

CITY OF EVERETT

PLANNING BOARD



RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

TABLE OF CONTENTS

Section 1 Purpose and Authority.....	Page3
1.01 Purpose	
1.02 Authority	
Section 2 Definitions	Page 3
Section 3 General.....	Page 4
3.01 Basic Requirement	
3.02 Limitation of One Dwelling on any Lot	
3.03 Effect of Prior Recording	
3.04 Water Supply	
3.05 Waivers	
Section 4 Plan Believed Not to Require Approval.....	Page 5
4.01 Subdivision	
4.02 Contents	
4.03 Determination	
4.04 Board Action	
4.05 Administration	
Section 5 Procedures for the Subdivision Requiring Approval of Plans	Page 7
5.01 Preliminary Plan	
5.02 Relation of Preliminary to Definitive Plan	
Section 6 Definitive Subdivision Plan.....	Page 9
6.01 Application Procedure	
6.02 Definitive Plan Contents	
6.03 Street Plans and Profiles	
6.04 Environmental Analysis	
6.05 Review Procedures	
6.06 Action by the Planning Board	
Section 7 Severability.....	Page 17
Planning Board Rules and Regulations Governing the Widening and Relocation of Existing Streets.....	Page 18
Form A.....	Page 20
Form B	Page 22
Form C	Page 24
Recording Date in the Registry of Deeds.....	Page 26

SECTION 1: PURPOSE AND AUTHORITY

1.01 PURPOSE

The Rules and Regulations governing the subdivision of land in the City of Everett, Massachusetts, have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of Everett 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 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; lessening congestion in such ways and the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable provisions of the City of Everett Zoning Ordinance; for securing adequate provisions for water, sewerage, drainage, underground utility service, fire, police 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 city and with the ways in neighboring subdivisions.

1.02 Authority

Under the authority vested in the Planning Board by M.G.L. 41 section 81Q as amended said Board hereby adopts these Rules and Regulations governing the subdivision of land

SECTION 2. DEFINITIONS

For the purpose of these regulations, the terms and words defined in the subdivision control law shall have the meaning given therein, unless a contrary intention clearly appears in these definitions. The following other terms and words are defined as follows:

Applicant: The person or entity applying for approval of plan hereunder, including owner, agent or assigns of the owner.

Base Flood Elevation: The base flood elevation shall be the level of flooding having a one (1%) chance of being equaled or exceeded in an given year, as designated on a Flood Insurance Rate Map (FIRM) including any available United State Geologic Survey (USGS) Soil Conservation Service and the Army Corps of Engineers Study.

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

Board: The City of Everett Planning Board.

Certification/Endorsement by the Planning Board: As applied to an instrument required or authorized by the subdivision control law to be recorded, shall mean certification/endorsement signed by a majority of the members of the board or by its chairperson or any other person authorized by it to certify/endorse, and named by a

written statement to the register of deeds and recorded of the land court, signed by a majority of the board (M.G.L Ch. 41 § 81L)

Easement: A right in land acquired by public authority or other person to use or control property for utility or other purpose.

Engineer or Surveyor: A person registered by the Commonwealth of Massachusetts to perform professional civil engineering or land surveying.

Lot: An area of land, which has a minimum of 50 feet frontage on a street in a one ownership with definite boundaries used, or available for use, as a site of one or more buildings, areas endorsed by the board upon a plan as “not available for building purpose” shall not be considered lots.

Recorded: A recording in the Registry of Deeds for Middlesex County and where Registered Land is affected, filing with the recorder of the Land Court. (M.G.L. Ch. 41 § 81L).

Sidewalk: A way within the right of way of a street normally parallel to the street designed primarily for pedestrian use.

Streets and Ways:

Streets: A street is any existing street, square, lane, terrace, avenue, court, place, way or private way, set aside as a permanent right of way for street purposes and including any such right of way as may be created after the enactment of these rules and regulations provided it is Forty (40) feet or more in width.

Subdivision: A division of a tract of land into two or more lots, including resubdivision, provided that such division shall not be deemed to constitute a subdivision under the subdivision control law (M.G.L. Ch. 41 §§ 81K-81GG) if at the time it is made, every lot with in the tract has frontage on a public way, a way which the City Clerk certifies as a maintained and used as a public way, a way shown on a plan there to for approved and endorsed in accordance with the subdivision control law meeting the standards of the board as set out in §.4.03.

