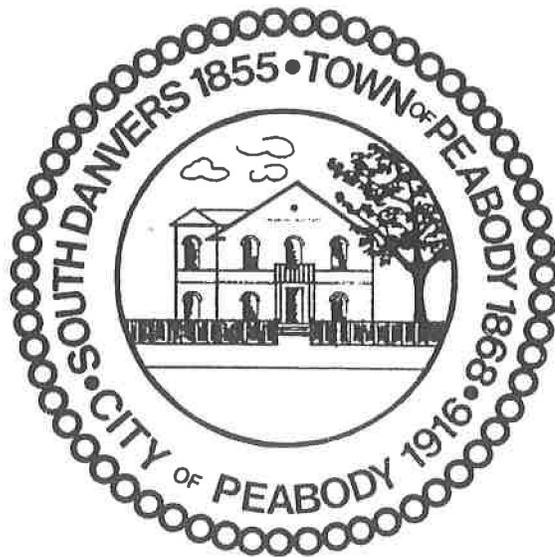


RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND



Adopted under the Subdivision Control Law
Section 81-K through 81-GG inclusive, Chapter 41
Massachusetts General Laws

Original Adoption: February 20, 1975
As Amended Through: August 7, 1997

PEABODY PLANNING BOARD
Peabody, Massachusetts

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Forms are available in the Peabody Planning Board Office.

PURPOSE

These subdivision regulations are adopted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the City of Peabody by “regulating the laying out and constructions 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 Peabody Planning Board and of 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 case of fire, flood, panic and other emergencies; for insuring compliance with the applicable Zoning Ordinance; 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 City and with the ways in neighboring subdivisions.

It is the intent of the Subdivision Control Law (under which these regulations are adopted) that any subdivision plan filed with the Peabody Planning Board shall receive the approval of such Board if said plan conforms to the recommendation of the Board of Health and to the reasonable Rules and Regulations of the Peabody Planning Board pertaining to subdivisions of land; provided, however, that such Board may, when appropriate, waive, as provided for in Section 81-R, such portions of the Rules and Regulations as is deemed advisable. (Section 81-M of Chapter 41, M.G.L.)

SECTION I

AUTHORITY

Under the authority vested in the Peabody Planning Board of the City of Peabody by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these amended ***Rules and Regulations Governing the Subdivision of Land in the City of Peabody***. These regulations shall be effective on and after February 20, 1975. Amended through August 7, 1997.

SECTION II

GENERAL

A. Definitions

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

CERTIFIED BY. Certified by (or endorsed by) a 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 a planning board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the Registry of Deeds and recorder of the Land Court signed by a majority of the Board (Section 81-L of Chapter 41 of the General Laws).

BOARD, PEABODY PLANNING BOARD. Planning Board shall mean a planning board established under Section 81-A.

PEABODY PLANNING BOARD AGENT. Director of Public Services or consultant authorized by the Peabody Planning Board to review subdivisions and administer regulations.

CITY. City of Peabody, unless otherwise specified.

CUL-DE-SAC. A street with a single means of entry and exit. A cul-de-sac will consist of two parts: the stem and the turn-around.

DEVELOPER. A person (as hereinafter defined) who develops a subdivision under a plan of a subdivision approved under Section III of these Rules and Regulations.

GENERAL LAWS. (abbreviated M.G.L.) The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.

INFILTRATION/INFLOW. Water other than wastewater that enters a sewer system (including service connections and foundation drains) from the ground or surface sources.

LOT. An area of land in one (1) ownership, with definite boundaries and use, or available for use, as the site of one (1) or more buildings.

LOT FRONTAGE. The horizontal distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line, or as defined by the Zoning Ordinance of the City of Peabody, June 1978 and as amended. Frontage for purposes of these Rules and Regulations shall be only continuous frontage.

LOT LINE, REAR. The lot line opposite from a front lot line and which does not intersect a front lot line, or as defined by the Zoning Ordinance of the City of Peabody, June 1978 and as amended.

MUNICIPAL SERVICES. Sewers, water drains, water pipes, gas pipes, electrical lines, telephone lines, communication lines, cable television lines, and their respective appurtenances.

OWNER. As applied to real estate, the person holding the fee simple title to a parcel, tract, or lot of land.

PERSON. An individual, or two or more individuals or a group or association of individuals, a trust, a partnership or corporation having common or undivided interests in a tract of land.

PRELIMINARY PLAN. A plan of a proposed subdivision or resubdivision of land prepared in accord with Section III to facilitate proper preparation of a definitive plan.

PLAN OR DEFINITIVE PLAN. The plan of a subdivision as 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 a preliminary plan.

RECORDED. Recorded shall mean recorded in the Registry of Deeds of Essex South District in which the land in question is situated, except that, as affecting registered land, it shall mean filed with the recorder of the Land Court (Section 81-L of Chapter 41 of the General Laws).

REGISTRY OF DEEDS. Registry of Deeds shall mean the Registry of Deeds of Essex South District in which the land in question is situated, and, when appropriate, shall include the Land Court. (Section 80-L of Chapter 41 of the General Laws.)

ROADWAY. That portion of a way which is designed and constructed for vehicular travel.

STATE SPECIFICATIONS. The most recent edition of the "*Commonwealth of Massachusetts, Department of Public Works, Standard Specification for Highways, Bridges, and Waterways*" as amended or revised.

STREET, ARTERIAL. A street which functions to convey traffic between municipalities and other activity centers and to provide connections with major state and interstate roadways.

STREET, PRINCIPAL. A street which carries, or is designed to carry, traffic collected from intersecting secondary streets and between parts or neighborhoods of Peabody.

STREET, SECONDARY. A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots.

SUBDIVISION. Subdivision shall mean the division of a tract of land into two (2) or more lots and shall include a re-subdivision, 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 into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if at the time when it is made, every lot within the tract so divided has a frontage on (a) a public way, or a way which the City Clerk of the City of Peabody certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the City, having in the opinion of the Peabody Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by Zoning or other Ordinance.

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 City in which the land lies, 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 of the General Laws.)

SUBDIVISION CONTROL. The power of regulating the subdivision of land granted by the Subdivision Control Law, Chapter 41, Section 81-K through 81-GG inclusive, as hereinafter amended.

SUBMITTED PLAN. A plan shall be officially submitted to the Peabody Planning Board as of the date said plan and forms necessary under these Rules and Regulations are duly filed with the Clerk or Secretary of the Board at a regularly scheduled business meeting of the Board and the fact of such submission is entered in the minutes of the meeting. Such plan shall nevertheless be considered duly submitted even though not entered in the minutes of the meeting if otherwise properly submitted and such failure of entry into the minutes is due to the inadvertence or unwarranted refusal of the Clerk or Secretary to make such an entry. Such plan and forms may also be submitted by registered mail to the Peabody Planning Board, care of City Clerk. If so mailed, the date of mailing shall be the date of submission of the plan, provided the plan and documentation have been initialed by the Director of Public Services.

B. Approved Plan Required

No person shall make a subdivision with the meaning of the Subdivision Control Law of any land within the City 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 Peabody Planning Board as hereinafter provided.

C. Source of Information Required

In those cases in which the land shown on the plan is abutted by land of an owner not the owner of the land as shown, the Board may require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. All Engineers and Surveyors shall certify that they either personally performed or supervised the work shown on the drawing and shall execute the Form supplied by the Planning Board for this purpose. (See *Form D*, Definitive Subdivision Designer's Certificate, Appendix D)

D. More Than One Building for Dwelling Purposes on a Lot

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lots in a subdivision, or elsewhere in the City without the consent of the Peabody Planning Board. Such consent may be 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.

E. Fee

Every application for the approval of a definitive subdivision plan shall be accompanied by a non-refundable fee payable to the City of Peabody in the amount of seven hundred fifty (\$750.00) dollars plus one hundred fifty (\$150.00) dollars for each lot or portion thereof proposed to be contained within the land to be subdivided. If a preliminary plan has been filed prior, the definitive plan fee payable to the City of Peabody will be five hundred (\$500.00) dollars plus one hundred fifty (\$150.00) dollars for each lot or portion thereof proposed to be contained within the land to be subdivided.

Every application for a preliminary subdivision plan shall be accompanied by a non-refundable fee payable to the City of Peabody in the amount of seven hundred fifty (\$750.00) dollars.

Every application for the endorsement of a plan believed not to require approval as defined in Section III.A. shall be accompanied by a non-refundable fee payable to the City of Peabody in the amount of two hundred (\$200.00) dollars. In the event that an application under this Section is not approved or is withdrawn without prejudice by the applicant, the Planning Board upon the reapplication of the same or substantially similar plan submitted within six (6) months of the original plan, shall waive the filing fee for the subsequent plan.

All expenses for advertising, recording, and filing of documents shall be borne by the applicant.

F. Consultants

When reviewing an application for permit or approval, the Planning Board may determine that the assistance of outside consultants is warranted due to a proposed project's complexity or potential

local or regional impacts. The Board may require that in addition to a general filing fee, applicants pay a special review fee and inspection fee consisting of reasonable costs incurred by the Board for the employment of outside consultative services by a public or private entity engaged by the Board to assist in the review and inspection of an application.

In hiring outside public or private consultants, the Board may engage engineers, planners, traffic specialists, lawyers, urban designers, surveyors, geologists, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinance, regulations, construction and design practices. The Board also entertains the right to hire a consultant for the purpose of inspections. All consultants will be retained in accordance with Massachusetts General Laws, Chapter 44, Section 53G.

Funds received by the Board pursuant to this Section 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 Board without further appropriation. Expenditures from this special account shall be made only in connection with the review and inspection of a specific project or projects for which a fee has been or will be collected from the applicant. Failure of an applicant to pay this fee shall be grounds for denial of the application.

Review and inspection fees may only be spent for services rendered in connection with the specific projects from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review and inspection 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. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

For the purpose of this regulation, "lot" shall mean all lots shown on submitted plan, including lots previously approved as ANR lots.

The following list of fees will be used as a minimum scale for determining the cost of retaining any outside consultants:

Minimum Review Fees

1 - 4 lots	\$1,000.00
5 - 10 lots	\$1,000.00 + \$150.00 per lot
11 - 20 lots	\$2,500.00 + \$125.00 per lot
More than 20 lots	\$5,000.00 + \$ 50.00 per lot

Inspection Fees

Minimum fee	\$5,000.00
1000 - 2000 ft. roadway	\$5.00 per ft. roadway
Over 2000 ft. roadway	\$7.50 per ft. roadway

Blasting Fees

1 - 9,999 cubic yards	\$5,000.00
10,000 - 24,999 cubic yards	\$10,000.00
Over 25,000 cubic yards	\$20,000.00

The developer is required to pay the above fee before the approved plan is signed by the Planning Board (within 21 days of the vote of approval). Should there be unusual conditions relative to a specific project which would require a higher fee, the Planning Board would advise the developer upon determining that fact.

All expenses for advertising, recording, and filing of documents shall be borne by the applicant.

G. 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.

H. Deed

A copy of the deed(s) of property shall accompany submission of the Definitive Subdivision Plan.

I. Title Opinion

Every application for a *Form A* (ANR), *Form B* (Preliminary), or *Form C* (Definitive subdivision plan) should be accompanied by a title opinion or title insurance policy running to the applicant or the applicant's lender with copies of relevant title instruments.

Every easement shown on the proposed plan should be documented by existing grants of record or by proposed grants to be recorded with and noted on the plan of the division or subdivision.

Every applicant should agree to execute and deliver to the planning board any and all documents reasonably required by the board to effectuate the board's action.

SECTION III

PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. Plan Believed Not to Require Approval

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 this plan does not require approval under the Subdivision Control Law may submit his plan and four (4) contact prints, one (1) copy of a properly executed *Form A* (See Appendix A), and one (1) copy of the recorded deed(s) to the premises which are the subject of the application to the Peabody Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file by delivery or by registered or certified mail, a notice with the City Clerk stating the date of submission 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 City Clerk shall, if requested, give a written receipt therefor (See *Form O*, Document Control Sheet for the Distribution of Plans, Appendix O). If determined by the Planning Board or its agents, that the plan does not have all the information required for submittal, all rights under these regulations are forfeited.

Said plan shall be of minimum dimensions of nine and one half inches by fourteen inches (9 ½" x 14") or a maximum size not to exceed twenty four inches by thirty six inches (24" x 36") and shall contain the following information:

- a. Identification of the plan by name of owner of record and location of the land in question, cross-referenced to page and parcel number of the Assessor's Maps.
- b. The statement "Approval Under Subdivision Control Law Not Required", and shall provide sufficient space for the date and the signatures of the majority of the Board.
- c. Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan.
- d. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
- e. Notice of any decision of the Zoning Board of Appeals, including but not limited to variances and exceptions regarding the land or any buildings thereon.

- f. Abutters from latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records. (See *Form E*, Certified List of Abutters, Appendix E)
- g. Distance to the nearest road or to other permanent monument.
- h. Location of all existing buildings, including set-back and side and rear yard designations, and the area of all proposed lots and parcels.
- i. Municipal services.
- j. A locus plan at eight hundred feet (800') to the inch shall be included on the plan.
- k. Identification of any wetland or natural resource areas, including a two hundred foot (200') perimeter surrounding those area.
- l. The scale, date, stamp, and name of the Surveyor who prepared the plan. The date on the ANR plan must be within six months of the date of the ANR application.

2. Endorsement of Plan Not Requiring Approval

If the Peabody Planning Board determines that the plan does not require approval, it shall, without a public hearing, and within twenty one (21) days of formal submission, endorse the plan.

The Peabody Planning Board may add to such endorsement a statement of the reason approval is not required. The plan shall be returned to the applicant.

3. Determination that Plan Requires Approval

If the Peabody Planning Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty one (21) days of the formal submission of the plan, so inform the applicant in writing and return the plan. The Peabody Planning Board shall also notify the City Clerk in writing of its action.

4. Failure of Board to Act

If the Peabody Planning Board fails to act upon a plan submitted under this section or fails to notify the City Clerk and the person submitting the plan of its action within twenty one (21) days after its formal 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 City Clerk shall issue a certificate to the same effect.

B. Preliminary Plan

1. General

A Preliminary Plan of a subdivision may be submitted by the applicant and twenty (20) prints of it shall be filed with the Peabody Planning Board, with properly executed application and the necessary fee.

