percent (10%) for the necessary period, otherwise it shall remain in full force and effect and the aforesaid sum, reduced as necessary, shall be paid by the Town of Saugus, liquidated damage.

The Surety hereby assents to any and all changes and modifications that may be made of the aforesaid covenants, conditions, terms, and provisions to be observed and performed by the Principal, and waives notice thereof.

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

Principal

\_\_\_\_\_

By

\_\_\_\_\_ Title

Surety

\_\_\_\_\_

By

\_\_\_\_\_ Attorney-in-Fact

**FORM G**

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

PLAN # \_\_\_\_\_

**PERFORMANCE BOND -- SECURED BY DEPOSIT**

Know all men by these presents that \_\_\_\_\_ hereby binds and obligates himself/itself/his/its executors, administrators, devisees, heirs, successors, and assigns to the Town of Saugus, a Massachusetts municipal corporation, in the sum of \_\_\_\_\_

Dollars, (\$ \_\_\_\_\_), and has secured this obligation by the deposit with the treasurer of said Town of Saugus of said sum in money or negotiable securities with proper stock powers.

The condition of this obligation is that if the undersigned or his/its executors, administrators, devisees, heirs, successors, and assigns shall fully and satisfactorily observe and perform in the manner and in the time herein specified, all of the covenants, conditions, agreements, terms, and provisions contained in the application signed by the Principal and dated \_\_\_\_\_, under which approval of Definitive Plan of a certain subdivision entitled \_\_\_\_\_

\_\_\_\_\_ and dated \_\_\_\_\_ has been or is hereafter granted by the Saugus Planning Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said Town of Saugus as liquidated damage.

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Principal

By: \_\_\_\_\_  
Title

Form H

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

SUBDIVISION NAME \_\_\_\_\_ DATE \_\_\_\_\_

COVENANT \_\_\_\_\_ PLAN # \_\_\_\_\_

Know all men by these presents that whereas the undersigned has submitted an application dated \_\_\_\_\_ to the Saugus Planning Board for approval of a Definitive Plan of a certain subdivision entitled: \_\_\_\_\_

\_\_\_\_\_ and dated \_\_\_\_\_, and has requested the Board to approve such plans without requiring a performance bond.

NOW THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Saugus Planning Board approving said plan without requiring a performance bond, and in consideration of one (1) dollar in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the Town of Saugus as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms, and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate or performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

3. The undersigned represents and covenants that undersigned is the owner\* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
  4. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the Town of Saugus governing the Subdivision of Land before \_\_\_\_\_ unless an extension of time is granted by the Saugus Planning Board. Failure to so complete could result in rescinding approval of the plan.
- If there is more than one owner, all must sign.

Form H

**COVENANT**

IN WITNESS WHEREOF the undersigned, applicant as aforesaid, does hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Owner(s) if not Applicant

\_\_\_\_\_

Description of Mortgages: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Assents of Mortgagees:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Form H**

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, SS \_\_\_\_\_

Then personally appeared the above named \_\_\_\_\_

\_\_\_\_\_ and acknowledged the foregoing instrument to be \_\_\_\_\_

free act and deed, before me.

\_\_\_\_\_  
Notary Public

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

**FORM I**

**STANDARD TRI-PARTY AGREEMENT**

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS      DATE: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_      PLAN NO: \_\_\_\_\_

ITEM	QUANTITY (see below)	UNIT COST	ESTIMATED COST

(Attach Additional Sheets If Needed)

Prepared by: \_\_\_\_\_      Sub-Total: \_\_\_\_\_

15%: \_\_\_\_\_

Signature: \_\_\_\_\_      Total Amount: \_\_\_\_\_

**STANDARD UNITS OF MEASURE**

Item	Unit	Item	Unit
Trees	each	Underground electrical street lighting conduit	LF
Primary duct bank	LF	Telephone and fire alarm service	LF
Combined telephone and fire alarm duct bank	LF	Transformer pad	each
Electric manhole	each	Head walls	each
Pump station (including control panel and alarm hook-up)	each	Clearing site	AC
Riprap	lump sum	Sidewalk (gravel)	CY
Property bounds	each	Sidewalk (finish)	tons
Curbing	LF	Sidewalk (binder)	tons
Roadway paving (binder)	tons	Roadway paving (finish)	tons
Drain pipe (installed)	LF	Drain manhole (installed)	each
Water pipe installed (including fittings)	LF	Fire hydrant (installed)	each
Sewer main (installed)	LF	Sewer manhole (installed)	each
Sewer & water to services (each lot)	per lot	As-built plans	lump sum

**FORM J**

**TRI-PARTY RELEASE OF FUNDS**

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS      DATE: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_ PLAN NO: \_\_\_\_\_

<b>Item</b>	<b>Percent Complete</b>	<b>Percent Remaining</b>	<b>Amount To Be Released</b>

Total to be Released: \_\_\_\_\_

Total Held: \_\_\_\_\_

Present Balance: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Signature: \_\_\_\_\_

**Form K**

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

DATE: \_\_\_\_\_

PLAN NO: \_\_\_\_\_

**CONVEYANCY OF EASEMENTS AND UTILITIES**

\_\_\_\_\_, of \_\_\_\_\_,

\_\_\_\_\_ County, Massachusetts, for good and adequate consideration,

grant to the Town of Saugus a municipal corporation in Essex County, Massachusetts, the perpetual rights and easements to construct, inspect, repair, renew, replace, operate, and forever maintain, water and sewer mains and drainage systems with any manholes, pipes, conduits, easements, and other appurtenances thereto, and to do all acts incidental thereto, in, through, and under the following described land: \_\_\_\_\_

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

appearing on a plan entitled: \_\_\_\_\_.

And, for the consideration aforesaid, the said grantor does hereby give, grant, transfer, and deliver unto the Town of Saugus all water and sewer mains and drainage systems, manholes, pipes, conduits, easements, and all appurtenances thereto that are now or hereafter constructed or installed in, through, or under the above described land by the grantor and the grantor's successors and assigns.

The grantor warrants that the aforesaid easements are free and clear of all lien's or encumbrances, that he (it) has good title to transfer the same, and that he will defend the same against claims of all persons.

For grantor's title see deed from \_\_\_\_\_

dated \_\_\_\_\_ and recorded in \_\_\_\_\_

District Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or under Certificate and Title No.

\_\_\_\_\_, registered in \_\_\_\_\_ District of the Land Court, Book \_\_\_\_\_,

Page \_\_\_\_\_.

And (to be completed if a mortgage exists) \_\_\_\_\_

(name and address) \_\_\_\_\_

the present holder of a mortgage on the above described land, which mortgage is dated \_\_\_\_\_,

and recorded in said Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, for consideration paid, hereby releases

unto the Town forever from the operation of said mortgage, the rights and easements hereinabove granted and assents thereto.

**Form K**

PLANNING BOARD -- TOWN OF SAUGUS, MASSACHUSETTS

DATE: \_\_\_\_\_

PLAN NO: \_\_\_\_\_

**CONVEYANCY OF EASEMENTS AND UTILITIES**

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

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, SS \_\_\_\_\_  
Date

Then personally appeared in the above named \_\_\_\_\_  
and acknowledged the foregoing to be \_\_\_\_\_  
free act and deed, before me.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_