Utilities: A private or municipal service to be furnished within the subdivision, including telephone, cable TV, electric light and power, gas lines, sanitary sewers, water drains, water pipes and appurtenance.

SECTION 3. GENERAL

3.01 Basic Requirements

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City of Everett of proceed with the improvements or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services

therein, unless and until a plan has been endorsed “ Planning Board Approval Not Required” or a Definitive Plan of such subdivision has been submitted to and approved by the Board.

3.02 Limitation of One Dwelling on any Lot

Not more than one (1) building designed or available for use for dwelling purpose shall be erected or placed or converted to use as such on any lot in a subdivision, or else where in the city, without the consent of the Board, and such consent may be made conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

3.03 Effect of Prior Recording

The recording of a plan of subdivision within the City of Everett in the Registry of Deeds of Middlesex County prior to the effective date of the Subdivision Control Law in the City of Everett shall not exempt the land within such subdivision from application and operation of these Rules and Regulations except as specifically exempt by M.G.L. Ch. 41 § 81.

3.04 Water Supply

The Board will not approve a subdivision plan unless the developer’s engineer certifies that water supply deemed adequate by the Board will be available.

3.05 Waivers

The Board may waive strict compliance with any of these Rules and Regulations if it deems it in the public interest and if written record is kept of such waivers, and the reasons for them.

SECTION 4. PLAN BELIEVED NOT TO REQUIRE APPROVAL

4.01 Submission

Any person who wishes to cause to be recorded in the Registry of Deeds or to be files 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 with 6 copies with the Application “Form A” to the Board accompanied by the necessary evidence to show that the plan does not require approval.

The plan shall be submitted by delivery at a regularly scheduled meeting of the Board or by certified mail, postage prepaid, to the Board. If so mailed, the date of the mailing shall be the date of the submission of the plan. In addition, written notice of such submission using “Application Form A” shall be given by the applicant to the City Clerk by delivery or by registered mail. Postage prepaid. If notice is given to delivery, the City Clerk shall, if requested, give a written receipt to the person who delivered such notice.

4.02 Contents

The original of the drawn plan and six (6) prints shall contain the following information:

1. Title, boundaries, north point, date and scale.

2. Name and address or record owner and engineer or surveyor.
3. Names of all abutters as they appear in the most recent assessors tax list.
4. Existing lines of streets, ways, lots, easements and public or common areas.
5. Location of all permanent bounds properly identified as to whether existing or proposed.
6. The entire area in which the division takes place including all parcels affected by the increase or decrease. The line or lines showing the new subdivision shall be heavier than existing property lines.
7. Sufficient data to determine location, width, direction, and length of every street and line, lot line and boundary line, and to establish these lines on the ground, with areas of lots and lot numbers.
8. Frontage and area of any of any remaining adjoining land owned by the applicant.
9. Suitable space to record the action of the Board and the signature of the members of the Board.
10. Notice of any special permit/variance issued as to the land or any buildings thereon.
11. Evidence that each lot on the plan, or altered by it meets the following criteria:
 - A. Has a minimum of Fifty (50) feet of frontage on:
 1. A public way, or
 2. A way which the City Clerk certified is maintained and used as a public way, or
 3. A way shown on a plan approved and endorsed earlier by the Board under this law, or
 4. A way existing before the enactment of these rules and regulations which the Board finds adequate for the way's proposed use, or
 5. A way shown on a plan of a subdivision registered in the Land Court prior to the enactment of these rules and regulations, or
 - B. Has been clearly marked on the plan to be either:
 1. Joined to and made a part of any adjacent lot, or
 2. Not a building lot.

4.03 Determination

In determining whether an existing way is adequate to qualify a plan as not constituting a subdivision, the Board shall consider the following conditions, among others:

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 the roadway provide safe visibility?
3. Is the roadway constructed at least twenty-six (26) feet wide, and with adequate provisions for drainage?
4. If the road could serve more than six (6) dwelling units, is it bituminous surfaced or have provisions been made for such surface without cost to the City of Everett?

5. Have provisions been made for public utilities without cost to the City of Everett?

In determining whether a way has been used and maintained as a public way, the City Clerk and the City Engineer shall submit to the Board written evidence of public maintenance by the City and of continued substantial use by the general public without permission of the landowners along the way, continuous for at least twenty (20) years.

Sporadic use, use by a few persons or use by agreement of the abutters shall not suffice.