The applicant shall file by delivery or registered or certified mail a notice with the City Clerk stating the date of formal submission (submitted plan) for such approval of a Preliminary Plan, accompanied by a copy of a properly executed application **Form B**. The submission of such a Preliminary Plan will enable the applicant, the Peabody Planning Board, the Board of Health, the Public Services Department, the Community Development and Planning Department, the Police Department, the Fire Department, the Agent to the Peabody Planning Board and other City agencies and 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. A properly executed application **Form B** (See Appendix B) shall be filed with the Preliminary Plans submitted to the Peabody Planning Board (See **Form O**, Document Control Sheet for the distribution of plans, Appendix O). A Preliminary Plan shall be filed for all non-residential subdivisions. If determined by the Planning Board or its agents, that the plan does not have all the information required for submittal, all rights under these regulations are forfeited.

The Peabody Planning Board may extend the time period permitted by statute between submission of a Preliminary Plan and action thereon upon written request of the applicant (See **Form Q**, Extension of Time, Appendix Q).

2. Contents

The Preliminary Plan may be drawn on tracing paper with pencil at a suitable scale, preferably forty feet (40') to the inch. The plan shall be designated as a "Preliminary Plan" and shall provide sufficient information 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(s) of the land and the subdivider, and the name 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 last assessment, unless the applicant shall have more recent knowledge of such abutters (See **Form E**, Certified List of Abutters, Appendix E).

- 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, trees with trunks over six inches (6") in caliper, measured four feet (4') above the ground, wooded areas, outcroppings, ditches, swamps, water bodies and natural waterways, including a two hundred foot (200') perimeter surrounding those areas.
- 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 approximate areas and dimensions. Minimum Buildable Area as defined in Section 2.1 of the Zoning Ordinance, if property is located in HP-Zone.
- h. The names, approximate location and widths of adjacent streets approaching or within reasonable proximity of the subdivision.
- i. The topography of the land with a two-foot (2') contour interval. 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 approximate proposed finished grades of the roadway, drain and other utilities.
- l. Area of adjoining land and water of the applicant not presently being subdivided.
- m. The zoning classification of land shown on the plan.
- n. Necessary engineering calculations to provide information to the Peabody Planning Board, that fire protection, vehicular traffic flow, and all other safety precautions are being provided.
- o. Show by shading or other methods the areas on all lots that are to be excavated or filled.

3. Approval

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

The Peabody Planning Board may give such Preliminary Plan approval, with or without modification or suggestions, after the Board's review of data and comments from the Board of Health, Department of Public Services, Police Department, Fire Department, and

the Community Development and Planning Department. Such approval does not constitute approval of the subdivision, but facilitates the preparation of the Definitive Plan and the securing of final approval thereof. One (1) copy of the Preliminary Plan will be returned to the applicant. In the event of disapproval, the Peabody Planning Board shall state the reasons for its disapproval in accord with Section 81-U of Chapter 41. It shall be the applicant's responsibility to submit or obtain enough data or material to obtain meaningful comments from all parties reviewing said plan.

C. Definitive Plan

1. General

Any person who submits a Definitive Plan of a Subdivision (submitted plan) to the Peabody Planning Board for approval shall file with the Board the following: All items required in paragraphs 1a, 1b, and 2 of this section and the minimum filing fee (See Section II.E.) shall be submitted for a Definitive Plan to be "duly submitted" in accord with the General Laws of Massachusetts (See *Form O*, Document Control Sheet for the Distribution of Plans, Appendix O) by the Board and the subdivider.

- a. Two (2) reproducible mylars of the Definitive Plan and twenty five (25) contact prints thereof, dark line on white background. One (1) original drawing will be returned after approval or disapproval.
- b. A properly executed original and twenty five (25) copies of *Form C*, Application for Approval of Definitive Plan, Appendix C, including the time within which the applicant agrees to complete the ways and install the public utilities in the subdivision; *Form D*, Definitive Subdivision Designer's Certificate, Appendix D; *Form E*, Certified List of Abutters, Appendix E; twenty five (25) copies of the recorded deed(s) of the premises to be subdivided; twenty five (25) copies of any requested waivers from the Rules and Regulations Governing the Subdivision of Land. 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. 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 two (2) years of the date of approval. If the ways in any subdivision are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways or portions thereof not completed within two (2) years from the date of approval by the Board shall thereafter be completed in accordance with the then in force construction standards of the Peabody Planning Board.

The applicant shall file by delivery or registered or certified mail a notice with the City Clerk stating the date of submission for such approval and accompanied by a copy of the completed *Form C*, Application for Approval of Definitive Plan, Appendix C. If

determined by the Planning Board or its agents, that the plan does not have all the information required for submittal, all rights under these regulations are forfeited.

2. Contents

The Definitive Plan shall be prepared by a registered professional engineer and land surveyor and shall be clearly and legibly drawn in black india ink upon tracing cloth. The plan shall be at a scale of one inch (1") equals forty feet (40') or such other scale as the Peabody Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one inch (1") equals forty feet (40') horizontal and one inch (1") equals four feet (4') vertical. All elevations shall refer to the United States Coast and Geodetic Datum. Sheet sizes shall be twenty four by thirty six inches (24" x 36") including a one inch (1") border. All plans shall be accompanied by an index sheet at a scale of one inch (1") equals eighty feet (80') showing the entire subdivision and adjacent streets and dimensions of the lots and streets and lot numbers. This plan shall indicate the Assessor's Map and Parcel number on the land in question.

The Definitive Plan shall contain the following information:

- a. A title, appearing in the lower right-hand corner of the plan, showing the name of the subdivision, if any, the date, scale, the names and addresses of the applicant, and the names of the designer, engineer and surveyor who made the plan, their seals and signatures.
- b. North arrow, benchmark, and boundaries of the subdivision.
- c. Location and ownership of abutting property as it appears on *Form E*, Certified List of Abutters, Appendix E, unless the applicant shall have more recent knowledge of such abutters, including all abutting land owned by the applicant not presently being subdivided. A copy of the deed(s) of the land in question shall also be submitted.
- d. Major features of the land, such as existing waterways, swamps and water bodies, natural drainage courses, walls, fences, buildings, trees six inches (6") in caliper measured four feet (4') above the ground, wooded areas, outcroppings and ditches which exist on or near the site at the time of survey. The two hundred foot (200') "Riverfront Area" as defined in the Wetlands Protection Act, G.L. Ch. 131, Sec. 40 and regulations thereunder, 310 CMR 10.00.
- e. Lines of existing and proposed streets, ways, lots, lot numbers or other designation of each lot, easements, and public or common areas within the subdivision. Proposed names of proposed streets shall be shown in pencil until they have been approved by the Peabody Planning Board. If the subdivision consists of more than one section, all lot numbers shall be consecutive.

- 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 boundary lines of all streets and easements, and the length, 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. Adjoining lands of the applicant not included in the subdivision will be shown. Minimum Buildable Area as defined in Section 2.1 of the Peabody Zoning Ordinance, if property is located in the HP-Zone.
- 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 roadway widths and rights-of-way widths.
- i. Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the subdivision, including any decision on appeal applicable to the subdivision of the land or any buildings thereon.
- j. If the property that compromises 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.
- k. Suitable space to record the action of the Peabody Planning Board and the signatures of the majority of the Board.

(Items l through s may be submitted on the same sheet as the Definitive Plan or on separate sheets. The utility plan(s) must show topography)

- l. Existing profiles on the exterior lines and cross sections at fifty foot (50') intervals, including right-of-ways and slope easements, drawn in fine black line, dotted for left and dashed for right side, 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 Peabody Planning Board. At least two (2) bench marks are to be shown on plans and profiles, 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, shall be shown with all proposed grade elevations calculated. Elevations are to be referred to U.S. Coast and Geodetic Survey. Gradient shall be shown by figures expressed in percent (%).

- m. Existing and proposed topography at two foot (2') contour intervals, and, by symbols, the highest known high water mark. There shall also be indicated by differentiating symbols, the contour line four feet (4') above said high water mark. Cross sections shall show depth of bedrock, water table, and soil classification in accordance with ASSHTO and/or Unified specifications.
- n. 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 dimensions of gutters, including data on borings and percolation tests made, and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision. Calculations prepared by a Registered Engineer to substantiate proposed utility pipe sizes. The computations shall be based on the current standard of design used by the City Engineer.

If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant, he shall clearly indicate what course the discharge will take, and shall present evidence to the Board that the discharge is satisfactory and permitted by public or private ownership of adjacent street or property and does not cause any detrimental effects to public or private property.

As a part of the Definitive Plan, there will be submitted an overall Drainage Plan with topographic details for the subdivision and all areas within the total drainage area plus the area of ultimate disposal drawn with India ink on tracing cloth (or other method suitable for reproduction). A separate plan, or as part of the above plan, shall be included for the water system. The above requirements may be on one (1) plan or on two (2) separate plans, with complete details of the drainage and the water system. All plans must show topography. Approval by the Department of Public Services and/or the Water Department must be obtained for their concurrence on the overall Water System Plan.

- o. A reduction of two hundred percent (200%) of the plans projected average daily sewer flow as infiltration/inflow. This work will be done in accordance with MA DEP guidance and City infiltration/inflow study data.
- p. Location and species of proposed street trees and locations of trees to be retained with trunks over six inches (6") in caliper, measured four feet (4') above the finished ground level, located outside of the street right-of-way line of existing or proposed streets not closer than five feet (5') or more than ten feet (10') from said right-of-way line.
- q. Cross sections typical of each street, roadway and sidewalk to be constructed.
- r. All proposed utilities. Including, but not limited to, fire alarms, gas, electric, telephone, and cable. Location of proposed street lights and sidewalks.

- s. Necessary calculations prepared by a practicing Professional Engineer registered in the Commonwealth of Massachusetts to substantiate that fire protection, vehicular traffic flow, and all other safety precautions are being provided.

Traffic studies shall be prepared, signed and stamped by a Professional Engineer registered in the Commonwealth of Massachusetts, and shall contain, at a minimum, the following data:

1. Number of trips estimated to be generated by the subdivision, according to the type and density of construction proposed.
 2. Recent background traffic counts for the arterial and principal streets to which the proposed subdivision streets connect.
 3. Width, grades and sight distances of the street(s) onto which the subdivision streets connect.
 4. Level-of-service (LOS) estimates for proposed intersections.
 5. Discussion of traffic impacts of the subdivision and subdivision construction on the surrounding neighborhoods, and any proposed mitigation measures.
 6. The most recent accident data within the nearest intersecting streets. Any other information necessary to show that safe and efficient traffic flow is being provided.
 7. Discussion of pedestrian traffic
- t. In tabular form as follows for each sheet of the subdivision plan as submitted.
1. Total area which is being subdivided on each sheet.
 2. The total number and area of lots included on each sheet.
 3. The total of area dedicated for street purposes, drainage, sewer or utility easements on each street.
 4. The total of area reserved for parks, schools, and other public use on each sheet.

SUBDIVISION NAME:		
SECTION NO.	SHEET NO.	
Total area of original tract shown on this plan		
a. Area in lot nos. _____		= _____
b. Area in streets _____		= _____
c. Area reserved for parks, schools, other _____		= _____
Total area of subdivision (should equal No. 1 above)		
d. Street: Station _____ to Station _____		= _____
e. Street: Station _____ to Station _____		= _____
f. Street: Station _____ to Station _____		= _____
Total area of streets (should equal "b" above)		
g. Sewer easement: Station _____ to Station _____		= _____
h. Drain easement: Station _____ to Station _____		= _____
i. Utility easement: Station _____ to Station _____		= _____
j. (other) : Station _____ to Station _____		= _____

- u. Excavation Impact Report - For land within 1000 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, qualified by training and experience, and signed and stamped by a Registered Professional Engineer, which shall at a minimum contain the following information:
 - 1. A top of bedrock contour plan, at a scale of not less than one inch (1") equals forty feet (40'), for all areas proposed to be excavated to a depth more than two feet (2') below existing grade, whether temporarily or permanently. Sufficient subsurface investigations shall be conducted to develop the 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 five feet (5') below lowest utility line invert elevation, whichever is higher, at an interval of no less than fifty feet (50') along the roadway centerline.

- b. At proposed utility trenches outside of roadways, to top of rock or to a minimum elevation five feet (5') below utility invert level, whichever is higher, at an interval of no less than fifty feet (50').
 - c. At proposed dwellings, to the top of rock or to a minimum elevation five feet (5') 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 one inch (1") equals forty feet (40'), showing the locations of each subsurface exploration and indicating the elevation of 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 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, which will include the following at 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 air blast overpressures, etc.).
- 6. Technical specifications for controlled blasting at the site, which 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. 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 distances outlined in the Peabody Blasting Regulations.

- b. 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 and 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.

All blasting must apply to the Massachusetts Blasting Regulations 527 CMR 13:00 and the City of Peabody Blasting Regulations.

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

- v. A construction management and phasing plan, including construction start date, dates for starting and completing major phases of the work, any proposed phasing of roadway and/or dwelling construction, and anticipated subdivision completion date.
- w. Utility Impact Report - A detailed report addressing the impacts of sewer, water and drainage, both on-site and off-site, must be completed. The report will comply with appropriate Department of Public Services standards.

3. Review by Board of Health as to Suitability of the Land

At the time of filing of the Definitive Plan with the Peabody Planning Board the applicant shall also file with the Board of Health one (1) contact print of the Definitive Plan, dark line on white background, together with such information in the nature of percolation tests and deep test holes as the Board of Health may require, plus the information required on Schedule B, Board of Health Review. Proof of Submittal of Definitive Plan to the Board of Health shall accompany the Definitive Plan filing with the Peabody Planning Board. The Board of Health shall within forty five (45) days after the filing of the plan report to the Peabody Planning Board, in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without detriment to the public health, and include such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. Every lot shall be provided with a sewerage system or sewer connection satisfactory to the Board of Health.

4. Review by Other City Officials

The Clerk of the Peabody Planning Board may transmit copies of the Definitive Plan to City Officials other than the Board of Health as follows: One (1) copy each to the City Solicitor; two (2) copies to the Department of Public Services; and one (1) copy to each of the following departments: Building Inspector, Fire Department, Police Department, Community Development and Planning, and Peabody Municipal Light. The Planning Board may also transmit copies of the Definitive Plan for comment to the Ward Councilor in whose ward the proposed subdivision is located; the Park Department; Conservation Commission; and any other department deemed appropriate by the Planning Board.