4.04 Board Action

If the Board determines that the plans does not require approval, it shall forthwith, without a public hearing and within fourteen (14) days of submission, endorse on the plan by a majority of the Board or by a person authorized by the Board the words, "Planning Board Approval under the Subdivision Control Law Not Required" or words of similar import with the appropriate name or names signed thereto. Such endorsement shall not be withheld unless such plan shows a subdivision. Said plan shall be returned to the applicant and the Board shall notify the City Clerk or it's action in writing.

If the Board fails to act upon the plan or fails to notify the City Clerk and the applicant of it's action within fourteen (14) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith make such endorsement on said plan, and on it's failure to do so forthwith the City Clerk shall issue a certificate to the same effect. The plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Board, or I the case of the certificate, by the City Clerk, to the applicant.

4.05 Administration

One print of the plan shall be retained in the files of the Board and additional prints, with notation of it's action, shall be filed by the Board with the Inspector of Buildings and the City Clerk.

SECTION 5. PROCEDURES FOR THE SUBMISSION REQUIRNG APPROVAL PLANS.

5.01 Preliminary Plan

1. General: A preliminary Plan of a subdivision must be submitted by the applicant to the Board of Health, and to the Board for discussion and approval by the Board. The submission of such a Preliminary Plan will enable the subdivider, the Board and other municipal agencies to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared.
2. Submission: A properly executed "Application Form B" shall be filed with the Preliminary Plan submitted to the Board. The Preliminary Plan shall be submitted by delivery at a regularly scheduled meeting of the Board or by

registered mail, postage prepaid, to the Board. If so mailed, the date of the mailing shall be the date of the submission of the Plan. In addition, written notice of such Plan using "Application Form B" shall be given by the applicant to the City Clerk by delivery or by hand, the City Clerk shall, if requested give a written receipt to the person who delivered such notice.

3. Contents: The Preliminary Plan shall be drawn on mylar or tracing paper 24 inches by 36 inches with pencil at a scale appropriate to show all detail and six (6) prints shall be filed at the office of the Board. Said Preliminary Plan shall show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Such information shall include the following:
 - a. Proposed subdivision Name or Identifying title, boundaries, North Point, Date, Scale, legend and title "Preliminary Plan", and a block for approval.
 - b. Name and address of record owner or owners, applicant, engineer, or surveyor or other designer of preliminary layout, with professional stamp if any.
 - c. Names of all abutters as they appear in the most recent assessors tax list, including names of owners of land separated from the subdivision only by a street.
 - d. Existing or proposed lines of streets, sidewalks, ways, lots, easements and public or common areas within the subdivision in a general manner.
 - e. Easements and rights of way appurtenant to the land.
 - f. Names, location and widths of adjacent streets to the subdivision.
 - g. Boundary lines of all proposed lots or divisions of land with their approximate areas and dimensions. Lots are to be numbered in sequence. The line or lines showing the new subdivision shall be heavier than existing property lines.
 - h. Topography of land in a general manner at a contour interval sufficient to show grading, including features such as walls, fences, bounds, catch basins, manholes, gas gates, water gates and utility poles.
 - i. Proposed systems of drainage, including the location of all swamp, marsh and lowland, water bodies, streams, open drains and ditches, natural or man-made, flowing rights, public and private, adjacent to or within the proposed subdivision in a general manner.

During the discussion of the Preliminary Plan information required for the Definitive Plan and the financial arrangements will be developed.

4. Action by the Board: The Preliminary Plan will be studied by the Board and within sixty (60) days after submission the Board shall approve, approve with modifications suggested by the Board or agreed upon by the person submitting the Plan, or disapprove the Preliminary Plan. A disapproval by the

Board will be accompanied by a detailed statement of the reasons for the action.

Notice if its action must be given by the Board to the applicant and the City Clerk within sixty (60) days of the date of submission.

5.02 Relations of the Preliminary to Definitive Plan (M.G.L. Ch. 41 §81O M.G.L. Ch 40A § 6)

Approval of the Preliminary Plan does not constitute approval of a subdivision, and a preliminary plan cannot be recorded in the Middlesex Registry of Deeds. If a Definitive Plan is duly submitted within seven (7) months from the date of submission of the Preliminary Plan, and if the Definitive Plan is duly approved by the Board, the subdivision, the subdivision rules and regulations in effect at the time of submission of the preliminary Pan shall govern approval of the Definitive Plan. If the Definitive Plan is so approved, the Zoning provision in effect at the time of the submission of the Preliminary Plan shall govern the land shown on the plan for five (5) years form the date of the Board's endorsement of the subdivision plan.