Before the Definitive Plan is approved, the Peabody Planning Board may request written statements from the above Officials with regard to the proposed improvements in the following respect:

- a. City Solicitor as to the form of easements, covenants and performance guarantees.
- b. Department of Public Services and/or the Peabody Planning Board Agent (City Engineer) as to the design of the street system, location of easements, monuments, drainage system, water lines, and if applicable, the sewage system.
- c. The Fire Department as to location of hydrants, and with regard to safety requirements.
- d. The Police Department as to street safety.
- e. The Department of Public Services as to the water system.
- f. The Community Development and Planning Department as to street design and traffic, stormwater drainage, layout of lots, and other planning issues.
- g. The Peabody Municipal Light Department as to design of electrical services and street lights.

5. Soil Survey and Percolation Tests

Where appropriate, the Peabody Planning Board may require, at the expense of the applicant, soil surveys and/or test borings to establish the suitability of the land for the proposed use, proposed storm drainage system and proposed street construction, for the purpose of protecting the health and safety of the inhabitants.

6. Public Hearing

Before taking any action to approve, approve with modifications, or disapprove a Definitive Plan, the Peabody Planning 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 City 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 abutting the land shown on the plan and shown on the most recent tax list.

7. Approval Process

The Planning Board's procedure for approval, disapproval or modification of the Definitive Plan shall be as set forth in Chapter 41, Section 81-U of the Mass. General Laws, as amended. The Board, after receiving the plan and profiles, will review the same to determine whether they are in compliance with its Rules and Regulations and with the Zoning Ordinance. Failure of the lots to comply with zoning shall be adequate grounds for disapproval of the Definitive Plan.

The Peabody Planning Board may, by vote, extend the period permitted by statute between submission of a Definitive Plan and action thereon upon written request of the applicant (See *Form Q*, Extension of Time, Appendix Q). The Board may grant such extension of time when:

- a. The Developer wishes the opportunity to provide further information or redesign to satisfy particular concerns raised during the approval process; or
- b. The Board needs more time to review information that has been received since the last regular meeting, or to seek review of same by other city departments.

Before final approval of the Plan, the applicant shall comply with all applicable rules, regulations, and standards of the Department of Public Services and the Board of Health not otherwise covered by these Rules and Regulations.

The Board may, as a condition of granting an approval under Section 81-Y, impose reasonable requirements designed to promote the health, convenience, safety and general welfare of the community and to benefit the City. In such event, the Board shall note such conditions on the plan, 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 a part of the plan (See *Form T*, Standard Conditions for Approval of Definitive Plan, Appendix T).

Notations shall be made on the plans of any revisions and the date revisions were made. A letter shall also accompany the plans fully describing all revisions in detail.

8. Certificate of Approval

The action of the Peabody Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by special delivery, registered or certified mail, return receipt requested, to the applicant.

If the Peabody Planning Board modifies or disapproves such 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 and recommendations of the Peabody Planning Board.

Final approval, if granted, shall be subject to the construction specifications contained herein and shall be endorsed on the original drawings of the Definitive Plan by the signatures of a majority of the Peabody Planning Board after the City Clerk has notified the Peabody Planning Board that no notice of appeal has been filed with that office.

After the Definitive Plan has been approved and endorsed, the Board shall return one original to the applicant. The applicant in turn shall provide the Board with nine full sets of the signed plans (dark line on white background contact prints).

Approval of the Definitive Plan does not constitute the laying out or acceptance by the City of streets within a subdivision and does not signify that the subdivision may be constructed before all safety and health standards have been met.

The original copy of the recorded covenant shall be returned, following recording, by the Registry of Deeds, to the Peabody Planning Board. Upon receipt thereof, the Board will mail a copy of said covenant to the applicant.

Following approval of a Definitive Plan, the Developer shall file five (5) copies of the first sheet of the recorded plan which shall show the lots as subdivided. This sheet shall denote the recording data (plan book and page number) from the Registry of Deeds. Said copies of the recorded plan to be filed with the Planning Board Clerk for distribution to the following: Planning Board files; City Clerk; Department of Public Services; Building Inspector; and Assessors' Office.

9. Performance Guarantee

Before endorsement of the Board's approval of a Definitive Plan or Subdivision, the applicant shall file a **Form G**, Covenant Approval Contract, Appendix G; and agree to complete the required improvements specified in Section V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and part by the other, with written consent of the Peabody Planning Board.

a. Approval with a Certified Check

The applicant shall file a Certified Check in an amount determined by the Peabody Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under "b" hereof. Such Certified Check, if filed or deposited, shall be accompanied by an appropriate and properly executed agreement prepared in the manner of **Form F**, Performance Agreement, Appendix F; or such other form as the Board may require, and approved as to form and manner of execution by the City Solicitor and shall be

contingent on the completion of such improvements within two (2) years of the date of the approval of the Definitive Plan.

The money may be forfeited or the term may be extended at the discretion of the Peabody Planning Board. If extended, the Peabody Planning Board may, at its discretion, request an increase or decrease of the amount deposited to insure sufficient bonding to cover the costs to complete the improvements.

The applicant will file a construction bond for the total estimated amount, plus a thirty (30%) percent contingency to complete construction. In addition, the applicant will file a complete set of plans and specifications, with cross sections, according to Massachusetts General Laws that would be used by the City for public bid in case of default by the applicant. If the applicant does not file a complete set of specifications the amount of the bond will be the total estimated amount to complete the project, plus a one hundred (100%) percent contingency. The contingency will cover city expenses to develop specifications, the public bid process, and complete construction of the project. The contingency will also include any work designated by the Peabody Municipal Light Plant and the Conservation Commission. Surplus funds will be released to the applicant after construction is completed and accepted by the Planning Board.

b. Approval with Covenant

The applicant shall file a *Form G*, Covenant Approval Contract, Appendix G; or such other form of covenant as the Peabody Planning Board requires, approved as to form and manner of execution by the City Solicitor, properly executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Section V, not covered by bond or deposit under "a" hereof, shall be provided to any lot before such lot may be built upon or conveyed, other than by mortgage deed.

c. Approval with Irrevocable Letter of Credit

The applicant shall file an Irrevocable Letter of Credit drawn on a Massachusetts bank in the amount determined by the Peabody Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under "b" hereof. Such Irrevocable Letter of Credit, when deposited, shall be accompanied by an appropriate and duly executed agreement prepared in the manner of *Form F*, Performance Agreement, Appendix F, or such other form as the Board may require, and approved as to form and manner of execution by the City Solicitor and shall be contingent on the completion of such improvements no later than thirty (30) days prior to the expiration date of the Irrevocable Letter of Credit.

In the event that the said improvements are not completed by the completion date specified in the Performance Agreement (Form F), and no new Irrevocable Letter

of Credit has been issued in an amount then determined by the Peabody Planning Board to be sufficient to cover the cost of all or any part of the improvements then remaining to be completed and not covered by a covenant under “b” hereof, then said Irrevocable Letter of Credit shall be forfeited and shall become the sole property of the City of Peabody as liquidated damages.

Such Irrevocable Letter of Credit shall be payable at sight upon receipt of an attested copy of a vote of the Peabody Planning Board that said Irrevocable Letter of Credit shall be forfeited. The Irrevocable Letter of Credit shall be subject to the Uniform Customs and Practice for Documentary Credits (current revision), International Chamber of Commerce, Publication 400. A Letter of Credit containing terms or conditions which vary or modify the requirements of this section will not be accepted by the Board.

The amount of any Irrevocable Letter of Credit held under this clause may, from time to time, be reduced by the Peabody Planning Board and the obligations of the parties thereto released in whole or in part. Upon the request of an applicant and upon the approval by a majority of the Peabody Planning Board, the Board, through its Chairman, may issue an estoppel letter to the drawer of the letter of Credit that its obligation thereunder has been reduced as then determined by the Peabody Planning Board to be sufficient to cover the improvements then remaining to be completed.

The use of an Irrevocable Letter of Credit shall not relieve the applicant from the maintenance bond requirement contained in Section II hereof. In the event that the improvements have been completed but the maintenance bond has not been posted by the thirtieth (30th) day prior to the expiration date of the Letter of Credit, then such Letter of Credit may be forfeited upon the vote of a majority of the Peabody Planning Board and the proceeds thereof held by the City of Peabody and used to satisfy the maintenance bond requirements in accordance with the provisions of Section II.

d. Off-site Improvements

All off-site improvements must be completed prior to any construction within the subdivided property. A cash bond or letter of credit covering all off-site improvements plus a thirty percent (30%) contingency is to be posted prior to construction. This bond may be reduced in all or in part as the off-site improvements are constructed.

e. Damage Bond

Prior to any construction (on-site or off-site), the applicant shall post a bond with the Planning Board to cover any and all on-site or off-site damages relating to the subdivision. This bond shall be not less than fifteen percent (15%) of the total project roadway costs including utilities. This fund may be used by the Planning

Board to repair, clean, and/or maintain any on-site or off-site conditions (whether public or private property) relating to the subdivision, whether or not arising out of reaction or inaction of the applicant, its contractors, agents, or assigns.

10. Reduction of Bond Surety

The amount of any deposit held under clause "9a" above may, from time to time, be reduced by the Peabody Planning 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.

11. Release of Performance Guarantee

Upon completion of improvements required and the submission of approved reproducible "As Built" drawings under Section V, security for the performance of which was given by Certified Check, or upon the performance of any covenant with respect to any lot, the applicant may send by registered or certified mail to the City Clerk and the Peabody Planning Board a written statement that the said construction or installation in connection with which such certified check was posted has been completed in accordance with the requirements contained under Section V; such statement to contain the address of the applicant. If the Peabody Planning Board determines that said construction or installation has been completed, it shall return to the person or persons who furnished same; or, in the case of covenant, it shall issue a written release of the covenant on a properly executed *Form H*, Release Form, Appendix H.

However, ten to twenty five percent (10% - 25%) of the construction costs of the improvements specified in Section V pertaining to the subdivision shall be posted by the applicant, or in the event surety was given pursuant to Section III.C.8.a., shall be retained by the City to insure maintenance of the streets, easements and right of ways, and municipal services for up to three (3) years after completion of construction and installation, or until the streets are accepted by the City, whichever comes first; after which date the City shall return the remainder of the bond, if any, to the applicant.

Approximately sixty (60) days before the expiration of the three (3) years, the Department of Public Services shall inspect said street or way or portion thereof to determine whether or not it should recommend the release of the remaining bond.

Upon expiration of the period for which the applicant is responsible for maintenance of said way, and if said developer has complied with all the requirements of the Subdivision Control Law and the Peabody Planning Board Rules and Regulations as set forth in an inspection report of said way, any monies held by said Board for the maintenance of said way shall be returned forthwith to the applicant.

Prior to releasing the City's interest in a performance bond or deposit or releasing the covenant, the Peabody Planning Board shall receive from the applicant an Acceptance Plan (See Paragraph 12).

If the Peabody Planning Board determines that said construction or installation has not been completed, it shall specify to the applicant, in writing by registered or certified mail, return receipt requested, the details wherein said construction and installation shall have failed to comply with requirements contained under Section V. Upon failure of the Peabody Planning Board to act on such application within forty five days (45) after the receipt of the application by the City Clerk and the Peabody Planning Board, all obligations under the bond shall cease and terminate by operation of law; and deposit shall be returned and any such covenant shall become void.

In the event that said forty five (45) day period expires without such specifications or without the release and return of the deposit or release of the covenant as aforesaid, the City Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

No lots in the subdivision may be released from the covenant until the Developer has shown that such lots are served by a paved way, granite curbing, a sidewalk, and that utilities are in place and shown on an "As-Built" plan.

12. Acceptance by the City

The applicant shall file with the Peabody Planning Board a final plan (Acceptance Plan) drawn with India Ink on tracing cloth (or another method suitable for reproduction) of completed street or streets and any easements together with proper legal descriptions for initiating the acceptance of the ways by the City Council (See Section V.A.8.), and upon acceptance by the City shall grant a deed or easement to the City of the streets as contained in the Definitive Plan; said deed or easement to be recorded by the City Clerk upon acceptance of the streets by the City of Peabody.

The applicant must also file with the Department of Public Services and Assessors Office, an electronic version of the plan and profile compatible with the City's GIS system.

SECTION IV

DESIGN STANDARDS

A. Streets

1. General Design Criteria

- a. All streets in the subdivision shall be designed so that: they will accommodate pedestrian and vehicular traffic; they will allow satisfactory access for passenger, emergency, sanitation, and other vehicles; they will drain naturally with no drainage pockets; and they will obtain the maximum safety and amenity for future residents of the subdivision.
- b. The proposed streets shall compose a convenient system to ensure free circulation of traffic throughout the entire roadway network.
- c. Where the street system within a subdivision does not connect with or have, in the opinion of the Board, adequate access from a public way, the Board may require, as a condition of approval that such adequate access be provided by the developer, and/or that the developer make physical improvements to and within such a way in accordance with the provisions of these regulations from the boundary of the subdivision to a public way.
- d. Where the physical condition or width of a public way from which a subdivision has its access is considered by the Board to be inadequate to carry the traffic expected to be generated by such subdivision, the Board may require the developer to dedicate a strip of land for the purpose of widening the abutting public way to a width at least commensurate with 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 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 any such widening or construction shall be borne by the developer.

2. Location

- a. The proposed streets shall conform in location, so far as practicable, to: any existing plans of the Peabody Planning Board; to the Master Plan or parts thereof adopted by the Peabody Planning Board; and, where required by the Peabody Planning Board, to the existing street system.
- b. Streets shall be continuous and in horizontal and vertical alignment with existing streets. To provide for future extension in adjacent undeveloped lands, the Board

may require a roadway easement from the end of the turn-around to adjacent property, or stubs between lots along the proposed street.

- c. Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Peabody Planning Board, such strips shall be in the public interest (See Sketch #1).

3. Alignment

- a. The distance between the centerline of streets opening onto the same side of an existing or proposed street shall be no less than 125 feet (See Sketch #2).
- b. ✱ The distance between the centerline of streets opening onto opposite sides of an existing or proposed street shall be no less than 200 feet. Preferably, streets should be laid out so that four way intersections are spaced a minimum of 750 feet apart, centerline to centerline (See Sketch #2).
- c. To manage vehicular speeds and traffic volume, the minimum centerline radius of curved streets shall be 150 feet for secondary streets, and 500 feet for principal and arterial streets. See definitions of arterial, principal and secondary streets in Section II.A., Definitions.
- d. To provide for control of vehicles and proper sight distances, a tangent of at least 150 feet in length shall separate all reverse curves (See Sketch #3).
- e. Streets shall be laid out to intersect at ninety-degree angles.
- f. ✱ Property lines at street intersections shall be rounded or cut back to provide for a radius of not less than thirty feet (30').
- g. No more than two streets shall intersect at one point.