SECTION 6 DEFINITIVE SUBDIVISION PLAN

6.01 Application Procedure

Any person who desires approval of a Definitive Plan of subdivision shall:

1. Submit to the Planning Board the following, with the drawings consolidated onto a single sheet or on separate sheets.
 - a. Ten (10) copies of the Definitive Plan, dark lines on white back round. The original drawing of the Definitive Plan will only be needed if and when signing of the Plan takes place.
 - b. Ten (10) copies of the street plans and profiles of every proposed street.
 - c. Ten (10) copies of the street cross sections for each street within the subdivision, drawn at 1" = 4', showing location of all utilities and other elements within the street right of way, and typical cross section of any altered drainage courses or off-street paths.
 - d. A properly executed application Form C.
 - e. Drainage calculations certified by the engineer who prepared them.
 - f. Evidence of ownership and, if requested by the Board, traverse notes, language of any easements, covenants or deed restrictions applying or proposed to apply to the area being subdivided, rights and easements obtained for utilities or drainage outside of the subdivision, description of erosion control methods to be employed, and cross sections of proposed streets at critical locations showing existing and proposed grade for the width of the right of the way plus twenty-five (25) feet on each side.
 - g. If necessary in order to determine compliance with the requirements or intent of this Regulation, the Board may require specialized

engineering or environmental analyses to be prepared at the expense of the applicant.

- h. One (1) copy of the environmental Analysis, if required. (see Paragraph 6.04)
 - i. A list of names and mailing addresses for all abutters and abutters to the abutters, as they appear on the most recent Assessors tax list, including property owners on the opposite side of any streets abutting the subdivision.
 - j. The Board may require soil surveys and/or test pit or borings to be prepared at the applicants expense to determine the suitability of the land for the proposed ways, drainage and utilities.
2. Submit to the City Clerk by delivery or registered or certified mail:
- a. A notice stating the date of the Definitive Plan submission to the Planning Board, and:
 - b. A copy of the completed “Application Form C”.
3. Submit to the Board of Health:
- a. Two (2) copies of the Definitive Plan;
 - b. Two (2) copies of the Street Plans and Profiles;
 - c. A copy of the completed “Application Form C” and;
 - d. Two (2) copies of any soil tests and environmental analysis.

6.02 Definitive Plan Contents:

The Definitive Plan shall be prepared by a Registered Land Surveyor or Registered Civil Engineer, in a form acceptable to the Middlesex County Registry of Deeds. It shall contain the following:

- 1. Subdivision name, north point, legend, date, annotation of revision dates and contents, and scale.
- 2. Name and address of record owner and of subdivider, stamp and signature of Registered Land Surveyor and any other professionals engaged in the design, in each case certifying that elements of the plan for which they are responsible have been prepared in accordance with these rules and regulations.
- 3. Sufficient data to readily determine the location, direction and length of every existing and proposed street, way, easement, lot and boundary line, and to establish those lines on the ground
- 4. The area of each lot in the subdivision.
- 5. Lot numbers shown enclosed in a circle.
- 6. Location of all permanent monuments, properly identified as to whether existing or proposed.
- 7. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision, and designation whether public or private.
- 8. Existing and proposed watercourses and ponds.
- 9. Reference identifying applicable Street Plans and Profiles, Covenants, or other relevant documents, whether recorded or not.

10. Existing and proposed drainage including drainage areas inside the subdivision, areas outside the subdivision which drain into it, and the route for all existing and proposed drainage discharging from the subdivision, to the primary receiving water course, other body of water, or existing municipal system. Calculations shall be figured in the modified soil cover complex method, unless the Board agrees to some other method, using a Ten (10) year storm frequency for street drainage and a fifty (50) year storm for cross culverts. Cross sections of each drainage ditch shall be included.

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

If surface water drains will discharge onto adjacent existing street or onto adjacent properties not owned by the applicant, the applicant shall clearly indicate what course the discharge will take, and shall present to the Board evidence from the City Engineer or the owner of adjacent property that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.

11. Suitable space for endorsement by the Planning Board, with spaces for annotating date of approval and date of endorsement.
12. Location of Base Flood Elevation if encountered within one hundred (100) feet of the subdivision.

6.03 Street Plans and Profiles

For each street there shall be a separate plan at 1"= 40', and profile at 1"=4' vertical, elevations referenced to the City of Everett datum, drawn in India ink or pencil on polyester film, showing the following data.

1. Subdivision name, owner's name and address, boundary lines of ways, north point, scale, date, annotation or revision dates and content, as on the Definitive Plan;
2. Name and address of the person preparing the plan together with his Massachusetts registration certificate number as land surveyor or engineer;
3. The plan shall show bearings and distance, radii and arcs, central angle and tangent distances on all curves with stationing on the center line;
4. The profile shall show the existing ground on the center line in a solid black line, the proposed grade shall be shown in a heavy black line with the elevation shown at each fifty (50) feet station, with the rate of grade indicated;
5. The grade of all streets intersection the proposed streets shall be shown for at least one hundred (100) feet each side of the intersection of street center line;
6. The proposed drainage, catch basins, manholes, pipes and any other drainage facilities shall be shown on both plan and profile;

7. Existing and proposed sidewalks, and walkways shall be shown with widths and grade elevations;
8. All plans and profiles shall include a notation on each drawing that the same is one or an indicated total number of sheets;
9. Such additional information as the Board may deem necessary, including the plan of the fire alarm installation;

6.04 Environmental Analysis

Any subdivision creating frontage potentially allowing thirty or more lots shall be based upon an Environmental Analysis, and in addition, the Board may require for subdivisions of fewer than 30 lots that certain of the following may be submitted where such information is necessary to evaluate the plan because of special circumstances of the location or proposal. Environmental analysis shall be prepared by an interdisciplinary team to include a Land Surveyor, Civil Engineer, and Architect or Landscape Architect, unless otherwise agreed to by the Planning Board, The following documentation is required from each such analysis.

1. A set of plans at uniform scale shall be submitted, encompassing the entire subdivision on a single sheet not larger than 42" x 60" showing the following;
 - a. The same data as on the Definitive Plan, reproduced as a clear acetate or mylar overlay.
 - b. Topography at two-foot contour intervals, with graphic drainage analysis; indication of annual high water mark, location of existing structures, including fences and walls.
 - c. Vegetative cover analysis, including identification of general cover type (wooded, cropland, brush, wetland etc.), location of all major tree groupings, plus other outstanding trees or other botanical features, important wildlife habitats, and identification of areas not to be disturbed by construction.
 - d. Soil types, based on the USDA soils study, approximate groundwater level, location and results of soil percolation or other subsurface tests.
 - e. Visual analysis, including analysis of scenic vistas and locations of visual prominence.
 - f. Location of surface water bodies, wetlands aquifer or recharge areas for existing or potential drinking water supplies.
2. A narrative statement shall also be submitted, documenting the following, with references to the above maps as germane:
 - a. Impact upon surface water quality and level.
 - b. Impact upon groundwater quality and level.
 - c. Effects on important wildfire habitats, outstanding botanical features, scenic or historic sites or buildings.'
 - d. Capability of soils, vegetative cover and proposed erosion control measures to support proposed development without erosion, silting or other instability.

- e. Relationship to M.G.L. Ch. 131 §40, M.G.L. Ch 40A and M.G. L. Ch.130 § 105.
3. The report shall also estimate: the proposed traffic flow in relation to eh way(s) giving access to the subdivision: the inhabitants of the subdivision and the effect of the new project on public services such as water, sewer, schools police fire and waste disposal.

6.05 Review Procedures

1. Board of Health: The Board of Health shall within forty-five (45) days of filing report to the Planning Board in writing with signatures of a majority of its members its approval or disapproval of the plan, as required by M.G.L. Ch. 41 § 81U. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plans cannot be used for building sites without injury to the public health, and include such specific findings and its reason therefore in such report, and where possible, shall make recommendations for the adjustment therefore. Approval of the plan by the Planning Board shall then only be given provided that the applicant documents having reviewed his plan with the Board of Health and only on condition that the lots of land as to which specific findings were made shall not be built upon without prior consent of the board of Health. The Board shall endorse on the lots or land to which conditions apply.
2. Public Hearing: The Board will not approve a Definitive Subdivision Plan submitted to it until it shall have held a public hearing with respect to such Plan. Notice of each such public hearing shall be given by the Board in accordance with the Laws of the Commonwealth.