4. Width

- a. The minimum width of right-of-way shall be fifty feet (50').
- b. Alleys will not be approved in subdivisions of land in districts designated as residential under the Zoning Ordinance. Alleys with a minimum width of forty feet (40') may be required by the Board at the rear of any lots designated or zoned for non-residential use.

5. Grade

- a. Streets shall conform as closely as possible to the original topography of the land, except that a combination of steep grades and tight curves shall be avoided. This

standard follows from the Master Plan's policy to promote environmentally sensitive design by incorporating flexibility into design standards and regulations.

- b. The centerline grade for any street shall not be less than one percent (1%).
- c. The maximum centerline grade for all streets shall be six percent (6%). Secondary streets may be nine percent (9%) for a maximum of 500 feet.
- d. Where changes in grade exceed one percent (1%), vertical curves, as required by the Board, shall be provided.
- e. Where a grade is five percent (5%) or greater within one hundred and fifty feet (150') of the intersection of streets, leveling areas shall be provided as follows: Residential subdivisions: maximum of 3% for at least 125 feet; Non residential subdivisions: maximum of 2% for at least 200 feet.
- f. The grade of turn-arounds shall not exceed five percent (5%).

6. Dead-end Streets

- a. Any proposed street which intersects solely with a dead-end street shall be considered an extension of the dead-end street. Dead-end streets and their extensions, if any, shall not be longer than five hundred feet (500'), measured between the sideline of the intersecting street and the center of the turnaround.
- b. ~~★~~ Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty feet (80') and a property line diameter of at least one hundred feet (100'). The Board may, when potential volume warrants, require a minimum outside roadway diameter of one hundred forty feet (140'), a property line diameter of one hundred sixty feet (160'), and the placement of a circular landscaped island with minimum radius of twenty feet (20') at the center of the turn-around, if the dead-end street is not intended to connect with another street at some future point.
- c. When such circular landscaped islands are approved by the Board as a part of the plan, the Developer shall place a maintenance easement on the islands to the benefit of one or more of the surrounding lots, such easement to run with the land, and be recorded with the deed, and the lot owners shall be responsible for all upkeep in the circular island. The Developer or his successor or assigns shall present a landscaping plan and a copy of the proposed easement outlining the lot owners' responsibilities to the Planning Board for approval prior to beginning the landscaping.

7. Scenic Roads

- a. Subdivision layouts which propose any alteration of a scenic road shall be subject to the requirements of the Massachusetts General Laws regarding scenic roads (Ch. 40, ss 15C).

B. Curbing and Driveways

1. Driveways shall be at least ten feet (10') wide, and no greater than twenty four feet (24') at the gutter line.
2. If driveways slope from the edge of the street right-of-way to the edge of the pavement, there shall be a grade of not less than one percent (1%) but not more than eight percent (8%), but the grade between the sidewalk and the right-of-way shall be only as shown on the Profile and Typical Cross Section (See Sketch #4).
3. The grade of driveways shall not exceed ten percent (10%) at any one point. All driveways should be leveled to meet the grade at which it intersects the right-of-way.
4. All curbing and curb cuts shall be installed before final paving is begun, unless the Planning Board grants otherwise.
5. Driveways shall not be located in front of existing or proposed catchbasins, nor within five feet (5') of light poles, utility structures, fire hydrants or street trees.
6. Street radii of thirty feet (30') or less shall use curved granite pieces of curbing.
7. Corner lots which front on a principal or arterial street and a secondary street or cul-de-sac within the subdivision, shall be accessed and exited from the less traveled street, to improve safety of access and egress, and to improve traffic flow.
8. Front walkways shall extend in the appropriate location in front of each lot from the sidewalk to the curbing.
9. Any lots which are not built upon at release of all monies except the maintenance bond shall have full curbing along the street, with no driveway curb cuts. The purchaser or builder of said lot shall thereafter be responsible for installing curb cuts, transition curbing, the driveway apron, and any such repairs to the street, sidewalk, or grass plot at that location as may be deemed necessary.

C. Easements

1. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided with a width of at least thirty feet (30').

2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Peabody Planning Board shall require a storm water easement or drainage right-of-way of adequate width; a minimum of thirty feet (30') and proper side slope to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes. The easement will connect to a public way for the purpose of access.
3. Access easements shall be provided, if required by the Peabody Planning Board, for the purpose of pedestrian ways, bikeways, or bridle paths and shall be not less than twenty feet (20') in width. Access easements shall be required where deemed desirable to provide circulation or access to abutting streets, schools, playgrounds, parks, shops, transportation, open spaces and/or community facilities.
4. A ten foot square (10' x 10') utility easement, centered on the side lot lines, shall be provided at the intersection of side lot lines with the right-of-way boundary line, for the purpose of locating utility service structures and accessing utilities.

D. Open Space

1. Before approval of a plan, the Peabody Planning 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. The Peabody Planning 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 at least three (3) years. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purpose 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 Peabody Planning Board.
2. The Peabody Planning 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 probable 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 Peabody Planning Board. Land acquired in this manner shall be compensated as provided in Section 81-Q of Chapter 41 of the General Laws.

E. Protection of Natural Features

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, which, if preserved, will add attractiveness and value to the subdivision.
2. The Developer shall make the maximum effort to save large, old, existing trees which are fine examples of their species, and which have been identified by the Planning Board during the approval process as worthy of being saved.

No material or temporary earthen deposits shall be placed within fifteen feet (15') of the trees designated to be saved. Protective barriers or tree wells shall be installed around each tree to remain. Barriers shall be self-supporting, a minimum of four feet (4') high, and constructed of a durable material that will last until construction is completed.

3. Haybales and/or a siltation fence will be put in place around catch basins and manholes while utilities and roadway are under construction. The developer will be responsible for preventing siltation run-off from exiting property during construction.
4. Retaining walls may be used when the natural environment will benefit from such design, in that natural vegetative cover will be saved, reducing erosion and downstream sedimentation, and increasing the attractiveness and value of the subdivision.

Any retaining walls to be constructed shall be shown on the definitive subdivision plans with top and bottom of wall elevations and extent of wall. The Developer shall file a copy of all construction plans and permits with the Planning Board. Plans shall be stamped by a registered Professional Engineer and certified by the Professional Engineer as to conformance with all local, state and federal building codes.

F. Drainage

1. Where required by the Peabody Planning Board or the Board of Health, the applicant shall furnish evidence that adequate provision has been made for the proper drainage of surface and underground waters from the lots and roadways within a subdivision.
2. 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 of minimum width of thirty feet (30') and proper slope shall be provided.
3. Storm drainage systems shall be designed in accordance with the criteria of the Department of Public Services and in accordance with the Peabody Planning Board. The ten (10) year design storm, at a minimum, shall be used to design the street drainage system.

Inlets to detention structures will have a rack system to prevent children or animal access. Bar or rack spacing will be five inches (5") on center and will be of durable metal construction.

Outlets to detention structures will be constructed flush to detention structure walls (no protrusions). The structure must be located within approximately five feet (5') of the surface, such that a worker using a standard five foot (5') iron rake could clean the rack without entering the water. The outlet will be covered by a fixed bar rack device that will be angled between thirty (30) and forty five (45) degree's from the horizontal, with bar spacing five inches (5") on center, and a surface area at least four times the outlet pipe cross sectional area. Construction will be of a durable metal construction.

4. No net increase in runoff, due to development of the subdivision, shall be allowed. Retention/detention basins shall be included in the design as necessary, using the twenty five (25) year design storm event.

G. Fire Hydrants

1. Hydrants shall be provided at least every five hundred (500) running feet on one (1) side of each street. A hydrant may be required at the end of a dead-end street. All fire hydrants will be of a style approved by the Department of Public Services (Darling B-62B) and will include a standard detail of same. The use of extension kits is prohibited. All hydrants must be installed at proper lengths. Developers failing to meet these standards will forfeit the equivalent amount of bond.
2. Hydrants shall be thoroughly cleaned and given two (2) shop or field coats of paint in accordance with AWWA C502 and the instruction of the paint manufacturer. Paint color shall be the standard hydrant color of the City of Peabody:

Barrel - OSHA red
Bonnet - OSHA yellow
Nozzle Caps - OSHA yellow

3. If the hydrant is delivered with the manufacturers standard color, the hydrant shall be given one (1) matching field coat of an alkyd gloss enamel. If the hydrant is delivered with no standard color, the hydrant shall be given two (2) coats of an alkyd gloss enamel in the colors indicated above. All exposed metal surfaces will be painted.
4. Hydrant paint shall be as manufactured by PPG Industries, Pittsburgh, PA; Koppers Company, Inc., Pittsburgh, PA; Tnemec Company, Inc., Kansas City, MO; or Minnesota Mining and Manufacturing Co. (3M), St. Paul, MN; or approved equal.
5. Alkyd gloss enamel shall be Series 54-300 by PPG, Glamortex by Koppers, or 2H-Tneme by Tnemec; or approved equal.

H. Sidewalks, Paths, Grass Plots, and Trees

1. Sidewalks shall be constructed within the street right-of-way, separated from the pavement area by a grass plot. The sidewalk shall extend the full length of each side of the street, and shall be a minimum width of five feet (5').
2. Paths shall be constructed within the easement outlined in accordance with Section IV.C.3.. The path shall be constructed in accordance to Section V.D.3., and shall be a minimum width of five feet (5').
3. Grass plots shall be constructed within the street right-of-way, separating the pavement and the sidewalk. The grass plot shall extend the full length of each side of the street, and shall be a minimum width of four feet (4'), including granite curbing.

4. The Developer shall choose one of the following options for location of street trees, and shall notify the Planning Board of choice at the time of approval of the subdivision:

Option A: Provide easements in the front yards of the lots for location of a minimum of two (2) trees per lot, and install street trees as required by the Director of Parks, Recreation and Shade Trees or designee.

Option B: Install two (2) trees per lot in the grass plot, and install a membrane root barrier, impregnated with an approved herbicide, perpendicular to the ground surface between the grass plot and the sidewalk.

5. See Sketch #4 for the Profile and Typical Cross Section.

I. Utilities

1. All utilities shall be placed underground at the time of initial construction, including but not limited to gas lines, electric lines, telephone lines, fire alarm lines, and cable television lines. A minimum of six (6) conduits shall be installed, to allow for future expansion.
2. Design of the water service shall be such that water pressure at the first floor elevation of the proposed dwellings shall be no less than thirty five pounds (35lbs.) per square inch.
3. Water lines shall be looped as required by the Department of Public Services, to maintain water quality and adequate fire flows.
4. All utilities, including but not limited to water and sewer lines, and electrical, phone, and cable conduits will be brought onto the subdivided lots prior to any paving.

J. Slope Protection

1. For the purpose of mitigating sediment-laden storm run-off within subdivisions or onto adjacent or downstream properties, all slopes in excess of eighteen percent (18%) off the horizontal plane or grade which are cuts, fills, or devegetated slopes, shall be stabilized with plantings, geotextile fabric, mulch, or other method suitable to the Planning Board, within three (3) months after rough grading is complete or at the end of each construction season that the subdivision is under construction, whichever is sooner, and again at final grading.
2. Any lot on which a building has not been constructed shall be loamed and seeded to the Board's satisfaction prior to the final release of performance bond monies (or the conversion of said bond monies or portion thereof into a maintenance bond). The Board may advance the timing of this requirement if, in the opinion of the Board, the loaming and seeding is reasonably required to minimize run-off, sedimentation or other adverse conditions, or if the lot, in the opinion of the Board, in its then current state presents a potential health or safety hazard or is otherwise detrimental to or not harmonious with the surrounding neighborhood.

3. A transition zone shall be established adjacent to all existing and proposed streets. The transition zone shall be at least twenty five feet (25') in width on both sides of a public or private way. Any grading within the transition zone shall not result in finish grades in excess of twenty five percent (25%) except where undisturbed bedrock or boulders are encountered.

SECTION V

REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

A. General

1. It is the intent that no street or way through private property shall be accepted by the City unless the same be previously constructed and completed in accordance with the Profile and Typical Cross Section (Sketch #4), profile(s) and the following specifications.
2. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements in the most recent edition of the "*Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways, Bridges, and Waterways*", as amended or revised, hereinafter referred to as the Standard Specifications, as amended, and the Special Provisions included hereinafter. Appropriate illustrations are found in "*Commonwealth of Massachusetts, Department of Public Works, Construction Manual Part 3, 1966*", as amended or revised.
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.
4. To facilitate reference, each paragraph in these specifications where appropriate is noted with the paragraph number of the particular section as contained in the Standard Specifications.
5. Wherever in the Standard Specifications or other contractual documents, the following terms, or pronouns in place of them are used, the intent and meaning shall be interpreted by substitution as follows:

"Commonwealth"	City of Peabody
"Department"	Engineering Department
"Engineer"	The Peabody Planning Board of the City of Peabody acting directly or through an authorized representative; such representative acting within the scope of the particular duties entrusted to him.
6. The extent of work required is as shown upon approved plans, and is in compliance with the Profile and Typical Cross Section (Sketch #4). Stakes shall be set which will indicate the exact amount of cut or fill.

7. As each construction operation is completed, it shall be approved by the Peabody Planning Board or specified department as shown on *Form N*, Inspection Checklist, Appendix N. Each item must be completed in the order outlined on the Checklist.
8. To facilitate acceptance by the City of Peabody, the applicant shall have prepared and certified by a Registered Land Surveyor a "Plan of Acceptance" drawn with India Ink on tracing cloth (or another method suitable for reproduction), size twenty four inches by thirty six inches (24" x 36"), showing widths, lengths, bearings of all boundary lines of streets and easements, and radii, tangents and central angles of all curves in street lines. It shall show that all stone bounds are set.

A blank space four inches by eight inches (4" x 8") shall be provided on the lower right hand corner on the plan for a title block to be filled in by the applicant. The Surveyor shall place a certification on the plan stating, "The street (or way or portion thereof) is laid out and the bounds are set as shown on this plan"; which shall be dated, signed and the Surveyor's stamp affixed thereon. The plan shall be submitted to the Planning Board.
9. The applicant shall submit "As-Built" plans drawn with India ink on tracing cloth (or another method suitable for reproduction) certified by the applicants Engineer to show the actual locations and grades of all utilities (including electric, telephone, cable television, gas underground installations, man holes, catch basins, hydrants, water shut-off/safes, and sewer stubs), the roadway profile, and any changes authorized by the Peabody Planning Board. "As-Built" plans will show the location of utility connection into the dwelling.
10. If the subdivision is subject to the jurisdiction of the Peabody Conservation Commission, the Developer shall file a copy of his Order of Conditions with the Planning Board. The Order of Conditions shall be made a part of the required improvements for the subdivision, and shall be secured in accordance with the requirements of Section III.C.8..