6.06 Action by the Planning Board

1. Decision: After the public hearing, the Board in due course will approve, modify and approve, or disapprove the Definitive Subdivision Plan submitted. Criteria for action by the Board shall be for the following:
 - a. Completeness and technical adequacy of all submissions;
 - b. Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard, or other environmental degradation;
 - c. Conformity with the City's design and construction standards;
 - d. Determination, based upon the Environmental Analysis (where submitted) that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan;
 - e. Conformity with all applicable zoning requirements; and
 - f. Consistency with purposes of the Subdivision Control Law.

Following such action, the Board will file a certificate of its action with the City Clerk and will send a notice of its action by registered or certified mail to the applicant at his address stated in the application. The Board will send a brief

summary of its actions to any person interested upon written request therefore stating the name and address of the person to whom the summary shall be sent. A copy of the covenant shall be transmitted by the Board to the Inspector of Buildings.

2. Performance Guarantee: The Board's approval of a subdivision plan, if granted, shall be indorsed on the Definitive Plan only after the expiration of any applicable statutory appeal period.
Before the Board endorses its approval on the plan the applicant shall provide assurances as set out below.
The applicant shall either file a surety company performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements as shown on the Definitive Plan and as specified in the design and construction standards not covered by the covenant below. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Accountant and shall be contingent on the completion of such improvements within three (3) years of the date of the bond. The form of the bond shall be as required by the Board. At the discretion of the Board a time extension may be granted for a period not to exceed one (1) years; provided that such an extension may be conditioned upon an increase in the amount of such bond or security as determined by the Board.
Alternatively, the owner, at the Board's request, shall execute an appropriate covenant which shall be recorded with the subdivision plan, stipulating that no lot of land shown on the plan shall be sold, or buildings or other structures erected or placed on, or application for a building permit made with respect to, any such lot until:
 - a. The streets shown on the subdivision plan and the streets and any sidewalks required by the Board shown on the plans and profiles have been brought to sub-grade through out in accordance with the requirements of these Rules and Regulations, including the installations of required catch basins, drains, culverts and other drainage facilities;
 - b. Facilities for water in accordance with the requirements of the Water Department have been installed through out the streets shown on the plan;
 - c. The subdivision plan, bearing the Board's signed endorsement thereon, and signed copy of such agreement have been recorded in the Middlesex Registry of Deeds or with the Recorder of the Land Court;
 - d. The owner has executed a contract with the Board on behalf of the City, accompanied by appropriate security to secure performance of the terms and conditions thereof, to complete construction of all required improvements not later than a specified date;
 - e. The owner has recorded in the Registry of Deeds or with the Recorder of the Land Court a certificate of release from the Board indicating

that the conditions set forth in clause (a) to (d) inclusive of this section have been met. In addition, the owner shall covenant that no Building Certificates of Use and Occupancy shall be applied for until streets serving such building had been surfaced with at least a 1 ½” binder course of bituminous concrete.

However, nothing in this section shall be construed as a limitation on the authority of the Board to condition its approval of any upon the satisfaction of additional conditions.

3. Copies of Documents: Following plan approval, endorsement, and recording, the applicant shall provide the Board with one polyester film reproducible and six prints of the Definitive Plan and one copy of final covenants and restrictions, noting book, page number, and date of recording for each; and one polyester film reproducible and six prints of the Street Plan and Profiles. One copy of the Definitive Plan shall be transmitted to the Inspector of Buildings by the Planning Board.
4. Release of Performance Guarantee:
 - a. Upon completion of Improvements required by this regulation, the subdivider may request either partial or full release of his bond, deposit or covenant by sending a statement of completion and request for release by registered mail to the Planning Board and to the City Clerk. Release will be granted only following written approval by the Planning Board and any other City Officials concerned with the work performed. Copies of release from covenants or occupancy permits shall be sent by the Planning Board to the Inspector of Buildings.
 - b. Partial Release. The Board may grant partial release from such security for partial completion of improvements, provided that the completed portion provides a reasonable system for circulation and utilities pending completion of the rest, and provided that appropriate arrangements have been made for later disposition of such interim facilities as temporary turn-arounds.
 - c. Security: The Board may release the applicant from the covenant upon receipt of an agreement executed by the applicant and by the holder of a first mortgage on the premises providing for retention of funds and their availability to the City upon default (see M.G.L. Ch. § 81U, the 11th paragraph).

The Board shall retain security on an amount equal to at least 15% of the total cost of improvements until the integrity of road pavement and drainage has been verified following a full winter in place, and an amount equal to at least 5% of the total cost until trees and other vegetation have been established, and the fee has been conveyed to the City or three years have elapsed since completion of the improvements.

- d. Refusal of Release: If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the City Clerk the details wherein said construction and installation fails to comply with the requirements of this regulation.
- e. Rescission: Failure of the developer to record the Definitive Plan within six (6) months of its endorsement, or to comply with the construction schedule incorporated into the performance agreement, or to initiate construction of improvements or sell lots in a subdivision or portion thereof within seven (7) years of approval of the Definitive Plan, or comply with all applicable Zoning Ordinance or unauthorized departure from any agreements made or plans submitted, whether or not at the direction of other public agencies, shall constitute reason for the Planning Board to consider rescission of such approval, in accordance with the requirements and procedures of M.G.L. Ch. § 81W.

5. Ways and Easements

- a. Acceptance of Streets: Approval by the Board of a Definitive Subdivision Plan shall not constitute the laying out or acceptance of by the City of any streets within a subdivision.
- b. Ownership of Ways and Easements: The subdivider shall retain title to the fee of each street, path, or easement in or appurtenant to the subdivision until conveyed to the City and shall maintain and repair the roads and drainage facilities in a manner satisfactory to the Board.

Prior to final release of security, the developer shall submit all necessary documentation for street acceptance, including plans in form acceptable to the Registry of Deeds, legal description, easements, list of owner and mortgages of lots having rights in the street, and any grants of rights necessary.

- c. Completion Within Three Years: The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within three (3) years of the date of approval. If the ways in any subdivision are not complete and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, the Board's approval of the Definitive Plan shall lapse, and no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application and Definitive Plan in accordance with the then in effect Rules and Regulations is filed with and approved by the Board.
- d. As Built Plans: Upon completion of construction, and before release of the performance guarantee, the subdivider shall have prepared and submitted As-Built Plans at the same scale as the street plans, which shall indicate the actual location of all the following:

1. Street Lines;
2. Traveled Way edges;
3. Path locations
4. Permanent monuments;
5. Location and inverts of the required utilities and drainage;
6. Location of any other underground utilities, such as electricity, telephone lines and street lighting.

The accuracy of such As-Built Plans shall be certified by a Registered Land Surveyor or Registered Professional Engineer retained by the subdivider, and approved by the Planning Board.

7.00 Severability

The invalidity of any section or provision of these Rules and Regulations shall not invalidate any other section or provision thereof.

PLANNING BOARD RULES AND REGULATIONS GOVERNING THE WIDENING AND RELOCATION OF EXISTING STREETS

GENERAL:

1. The purpose of the widening and relocation plan is to furnish the Planning Board with an accurate, permanent record of the improvement which, together with the related description can be recorded with the Registry of Deeds.
2. Widening and relocation plans are prepared for existing public ways proposed for widening, relocation and extension over land not owned in fee or in easement by the City of Everett for public Streets.

SUBMISSION:

1. The Plan (s) shall be submitted by delivery at a regularly scheduled meeting of the Planning Board or by registered mail. Postage prepaid, to the Board.

PLAN CONTENTS:

1. The Plan shall be drawn on mylar, 24" by 36" with ink at a scale appropriate to show all necessary details
2. The Plan shall have a border $\frac{3}{4}$ " from each edge, a title block in the lower right corner shall contain the words. "City of Everett" widening and relocation plan, the street name, a place for name of persons drawing designing and checking of plan, a sheet number, date, scale, and the signature and stamp of Registered Professional Engineer or Registered Land Surveyor.
3. There shall be an area set aside and labeled "Approved Everett Planning Board" with sufficient space for five signatures.
4. The plan shall be centered on the sheet with a north arrow in the upper right corner of the sheet.
5. Plans consisting of more than one sheet should overlap approximately fifty (50) feet.
6. Each plan shall have a baseline, stationed every one-hundred (100) feet, that can be reproduced in the field.
7. Each plan shall show all existing surface features, and underground and overhead utilities.
8. The Plan shall also show prominently to following:
 - a. The new alignment of the widened or relocated street labeled "Line of Widening or " Line of Relocation".
 - b. The proposed location of utilities.
 - c. The proposed location of curb lines.
 - d. The widths of streets and sidewalks.
 - e. Street layout dimensions including curve data.
 - f. The areas of all takings in square feet.
 - g. Complete names of owners of abutting property.
 - h. Registered land with case number and certificate number, book and page.