B. Street and Roadway

1. The roadway shall be graded, compacted and prepared for pavement as follows:
 - a. 101 Clearing and grubbing of the entire area of such street or way shall be performed to remove all stumps, brush, roots, boulders and like material which may exist upon the surface.
 - b. 120 Roadway earth excavation shall remove all materials encountered down to the true surface of the subgrade, or to suitable material in areas where unsuitable material exists, in preparation for foundations of roadway, sidewalks, driveways and curbs. Approved materials obtained from the excavation may be used in fills as required if, in the opinion of the Peabody Planning Board, they are suitable.
 - c. 150 When in the opinion of the Peabody Planning Board suitable material is not available within the limits of the roadway location to form the subgrade or sub-

base, the contractor shall obtain such additional material as may be approved by the Peabody Planning Board from other sources in accordance with this section.

- d. 170 The subgrade surface, sixteen and one half inches (16 ½") below the finished surface grade, shall be prepared true to the lines, grades and cross sections given and properly rolled. Subgrade materials shall be compacted in six inch (6") lifts to no less than ninety percent (90%) of the modified Proctor Density Test. Testing frequency will be as per M.H.D. specifications and at applicants expense. No paving will be allowed until proof of such test has been submitted to the Department of Public Services. All soft and spongy material below the subgrade surface shall be removed to a depth determined by the Peabody Planning Board and the space thus made shall be filled with special gravel borrow, containing no stones over three inches (3") in their largest diameter.
- e. 401 Gravel sub-base or foundation containing no stones having any dimensions greater than three inches (3") shall be spread on the surface of the subgrade to a minimum depth of twelve inches (12") in conformity with the requirements of Section M1.03.0 Type a of the Standard Specifications for furnishing gravel borrow.
- f. 401.60 Final grading, rolling and finishing, including the shaping, trimming, rolling and finishing of the surface of the sub-base prior to application of gravel for surfacing of the roadway and base courses for walks or loam for curbs shall be in accordance with this section and as directed by the Peabody Planning Board.

At the conclusion of this step, the roadway shall be staked in all locations where permanent monuments are to be installed as provided in Section V.H. Monuments, of these Rules and Regulations.

- 2. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in Section IV.A.3. above. The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Peabody Planning Board. The minimum and maximum widths of roadway pavements shall be thirty two feet (32') on a fifty foot (50') right-of-way.
- 3. 460 The wearing surfaces of roadways shall be of Class I Bituminous Concrete Pavement, Type I-1, paved in two (2) courses with a minimum of three inches (3") of binder and one and one half inches (1 ½") of finish when completely rolled and completed. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed upon the prepared surface and in conformity with lines, grades and Typical Cross Section shown on plans. Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications except that no such construction shall be undertaken unless the temperature is at least thirty two (32) degrees Fahrenheit in the shade, and rising.

4. 685 Embankments outside the right-of-way shall be evenly graded and pitched at a slope of not greater than two (2) horizontal to one (1) vertical in fill. Where cuts are made in ledge, other slopes may be determined with the approval of the Peabody Planning Board. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip-rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with and approved by the Peabody Planning Board. Whenever embankments are built in such a way as to require approval by the Peabody Planning Board, the applicant must furnish to the City duly recorded access easements free of encumbrances for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.

C. Utilities

1. 140 Excavation for structures, including foundations for drains, sewers and water pipes, walls and other structures shall be made to the depth as indicated on the Definitive Plan or established by the Director of Public Services as appropriate. Rock excavation shall be removed as directed.
2. 200 All drain, sewers, gas and water pipes, underground utilities and other structures shall be installed upon the completion of roadway subgrade and before the placing of sub-base, gravel base course, sidewalks or pavement.

a. Water

1. Public water mains shall be Class 150 cement-lined ductile iron pipe of such size as approved by the Water Department and shall not be less than eight inches (8") in diameter (larger diameter water pipes may be required if necessary). A hydrant shall be located at each street intersection and not more than five hundred feet (500') apart. A hydrant may be required at the end of a dead-end street.
2. Each hydrant shall be served directly from the water main through a six inch (6") lateral connection. It shall be gated with a valve box with a six inch (6") valve and shall have two (2) two and one half inch (2 ½") hose outlets and one (1) five inch (5") pump outlet. Water main valves shall be located in such number and locations that lines by individual blocks may be isolated for maintenance purposes.
3. The applicant shall provide each lot in a subdivision with a minimum one inch (1") diameter copper water service connected to the public water system which, in the opinion of the Department of Public Services, are adequate to serve each lot based upon the intended use of each lot. Developers may be required to installed larger diameter services if the situation dictates.

- b. Gas Mains may be installed if gas connection is available, and proposed on the approved plan.
- c. Telephone lines shall be installed in underground conduits in conformity with Section 390 of the Standard Specifications.
- d. Electric lines shall be installed underground in accord with the regulations of the Peabody Municipal Light Department. The Peabody Planning Board may permit transformers, switches and other such equipment to be placed on the ground in approved locations.
 - 1. Fire Alarm Call Boxes shall be installed in accordance with the Rules and Regulations of the City of Peabody Fire Department, and all wiring for said call boxes shall be underground.
- e. Cable television lines shall be installed in underground conduits and proposed on the approved plan.
- f. Sewerage
 - 1. If a possible sewerage system is located within one thousand feet (1000') of the subdivision, the applicant shall connect all lots to public sewerage system in accordance with the Department of Public Services.
 - 2. If a public sewerage system is planned by the City 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 which can be connected later to the public sewerage system. In order for the applicant to design and install properly such laterals, the City 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.
 - 3. If (1) and (2) above do not apply, the applicant shall design an acceptable sewerage system but may install private on-site systems in conformance with Board of Health regulations.
 - 4. Where public sewers are required, the following design standards shall apply:
 - a. Public sewers shall be designed according to professional engineering practices.
 - b. Public sewers shall not be less than eight inches (8") in diameter, with four inch (4") house laterals.

- c. Manholes shall be located at every change in grade or horizontal alignment but not more than two hundred fifty (250') feet apart. Sewer ejector pumps may be permitted at the discretion of the Board. Maintenance of said pumps and discharge lines to the City force main or gravity sewer, shall be the responsibility of the lot owner.
3. 200, 220, 230 Adequate disposal of surface and subsurface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of Sections 200, 220, 230 of the Standard Specifications, and shall be built on both sides of the roadway at intervals not to exceed two hundred fifty (250') feet unless otherwise approved by the Department of Public Services, and at such other places as deemed necessary by the Department of Public Services to assure the unimpeded flow of all low points and to provide proper runoff of stormwater. In no instances shall catch basins be located along a driveway cut.

The standard depth of catch basins shall be thirty inches (30") below the invert of lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of Section 230 for installation of pipes. There shall be two (2) courses of brick and mortar placed under the frame on all manholes and catchbasins. Catchbasin and manhole frames shall be two (2') feet in diameter or square and be Massachusetts Standard.

Reinforced concrete pipe shall be installed according to the size as shown on the plans. No backfilling of pipes shall be done until the installation has been inspected by the City Engineer. All drainage trenches shall be filled with suitable gravel borrow in accordance with specification Section M, Materials.

4. 260 Where subdrains are required by the Peabody Planning Board, they shall conform to Section 260 of the Standard Specifications.
5. On-site sewage disposal facilities shall be installed and constructed in conformity with the rules, regulations, and requirements of the Board of Health. On-site septic tanks and leaching fields shall be located insofar as possible in the front or side yard of the building(s) served, unless surface and subsurface soil conditions, drainage and topography in the location of such on-site facilities require their placement in the rear yard.
6. Where adjacent property is not subdivided or where all the property of the applicant is not being subdivided at the same time, provisions shall be made for the extension of the utility system by continuing the mains the full length of streets to the exterior limits of the subdivision, at such grade and size which will, in the opinion of the Peabody Planning Board, permit their proper extension at a later date.

D. Sidewalks

1. Sidewalks shall be constructed within the subdivision separated from the pavement area by a seeded strip, as provided in subsection F.
2. The sidewalk shall extend the full length of each side of the street and shall be a minimum width of five feet (5').
3. 700 Bituminous concrete sidewalks having a minimum thickness of three inch (3") binder after compression, and one and one half (1½") finish course after compression, shall be constructed on a twelve inch (12") gravel foundation to the required lines and grades in accordance with these specifications.
4. 700 If concrete sidewalks are desired, they shall be constructed as directed by the Director of Public Services in conformity with this section of the Standard Specifications.

E. Curbs

1. Straight face granite curbing of five inches (5") in height shall be installed in all subdivisions. Granite curb shall be type V A.4 or VB (Subsection M 9.04). In no case shall curb sections be less than six feet (6') in length.
 - a. A six foot (6') granite curb inlet shall be installed at each catch basin.

F. Grass Plots

1. A grass plot shall be provided on each side of each roadway between the pavement and sidewalk areas, and shall occupy all the remaining area.
2. The slope of the grass plot shall be shown on the Profile and Typical Cross Section (Sketch #4).
3. Street light stanchions and street lights shall be located in the grass plot, but shall not be nearer than twenty five feet (25') from the intersection of the two streets, measured from the intersection of the tangents of the intersecting street curb lines. Street lights located in the turn-around part of a cul-de-sac will be located outside the grass plot on the edge of the right-of-way.

G. Trees

1. Street trees of species approved by the Park and Shade Tree Department shall be planted on each side of the street (at least two (2) per lot) in a subdivision, except where the Definitive Plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the Profile and Typical Cross Section (Sketch #4), approximately at fifty foot (50') intervals and shall be at least twelve feet (12') in height, and a minimum of two and one half inches (2 ½") in caliper, and shall be planted

each in at least one half (½) cubic yard of topsoil, unless otherwise required by the Park and Shade Tree Department.

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.
3. The developer will be liable for all trees so planted as to their erectness and good health for eighteen (18) months after acceptance.
4. All cut bankings must be planted with a low growing shrub and wood chipped to a minimum depth of six inches (6"), or seeded with a deep rooted perennial grass to prevent erosion.

H. Monuments

1. Granite monuments shall be installed on street lines at all points of curvature, and at all points of change in direction.
2. Monuments shall be installed at all other points where, in the opinion of the Planning Board, permanent monuments are necessary.
3. Monuments shall be a standard permanent granite 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 by two inch (½" x 2") drill hole in the center of the top surface. Said monuments shall be installed at the time of the final grading with the top flush with the top final graded surface.
4. The placement and accurate location of those markers shall be certified by a Registered Land Surveyor and properly located on the street Acceptance Plan.

I. Street Signs and Names

1. Prior to lot releases, reflective street signs shall be installed at each intersection to conform to the standard established by the Department of Public Services. A private way sign shall also be installed prior to lot release.
2. Street names shall be approved by the Peabody Planning Board to prevent duplication and to provide names in keeping with the character of the City. Street name changes will not be permitted after the subdivision approval is granted.
3. From the time of final grading until such time as each street is accepted by the City 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.

J. Street Lights

1. Street lights shall be installed to conform to the type and style as required by the Electric Light Commission.
2. Street light stanchions shall be located at such intervals as required by the Peabody Planning Board in the rear grass plot, as provided in Section F, and shall be installed in accord with the procedure required by the Peabody Municipal Light Department.

K. Maintenance of Improvements

1. For the purpose of protecting the safety, convenience and welfare of the City's inhabitants, 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 reducing the danger to 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 81M as amended, the applicant or his successor shall provide for the proper maintenance and repair of improvements under this Section of the Rules and Regulations and until the City votes to accept such improvements.
2. The Developer shall ensure curbside delivery of mail to subdivision residents as soon as possible, by meeting without delay the applicable requirements of the United States Postal Service for delivery service. Mail boxes shall not protrude over the curb line and cause a public safety problem.

SECTION VI

ADMINISTRATION

A. **Variation**

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Peabody Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

B. **Reference**

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

C. **Building Permit**

1. No building shall be erected within a subdivision without written permission from the Peabody Planning Board (See *Form H*, Release Form, Appendix H).
2. The Building Inspector shall not issue any permit for the erection of a building until first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded under Section 81-X of Chapter 41, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such a lot had been satisfied or waived by the Board, and in the event that more than one building for dwelling purposes be erected or placed or converted to use as such on any lot, that the Building Inspector is satisfied that consent has been obtained from the Peabody Planning Board in accord with Section II.D. of these Rules and Regulations, Chapter 41, Section 81-Q, and amendments thereto.

D. **Inspections**

1. Inspections shall be arranged by the applicant with the City Engineer for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each construction stage and according to *Form N*, Inspection Checklist, Appendix N.
2. Inspection shall be requested in writing at least forty eight (48) hours in advance of each inspection to the Department of Public Services.
3. Inspections shall be made by the City Agent, unless otherwise indicated, for each of the following:

- a. Satisfactory excavation.
 - b. Satisfactory laying and testing of water and sewer mains, hydrants, and related equipment.
 - c. Satisfactory locations of gas mains and related equipment (by the Gas Company).
 - d. Satisfactory installation of surface and subsurface drainage system and related equipment.
 - e. Satisfactory filling.
 - f. Satisfactory compaction.
 - g. Satisfactory installation of electric lines and related equipment (by the Peabody Municipal Light Department).
 - h. Satisfactory location of telephone lines and related equipment.
 - i. Satisfactory completion of the pavement.
 - j. Satisfactory placing of curbs and gutters.
 - k. Satisfactory construction of sidewalks and/or paths.
 - l. Satisfactory finish grading of grass plots.
 - m. Satisfactory installation of monuments.
 - n. Satisfactory grading of lots.
 - o. Satisfactory planting of street trees.
 - p. Satisfactory final clean-up.
4. The Peabody Planning Board has established the order of the required inspection and requires satisfactory completion of each step before the applicant proceeds to the next. It may require tests to be done by the applicant as a condition for approval, when in the opinion of the Peabody Planning Board it is advisable.
 5. The proper City official shall indicate on *Form N*, Inspection Checklist, Appendix N, provided by the Peabody Planning Board, the date of inspection and the approval and shall file such form with the Peabody Planning Board.

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 Laws of Massachusetts.
7. Construction of retaining walls shall be monitored by an independent Structural Engineer registered in the Commonwealth of Massachusetts, and hired by the applicant. Prior to construction a building permit must be obtained. When the retaining walls are completed, the Structural Engineer shall submit to the Planning Board a signed and stamped final report, certifying that the wall was constructed in accordance with the approved plans, and noting any field changes that were made to the approved design.

E. Validity

1. If, in any respect, any provisions of these Rules and Regulations in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be invalid, and in all other respects these Rules and Regulations shall stand as if such invalid provisions had not been made, and they shall fail to the extent, and only to the extent of such invalid provision, and no other provision of these Rules and Regulations shall be invalidated, impaired or affected thereby.
2. In the case of conflict between these Rules and Regulations and the Massachusetts General Laws, the General Laws shall govern.

SECTION VII

ADDITIONAL REQUIREMENTS FOR CLUSTER SUBDIVISIONS

A. Purpose

1. The purpose of this Section is to establish procedural rules and design standards for cluster subdivisions allowed by Special Permit by the Planning Board under the provisions of Section 4.4.4. Cluster Subdivision Requirements, of the Peabody Zoning Ordinance.

B. Submission of Plans

1. Cluster subdivision plans shall be submitted concurrently with, or as part of, a definitive plan filing, in the manner outlined in the Zoning Ordinance and in the Massachusetts General Laws, Chapter 40A, Section 9.
2. Cluster subdivision plans shall meet the application requirements in the Zoning Ordinance as well as the requirements of these Rules and Regulations.

C. Review Procedure

1. Cluster subdivision plans shall be reviewed as outlined in the Zoning Ordinance and as required by the Massachusetts General Laws, Chapter 40A, Section 9.

D. Site Plans

1. Prior to the application for a building permit for any lots within the subdivision, a site plan prepared by a registered land surveyor, engineer, architect or landscape architect shall be submitted to the Planning Board for review, showing at a minimum:
 - a. Existing and proposed topography at two foot (2') intervals, including proposed cuts and fills;
 - b. Existing and proposed retaining walls and riprap;
 - c. Existing and proposed driveways, walks and fences;
 - d. Trees to remain in excess of six inches (6") in caliper, and trees to be removed, in excess of six inches (6") in caliper;
 - e. Delineation of wetlands and one hundred foot (100') buffer, and any Order of Conditions issued by the Conservation Commission;
 - f. Unique natural features, including stone walls, and rare or specimen trees;
 - g. Size and location of proposed structures; and
 - h. Proposed landscaping.
2. Approval of a site plan for a particular lot shall be by majority vote at the next regular meeting of the Planning Board. The Board shall forward its decision approving, approving

with conditions, or disapproving a site plan, along with a copy of the site plan, to the Building Inspector.

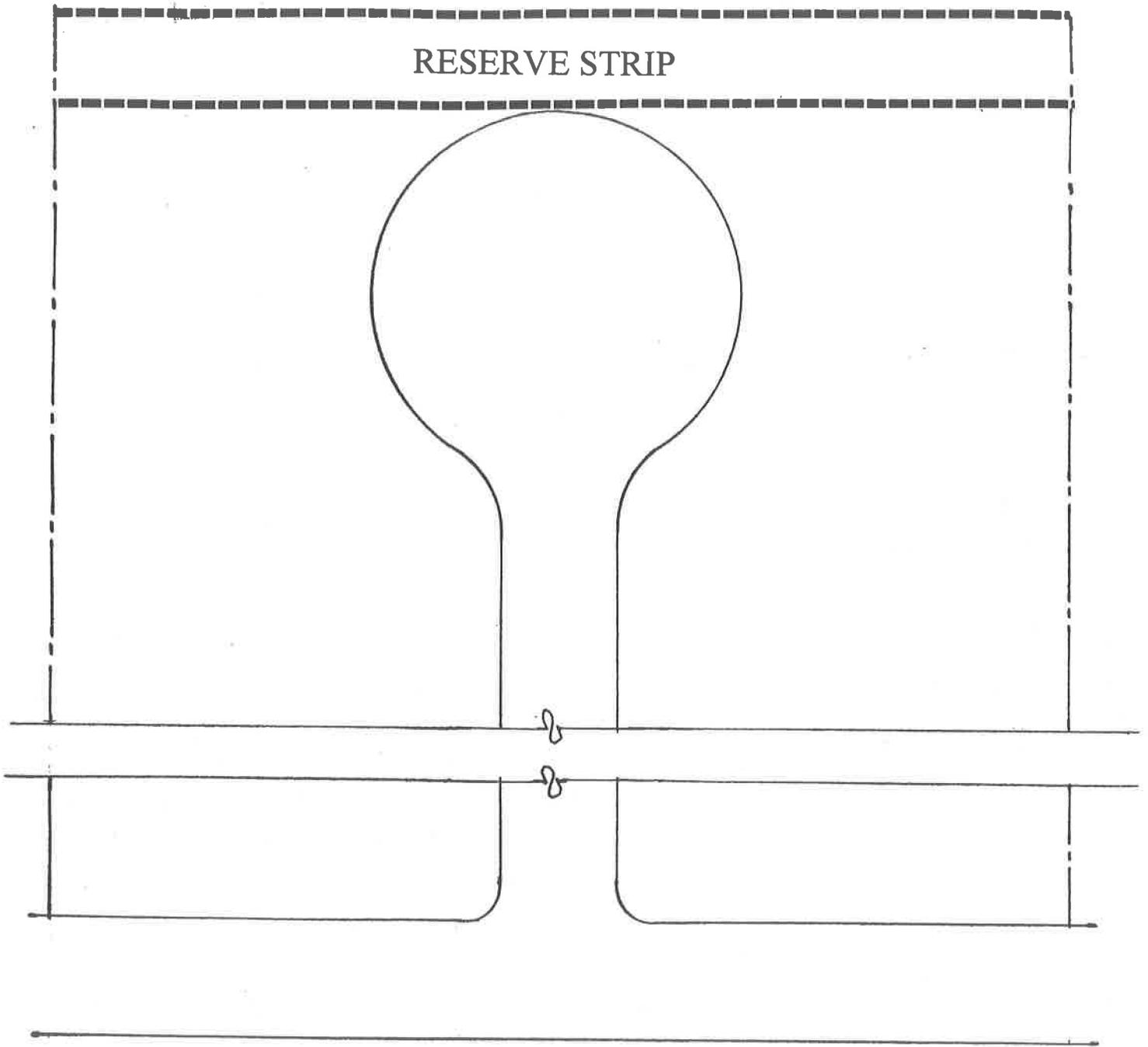
E. Easements for Common Area

1. The common area of the subdivision, if held in common ownership, shall be subject to a conservation easement, running with the land, to the benefit of the City of Peabody or its Conservation Commission.
2. The form of easement shall be prepared by the Developer, signed by the Planning Board, and recorded at the Registry of Deeds before any lots in the cluster subdivision are conveyed.
3. No vegetation shall be cut within the common area at any time until the City's acceptance of the easement, except as specifically directed and approved by the Planning Board.
4. Maintenance of the common area shall be by the owners under the provisions stipulated in the conservation easement.
5. The Developer shall submit a draft of the proposed easement for the Planning Board's review and approval prior to approval of the cluster subdivision plan.

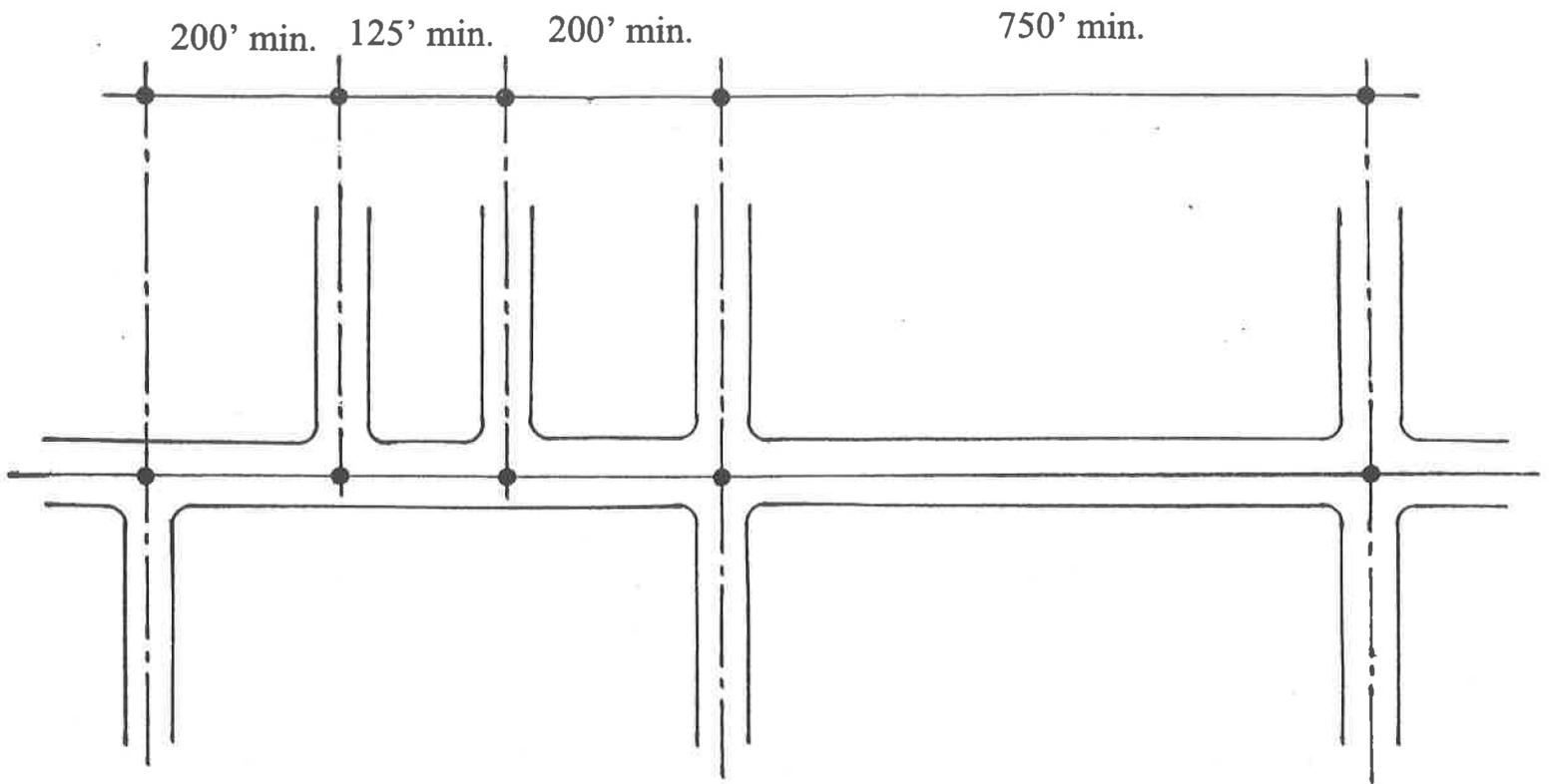
F. Homeowners' Association

1. The homeowners, as a condition of purchase of the lots within the cluster subdivision, shall be members of the Homeowners' Association established by the Developer, and such membership shall be reflected in their deeds, and binding on all successors and assigns to title in the property.
2. The Homeowners' Association shall be responsible for all liability insurance, local taxes, and maintenance on the common area.
3. The homeowners shall pay their pro-rated share of the cost of all taxes, insurance and maintenance of the common area, and the assessment levied by the Homeowners' Association may be a lien on the individual lots.
4. The Developer shall submit a draft of the master deed establishing the Homeowners' Association for review and approval of the Planning Board prior to approval of the cluster subdivision plan.

END



Sketch #1 - Reserve strips are prohibited

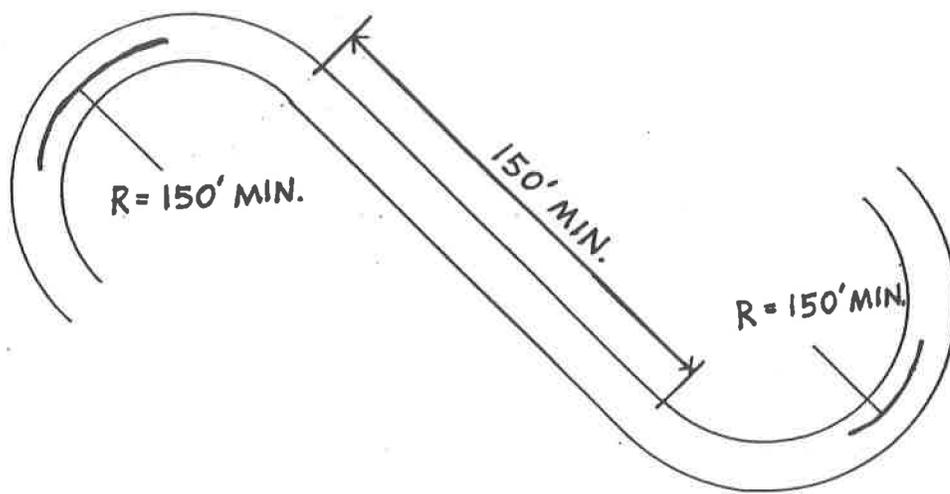


Sketch #2 - Separation of intersections

125 feet minimum between streets on same side of street

200 feet minimum between streets on opposite sides of street

750 feet minimum between four-way intersection



Sketch #3 - Curve radius and minimum length of separating tangent

APPENDICES

The following forms are being used with the approval of the City Solicitor and may subsequently be revised.

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL (ANR)

File one completed Form and one (1) copy of the recorded deed or deeds to the premises which are the subject of this application with the Peabody Planning Board together with the original and (4) four copies of the plan in question; and file a copy of the Form with the City Clerk in accordance with Section III, A-1. A Municipal Lien Certificate or other proof of paid-up taxes shall be submitted with the application unless waived by the Planning Board.