PROFILES:

1. Where convenient, profiles may be drawn on the same sheet as the plan, otherwise separate sheets may be used. The horizontal scale of the profile shall be the same as the plan scale.
2. The Profile shall show the following:
 - a. Datum at which profile is drawn.
 - b. The existing ground along the new centerline with a dashed line.
 - c. The proposed profile grade line along the new centerline with a solid line.
 - d. Vertical curves showing lengths, points of tangency and points of intersection, with their elevations.
 - e. Location of catch basins with rim elevations.
 - f. Existing and proposed elevations every fifty (50) feet.



CITY OF EVERETT PLANNING BOARD

484 BROADWAY ROOM 39
EVERETT, MASSACHUSETTS 02149
PHONE: 617-394-2334 FAX: 617-394-5002

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Three copies of this form, filled out and signed, should be included with the original and two (2) copies of the plan in question.

(Please type or print information in the blanks below)

Date of filing: _____

To the City of Everett Planning Board:

The undersigned, believing that the accompanying plan of his/her property in the City of Everett does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

Name of Applicant: _____

Address: _____

Phone: _____ Fax: _____

Name of Surveyor: _____

Address: _____

Phone: _____ Fax: _____

Deed of the Property is recorded in _____ Registry of Deeds

Book Number: _____ Page Number: _____

Location and Description of the property:

Zoning District in which the property is located: _____

Please list any and all Zoning Board of Appeals decisions pertaining to the property:

Reason plan does not constitute a subdivision: _____

Signature of the Owner: _____

Address: _____

City of Everett Planning Board Approval under the Subdivision Control Law Not Required.

Signed: _____

Signed: _____

Signed: _____

Signed: _____

Signed: _____

For the Everett Planning Board, Date: _____



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FORM B

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

Five (5) copies of this form along with two (2) copies of Form C, filled out and signed, should be included with the original and ten (10) copies of the Definitive Plan.
(Please type or print information in the blanks below)

Date of Submission: _____

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the City of Everett for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the City of Everett.

Name of Proposed Subdivision: _____

Name of Subdivider: _____

Address: _____

Name of Engineer or Surveyor: _____

Address: _____

Deed of Property Recorded in _____ Registry

Book Number: _____ Page Number: _____

Approximate acreage in subdivision _____ Number of Lots: _____

Total length of Road (s) in feet _____

Location of Description of Property: _____

Signature of Owner: _____

Address: _____

Votes for Approval: _____

Votes for Approval with Modifications: _____

Votes Against Approval: _____

Signed: _____

Signed: _____

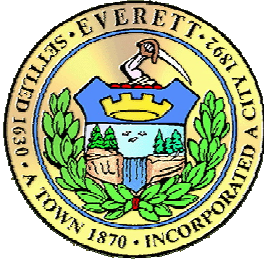
Signed: _____

Signed: _____

Signed: _____

Signed: _____

For the Everett Planning Board on this Date: _____



CITY OF EVERETT PLANNING BOARD

484 BROADWAY ROOM 39
EVERETT, MASSACHUSETTS 02149
PHONE: 617-394-2334 FAX: 617-394-5002

FORM C

Two (2) copies of this form must be included with Form B. The list of abutters must be checked by the Clerk of the Board of Assessors before being submitted to the Planning Board.

(Please type or print information in the blanks below)

Date of Submission: _____

To the Planning Board:

The undersigned, believing that the following list of names includes all abutters* to the subdivision named below, has checked this list with the Clerk of the Board of Assessors.

(* Including property owners across roads from the proposed subdivision)

NAMES OF ABUTTERS	MAILING ADDRESS OF ABUTTERS
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
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- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40

Note: Use additional sheets as might be necessary

Name of Subdivider: _____

Clerk of the Board Of Assessors Signature: _____

Name of Proposed Subdivision: _____

Date: _____

Signed and sealed this 4th day of August, 1986 for the City of Everett

J. Kevin Dunn, City Clerk

Middlesex, ss: Commonwealth of Massachusetts August 4, 1986

Then personally appeared the above-named J. Kevin Dunn as City Clerk for the City of Everett and acknowledged the foregoing to be his free act and deed.

Notary Public

Recorded in the Middlesex Registry of Deeds on August 5, 1986 @ 3:34 PM