(Date of Filing)

(Received by)

(Date)

To the Peabody Planning Board:

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

NAME OF OWNER:

ADDRESS:

NAME OF APPLICANT:

ADDRESS:

NAME OF SURVEYOR:

(Registration Number)

ADDRESS:

DEED OF PROPERTY RECORDED IN: _____ REGISTRY

BOOK NUMBER: _____ PAGE NUMBER: _____

CITY OF PEABODY ASSESSOR'S MAP NUMBER: _____ PARCEL(S): _____

Location and Description of Property:

Reason Plan does not constitute a Subdivision:

(See City of Peabody Rules and Regulations)

Signature of Applicant or Agent: _____

Address: _____

Signature of Owner if not Applicant: _____

Address: _____

PEABODY PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL LAW
NOT REQUIRED:

(Signed): _____

(Date)

The Peabody Planning Board determined on _____ (Date) that this plan does, in fact, constitute a subdivision (Section 81P, Chapter 41, General Laws).

Notification of said determination sent to City Clerk and Applicant on _____ (Date).

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

File one (1) completed Form with the Peabody Planning Board together with the original and eight (8) copies of the plan in question; and file a copy of Form B with the City Clerk in accordance with Section III, B-1. A Municipal Lien Certificate or other proof of paid up taxes shall be submitted with the application unless waived by the Board.

(Date of Filing)

(Received by)

(Date)

To the Peabody Planning Board:

The undersigned, being the present record owner of all land included within a proposed subdivision shown on the accompanying plan entitled:

by: _____

(Date)

Being land bounded as follows:

hereby submits said plan as a PRELIMINARY SUBDIVISION PLAN in accordance with the Rules and Regulations of the Peabody 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 South District Registry of Deeds Book _____, Page _____, registered in the Essex South District Land Court, Certificate of Title No. _____ and shown on City of Peabody Assessor's Map Number _____, Parcel(s) _____.

Signature of Applicant or Agent: _____

Address: _____

Signature of Owner or Applicant: _____

Address: _____

(FOR OFFICE USE ONLY)

Action taken:

Date:

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one original completed Form and ten (10) copies with the Peabody Planning Board together with two originals and twenty (20) copies of the plan in question; ten (10) copies of the recorded deed or deeds to the premises to be subdivided; and ten (10) copies of any requested waivers from the Rules and Regulations Governing the Subdivision of Land and file a copy of the Form C with the City Clerk in accordance with Section III, C-1. A Municipal Lien Certificate or other proof of paid up taxes shall be submitted with the application unless waived by the Board. See Form T for Applicant Signature Information.

This Form to be accompanied by **Forms D and E**.

(Date of Filing)

(Received By)

(Date)

To the Peabody Planning Board:

The undersigned, being present record owner of all land included within a proposed subdivision shown on the accompanying plan entitled

Section: _____

Sheets: _____

By: _____

Dated: _____

Being land bounded as follows:

hereby submitted said plan as a DEFINITIVE Subdivision Plan in accordance with the Rules and Regulations of the Peabody 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 South District Registry of Deeds Book _____, Page _____, registered in the Essex South District Land Court, Certificate of Title No. _____ and shown on City of Peabody Assessor's Map Number _____, Parcels _____ 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 _____ (Date), and approved () approved with modifications () disapproved () on _____ (Date).

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 and Regulations. The undersigned hereby further covenants and agrees with the City of Peabody, upon approval of said DEFINITIVE Plan by the Board:

1. To install utilities in accordance with the Rules and Regulations of the Peabody Planning Board, the Public Works Department, Fire Department, and Police Department, and all general as well as Zoning Ordinances of said City, as are applicable to the installation of utilities within the limits of ways and streets;
2. To complete and construct the street or ways shown thereon in accordance with Section V of the Rules and Regulations of the Peabody Planning Board and the approved DEFINITIVE plan, profiles and cross sections of the same. Said Plan, profiles, cross sections and construction specifications are specifically, by reference, 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 part of said land, and assigns of the undersigned; and
3. To complete the aforesaid installations and construction within two (2) years from the date of approval.

Signature of Applicant: _____
Address: _____
Signature of Owner if not Applicant: _____
Address: _____

(FOR OFFICE USE ONLY)

Action taken: _____

Signed: _____

Action of Board of Health:

Date:

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM D

DEFINITIVE SUBDIVISION DESIGNER'S CERTIFICATE

(Date of Filing)

To the Peabody Planning Board:

In preparing the plan entitled : _____

Sections: _____ Sheets: _____

I hereby certify that I am a Registered Professional Land Surveyor/Registered Professional Civil Engineer duly licensed in the state of Massachusetts.

I further certify that the above plans were prepared by me or under my direct supervision and the perimeter boundary shown was prepared from an actual on the ground survey in accordance with the Land Court Instructions of 1971, as amended.

Informational sources pertaining to the boundaries shown on said plan were from one or more of the following:

- 1) Deed from _____ to: _____
dated _____ and recorded in the Essex South Registry of Deeds Book _____,
Page _____.
- 2) City of Peabody Assessor's Map No. _____ Parcel(s) _____.
- 3) Adjacent Massachusetts Land Court case(s) _____

- 4) Oral Information _____

- 5) Actual measurement on the ground from a starting point established by _____

- 6) Other Sources _____

Signed/Seal _____
Registered Professional Land Surveyor

Name _____

Company _____

Address _____

Reg. No. _____

Lic. Serial No. _____

Expiration Date _____

Signed/Seal _____
Registered Professional Civil Engineer

Name _____

Company _____

Address _____

Reg. No. _____

Lic. Serial No. _____

Expiration Date _____

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM E

CERTIFIED LIST OF ABUTTERS

One copy of this form is to be completed and filed with the Peabody Planning Board in accordance with Section III, G-1b.

(Date of Filing)

To the Peabody Planning Board:

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

Section _____ Sheets _____

submits the following sketch of the land in the subdivision listing the names of the adjoining owners in their relative positions, and indicating the address of each abutter on the sketch or in a separate list, including owners of land separated from the subdivision only by a street.

Signature of Applicant or Agent: _____

(To be certified by the Assessor's Office)

To the Peabody Planning Board:

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

(Signed)

(Date)

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM F

PERFORMANCE AGREEMENT - SECURED BY DEPOSIT

One completed Form and four (4) copies thereof shall be filed with the Peabody Planning Board. See Form R for Applicant Signature Information.

KNOW ALL MEN BY THESE PRESENTS

that _____ as Principal(s) hereby bind and obligate myself/itself/ourselves and my/its/our executor, administrators, devisees, heirs, successors and assigns jointly and severally to the City of Peabody, a Massachusetts municipal corporation, in the full and just sum of _____ Dollars (\$ _____) and has secured this obligation by the deposit with the Peabody Planning Board of said City of Peabody of said sum in the form of a certified check.

The condition of this obligation is that the Principal(s) 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(s) and dated _____, under which approval of a Definitive Plan of a certain subdivision, entitled:

Section(s) _____ Sheet(s) _____

and dated _____, has been or is hereafter granted by the Peabody 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 City of Peabody as liquidated damage. Reduction of the Bond Surety may be had in accordance with Section III-C-9 of the Rules and Regulations of the City of Peabody Planning Board where appropriate.

This money secures the construction and installation of services for lots _____ on _____ (Street(s)) from Station _____ to Station _____ and additional work, if any, to be performed in accordance with all provisions of the law and the Peabody Planning Board Rules and Regulations.

All work to be completed by _____

This bond is secured by:

1. Certified check drawn on the account of _____ at
_____ (Bank), city or town of _____, state of _____,
the amount of _____ dated _____,
payable to _____.

IN WITNESS WHEREOF the undersigned has hereunto set _____ hand and seal this _____ day of _____,
in the year _____.

Principal

Principal

Principal

Principal

Witness

Witness

By: _____ (Title)

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM G

COVENANT APPROVAL CONTRACT

(See **Form R** for Applicant Signature Information)

One completed Form and two (2) copies thereof shall be filed with the Peabody Planning Board.

KNOW ALL MEN BY THESE PRESENTS

that whereas the undersigned:

Name

Address City/Town State

has submitted an application dated _____, to the Peabody Planning Board for approval of Definitive Plan of a certain subdivision entitled Section(s) _____ Sheets _____ and dated _____ and has requested the Board to approve such plan without requiring a performance bond.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Peabody Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the City of Peabody 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 the installation of 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. The 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. This covenant shall take effect upon the approval of said plan. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Peabody Planning Board and enumerating the specific lot 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 of any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgagees have assented to this contract prior to its execution by the undersigned.

A mortgagee who acquires title to the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot.

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 City of Peabody Governing the Subdivision of Land before:

Date: _____

unless extension of time is granted by the Peabody Planning Board. Failure to so complete shall automatically rescind approval of the plan.

5. The undersigned _____ Husband/Wife of the Covenant or hereby agrees that such interest as I may have in said premises shall be subject to the provision of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

6. Additional requirements were/were not (strike one) imposed by the Planning Board. Such additional requirements, if any, are to be performed by the applicant(s) prior to the release of any lots and, if any, are numbered _____ (if none, insert N/A) and are attached hereto and incorporated by reference.

7. Waivers of the Rules and Regulations Governing the Subdivision of Land were/were not (strike one) granted by the Planning Board. Said waivers, if any, are numbered _____ (if none, insert N/A) and are attached hereto and incorporated by reference.

IN WITNESS WHEREOF the undersigned, applicant(s) as aforesaid, do(es) hereunto set hand(s) and seal(s) this day of _____, in the year _____.

Applicant's Husband/Wife

Applicant(s)

***Note:** If there is more than one owner, all must sign.
(See Form R)

By:

(Title)

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS. _____, 19_____.

Then personally appeared the above named _____

and acknowledged the foregoing instrument to be _____ free act and deed, before me

(Notary Public)

My Commission Expires:

NOTE: Original recorded covenant is to be mailed directly to the Peabody Planning Board, Peabody City Hall, 24 Lowell Street, Peabody, Massachusetts 01960, by the Registry of Deeds or Land Court.

Description of Mortgages: _____

(Give complete names and Registry of Deeds Reference)

Assents of Mortgagees: _____

NOTE: An original or certified copy of a Clerk's Certificate or corporate vote empowering an individual to act in behalf of a corporate mortgagee must accompany this certificate unless the provisions of MGL Chapter 155, Section 8 have been met.

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss. _____, 19 _____.

Then personally appeared the above named: _____

and acknowledged the foregoing instrument to be _____ free act and deed, before me

(Notary Public)

My Commission Expires:

IN WITNESS WHEREOF, the undersigned members of the Peabody Planning Board have hereunto set their hands and seals this _____ day of _____, in the year _____.

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS. _____, 19 _____.

Then personally appeared the above named

as they are members of the City of Peabody Planning Board, acknowledge the foregoing instrument to be their free acts and deeds, before me:

(Notary Public)

My Commission Expires:

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM H

RELEASE FORM

The undersigned, being a majority of the Peabody Planning Board of the City of Peabody, Massachusetts, hereby certify that:

a. The requirements for the construction of ways and municipal services called for the Surety and dated _____, and/or by the Covenant dated _____, and recorded in District Deeds, Book _____, Page _____, (or registered in _____ Land Registry District as Document No. _____ and noted on Certificate of Title No. _____ in Registration Book _____, Page _____, has been completed/partially completed, to the satisfaction of the Peabody Planning Board to adequately serve the enumerated lots shown on Plan entitled:

Section(s) _____, Sheets _____, plan dated _____ recorded by the Essex South District Registry of Deeds, Plan Book _____, Page _____ (or registered in said Land Registry District, Plan Book restrictions as to sale and building specified thereon. Lots designated on said plan as follows: Lot Number(s) and Street(s))

b. (To be attested by a Registered land Surveyor)

I hereby certify that lot number(s) _____ on Street(s) _____

do conform to layout as shown on Definitive Plan entitled _____

Section(s) _____ Sheets _____

Registered Land Surveyor _____

c. The City of Peabody, a municipal corporation situated in the County of Essex, Commonwealth of Massachusetts, acting by its duly organized Planning Board, holder of a Performance Surety dated _____, and/or a Covenant dated _____, from _____ of the (City/Town) of _____ County, Massachusetts recorded with the Essex South District Deeds, Book _____, Page _____, (or registered in Land Registry District as Document No. _____ and noted on Certificate of Title No. _____ in Registration Book _____, Page _____,) acknowledges satisfaction of the terms thereof and hereby releases its right, title and interest in the lots designated on said plan as follows: _____

EXECUTED as a sealed instrument this _____ day of _____, in the year of _____.
Majority of the Planning Board of the City of Peabody

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. _____, 19_____.

Then personally appeared _____, one of the above named members of the Planning Board of the City of Peabody, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said Peabody Planning Board, before me.

Notary Public

My Commission expires:

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM I

CONVEYANCE OF EASEMENTS AND UTILITIES

One completed form and three (3) copies thereof shall be filed with the Peabody Planning Board.
(See **Form R** for applicant Signature Information)

(See **Form R** for Applicant Identification Information)

County of _____, State of _____ for nominal consideration of _____ grant to be the City of Peabody, a Municipal Corporation in Essex County, Commonwealth of Massachusetts with quitclaim covenants EASEMENTS AND/OR UTILITIES IN PERPETUITY in the land hereinafter described and shown on a plan recorded in, over and under parcel(s) for the purpose of allowing (this, two, etc.) the City, its agents, employees, invitees, or those with whom the City may contract, to construct, reconstruct, inspect, repair, renew, replace, operate, and maintain; pipes, and ditches, or both for drainage, water mains and conduits, for water distribution purposes as hereinafter set forth including any and all equipment and material appurtenant and incidental thereto, and to cross and recross the premises, by foot or by vehicle, or with equipment, at its convenience for purposes stated, and to cut down and keep trimmed all trees and bushes and to keep clear said premises of all structures as the City may deem convenient for its purposes.

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

Said parcels and/or utilities are situated in the City of Peabody and are shown on a plan entitled:

(Name of Subdivision Plan, Section and Sheet Numbers)

(Plan Dated)

(Drawn By)

and are bounded and described as follows: (use running description) _____

being a _____ () foot wide _____ easement to be used for _____ purposes as aforesaid.

The grantor warrants that the aforesaid easements are free and clear to all liens or encumbrances, that the (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 Essex South District Registry of Deeds, Book _____, Page _____, or under Certificate
of Title No. _____, registered in the Essex County District Land Court, Book _____, Page _____.

And (to be completed if a mortgage exists) _____

Name _____

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

Authorized Signature of Mortgagor

Date

IN WITNESS WHEREOF I/WE have hereunto set our/my hand(s) and seal(s) this _____
day of _____ year _____.

COMMONWEALTH OF MASSACHUSETTS

Essex ss: _____, 19 _____.

Then personally appeared _____ the above named and acknowledged the
foregoing instrument to be free act and deed, before me.

Notary Public

My Commission Expires:

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM J

REFERRAL FORM

TO:

City Engineer

Building Inspector

Dept. of Public Services

City Clerk

Board of Health

Municipal Light Department

Fire Department

Ward Councilor

Police Dept.

Community Development Dept.

Conservation Commission

Ward Councilor

Other _____

The attached Definitive Plans were submitted to the Peabody Planning Board on _____ (date)
A public hearing has been scheduled for _____ at _____ p.m. at _____
(location), to discuss these plans.

May we have your comments and recommendations concerning this subdivision by not later than _____.
Please return this form with your comments and recommendations. Thank you.

Peabody Planning Board

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM K

CONTROL FORM

NAME OF SUBDIVISION _____

SECTION _____ SHEETS _____ ASSESSOR'S MAP # _____

SECTION _____ SHEETS _____ PARCEL(S) # _____

PRELIMINARY PLAN

DEFINITIVE PLAN

Dated: _____

Dated: _____

Submitted: _____

Submitted: _____

Forms Received: _____

Forms Received: _____

Decision Deadline: _____

Decision Deadline: _____

PUBLIC HEARING DATE _____

ENCLOSED: **Form B** _____ **Form C** _____

Filing Fee Receipt: Amount _____
Date _____

Copy of Hearing Notice: _____
Paid Advertising Bill: _____
Certified Mail Receipts: _____
Public Hearing Minutes: _____

CONDITIONALLY APPROVED _____

DISAPPROVED _____

PLAN TO BE SIGNED ON: _____

PLAN SIGNED ON: _____

EXTENSION OF TIME REQUESTS:

From: _____ To: _____ From: _____ To: _____

From: _____ To: _____ From: _____ To: _____

COVENANT DATED: _____

WORK TO BE PERFORMED BY: _____

PLANS AND COVENANT (AND EASEMENT DEED) RECORDED ON: _____

BOOK: _____ PAGE: _____

EXTENSION OF COVENANT DATED: _____

WORK TO BE PERFORMED BY: _____

2ND COVENANT RECORDED: _____ BOOK: _____ PAGE: _____

EXTENSION OF COVENANT DATED: _____

WORK TO BE PERFORMED BY: _____

3RD COVENANT RECORDED: _____ BOOK: _____ PAGE: _____

SURETY BOND # (If any, date, amount, secured by, and work to be performed and when)

- (1) _____

- (2) _____

- (3) _____

PARTIAL RELEASE OF COVENANT FOR LOTS: _____ GRANTED: _____

PARTIAL RELEASE OF COVENANT FOR LOTS: _____ GRANTED: _____

PARTIAL RELEASE OF COVENANT FOR LOTS: _____ GRANTED: _____

FULL RELEASE OF COVENANT GRANTED: _____

BOND RELEASE ON: _____ IN THE AMOUNT OF: _____

BOND RELEASE ON: _____ IN THE AMOUNT OF: _____

BOND RELEASE ON: _____ IN THE AMOUNT OF: _____

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM L

PUBLIC HEARING NOTICE

CITY OF PEABODY
PLANNING BOARD
LEGAL NOTICE OF PUBLIC HEARING

Seal

Notice is hereby given that under the provisions of Chapter 41, Section 81T of the Massachusetts General Laws, the Peabody Planning Board will hold a public hearing on _____, _____ at _____ p.m.

in _____
(Name and Address of hearing location)

for approval of a definitive subdivision plan known as _____

SECTION _____ SHEET _____ plan dated _____

drawn by _____ showing _____ lots.

Said property is located near or at:

and shown on Assessor's Map(s): _____ Parcels _____
_____ Parcels _____
_____ Parcels _____

PEABODY PLANNING BOARD

Chairman

Appendix M

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM M

RECEIPT FOR SUBDIVISION PLAN

Received from: _____

Date: _____

Originals: _____

Copies: _____

Preliminary: _____

Definitive: _____

Modified: _____

Subdivision Plan Entitled: _____

SECTION: _____

SHEETS: _____

Application for approval for which has been made to the Peabody Planning Board.

Peabody Planning Board

Date of Filing

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM N

INSPECTION CHECKLIST

Name of Subdivision _____

Street/Location _____

Station to Station _____

INSPECTION ITEMS	DATE	PLANNING BOARD	DEPT. OF PUBLIC SERV.	OTHER DEPT.	% COMPLETE
Plan Submitted					
Public Hearing					
Board Action					
Plan Endorsed					
Covenant Executed					
Grant of Easements					
Recording Info.					
Constr. Schedule					
SUBDIVISION APPROVAL					
Off-site Work					
Excavation					
Drain					
Water					
Sewer					
Other Utilities					
Detention Basin					
Retaining Wall					
Granite Curbing					
Roadway Binder					
Roadway Finish					
Sidewalk Binder					
Sidewalk Finish					
LOT RELEASES					
Stone Bound					
Grass Plot					

FORM N

INSPECTION CHECKLIST

Name of Subdivision _____

Street/Location _____

Station to Station _____

INSPECTION ITEMS CONT...	DATE	PLANNING BOARD	DEPT. OF PUBLIC SERV.	OTHER DEPT.	% COMPLETE
Street Trees					
Street Lights					
Hydrants					
Street Signs					
Final Clean-up					
MAINTENANCE BOND					
As-built Plans					
Other					

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM O

DOCUMENT CONTROL SHEET
DISTRIBUTION OF PLANS

AGENCY	APPROVAL NOT REQUIRED	DATE PRELIMINARY	DATE DEFINITIVE	DATE APPROVED
Owner	Original Returned	Print Returned	1 Orig. Returned	1 Orig. Returned
Registry of Deeds	Owner may file			Owner may file
Ward Councilor		1 Print	1 Print	1 Print
Planning Board	2 Prints	9 Prints	9 Prints	9 Prints
City Engineer	1 Print	1 Print	1 Print	
Board of Health		1 Print	1 Print *	1 Print *
Department of Public Services		1 Print	1 Print	1 Print
City Solicitor			1 Print	
Building Insp.	1 Print		1 Print	1 Print
Police Dept.		1 Print	1 Print	
Fire Dept. **		1 Print	1 Print	
Phone Co. ***		1 Print	1 Print	
P.M.L.P. ***		1 Print	1 Print	
Gas Co. ***		1 Print	1 Print	
School Dept.			1 Print	
Parks/Recreation Department			1 Print	1 Print
Community Dev. Department			1 Print	
Conservation Commission			1 Print	

* Submitted by Applicant.

** The Fire Dept., Water Dept., and the developer shall agree on the location of hydrants.

*** The developer shall confer with utility companies regarding the location of underground utilities.

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM P

MORTGAGES ACQUIRED AFTER SUBMISSION OF COVENANT
(See **Form R** for Applicant Signature Information)

(This Form to be sent to the applicant by the Peabody Planning Board following proof of covenant recording at the Registry of Deeds). A copy of the deed(s) shall be attached to this Form if different from that which accompanied the Definitive Application **Form C**.

Additional Mortgages (i.e. development mortgages):

Description of Mortgages: _____

(Give complete names, addresses and Registry of Deeds reference-date of mortgage, book, page and date recorded)

I hereby certify that said property is free of all liens and encumbrances except for the above and following: _____

Witness and Date

Signature of Applicant and Date

Assents of Mortgagees to the Covenant: _____

COMMONWEALTH OF MASSACHUSETTS

Essex, SS. _____, 19 _____

Then personally appeared the above named _____

and acknowledged the foregoing instrument to be _____ free act and deed, before me

(Notary Public)

My Commission Expires:

NOTE: THE SIGNATURE(S) OF THE MORTGAGEE(S) SHALL BE NOTORIZED AND THIS FORM SHALL BE RETURNED TO THE PEABODY PLANNING BOARD.

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM Q

EXTENSION OF TIME

(Date of Filing)

(Received by)

(Date)

To the Peabody Planning Board:

Pursuant to M.G.L. (ter. ed.), Chapter 41, Section 81U,

(Applicant)

(Address)

herewith requests and assents to an extension of time from _____ to _____,
within which the Peabody Planning Board can take final action on a:

Preliminary _____

Definitive _____

Modified _____

subdivision plan entitled: _____

Section _____ Sheets _____

dated _____, and submitted _____.

(Signed)

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM R

APPLICANT SIGNATURE INFORMATION
(For use with **Forms - C, F, G, I, P**)

Identification of Applicant

1. Sole person, no company:

That I, JOHNDOE of 10 MAIN STREET, ESSEX COUNTY, CITY/TOWN, and Commonwealth of Massachusetts (or other State), as Principal.

2. Sole proprietorship:

That I, JOHN DOE of STREET, CITY/TOWN, COUNTY and STATE, doing business as JOHN DOE COMPANY, STREET, CITY/TOWN, COUNTY and Commonwealth of Massachusetts (or other State), as Principal..

3. Partners in a company:

That we, JOHN DOE of STREET, CITY/TOWN, COUNTY and Commonwealth of Massachusetts (or other State) and JAMES SMITH of STREET, CITY/TOWN, COUNTY and Commonwealth of Massachusetts (or other State), the partners of SMITH AND JONES COMPANY, a partnership doing business at STREET, CITY/TOWN, COUNTY and Commonwealth of Massachusetts (or other State), as Principals.

4. Corporation:

That XYZ INC., a Massachusetts Corporation having a usual place of business located at STREET, CITY/TOWN, COUNTY and Commonwealth of Massachusetts (or other State), as Principal.

5. A Trust:

That we, JOHN DOE of STREET, CITY/TOWN, COUNTY and Commonwealth of Massachusetts (or other State) and FREDSMITH of STREET, CITY/TOWN, COUNTY and Commonwealth of Massachusetts (or other State), the trustees of _____ Trust, as Principals.

NOTES:

Corporations: A vote from the Clerk of the Corporation shall accompany any instrument signed by a Corporation which certifies authorization of individual(s) to act for the Corporation. (Rules and Regulations Section II, F.). The Clerk shall also certify how the authorization is made, i.e. bylaws or vote of the stockholders or directors. Also, the Corporate Seal shall be affixed to the instrument.

Partners in a company: All names, addresses and signatures shall be included.

Trust: Names, addresses and signatures of all partners, if partnership and all trustees, if a trust, shall be included. (A Real Estate Trust can be very similar to a Massachusetts Corporation and may be registered with the Secretary of State; please specify what type of Trust.)

SIGNATURES OF APPLICANT

1. Sole Person, no company:

A line for individual to sign. Person's name typed beneath signature line. Also include line for witness. Witness can be husband or wife.

2. Sole proprietorship:

A line for individual to sign. Underneath would be typed John Doe, d/b/a JOHN DOE COMPANY. Include line for witness.

3. Partners in a company:

SMITH AND JONES COMPANY

Witness

John Doe, Partner

Witness

James Smith, Partner

4. Corporation:

XYZ REALTY TRUST

Witness

by: _____
William Johnson, President

5. Trust:

XYZ REALTY TRUST

Witness

List all trustees (with witness line for each)

SIGNED AND SEALED THIS _____ day of _____ in the year _____

(If signed by more than one person, the date should be that of the signature of the first person)

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM S

DEFINITIVE PLAN APPLICATION COVER SHEET

Complete one original **Form S** to be reviewed by the Director of Public Services or his designee together with the **Form C** "Application for Approval of Definitive Plan" and exhibits and attachments thereto prior to filing **Form C** with the Planning Board or the City Clerk, as the case may be. After review by the Director, file one original and two copies of this form when filing **Form C**. Failure to have this form completed and reviewed by the Director will result in rejection of the Definitive Subdivision Plan Application by the Planning Board.

NOTE: Review by the Director of Public Services is only for the purpose of determining whether the minimum filing requirements have been met. Approval or disapproval of the submitted items is independent of and has no bearing on the review and the approval or disapproval of the contents therein.

In accordance with Section III C of the Peabody Planning Board Rules and Regulations governing the subdivision of land, the following items are to be included with the **Form C** Application:

ITEMS	NOT PROVIDED	PROVIDED
1. Filing Fee		
2. Two (2) original sets of drawings		
3. Twenty (20) contact prints		
4. One (1) executed original, and Ten (10) copies of Form C		
5. Form D "Designer's Certificate"		
6. Form E "Certified List of Abutters"		
7. Drainage Calculations		
8. Necessary engineering calculations to show that fire protection, vehicular traffic flow and all other safety precautions are being provided. Including, but not limited to the Excavation Impact Report and Utility Impact Report.		
9. Ten (10) copies of the recorded deed(s) of the premises to be subdivided		
10. Ten (10) copies of any requested waivers		
11. Municipal Lien Certificate pertaining to the existing premises (receipt of tax bill of most recent tax period may be substituted)		
12. Corporate vote (if corporate applicant, see Form R)		
13. Drainage Plan and Water Systems Plan (if included as part of definitive plan, indicate sheet number(s) here _____)		

I hereby request the following waiver(s) from the filing requirements. If any filing waivers are requested, please state the reason(s) for such waiver(s) and whether said requirement(s) will be met prior to the Public Hearing.

NOTE: Failure to file a required item prior to the Public Hearing may result in a rejection of the subdivision unless said requirement is waived by the Planning Board.

Requested Waiver:

Reason:

SIGNATURE OF APPLICANT OR AGENT

DATE

I have reviewed the Application and the items submitted herewith and in my opinion they do _____ do not _____
comply with the filing requirements contained in the Peabody Planning Boards Subdivision Regulations.

DIRECTOR OF PUBLIC SERVICES OR DESIGNEE

DATE

CITY OF PEABODY, MASSACHUSETTS
PEABODY PLANNING BOARD

FORM T

STANDARD CONDITIONS FOR APPROVAL OF A DEFINITIVE PLAN

The following are conditions attached to the approval of the subdivision _____. Said conditions shall remain in effect until compliance with the conditions has been demonstrated to the satisfaction of the Board. The developer may seek and obtain a Certificate of Compliance from the Board in a form suitable for recording with respect to any such condition(s) that has/have been complied with or completed to the satisfaction of the Board:

1. No blasting is to be permitted on the site. **OR**
All blasting shall be done in accordance with these Rules and Regulations, regulations of the Peabody Fire Department, and all applicable state and federal codes.
2. Prior to the issuance of a building permit on Lot(s) _____, a site plan showing proposed structures, existing vegetation, topography at two foot (2') intervals, walls, walks, driveways, adjacent catch basins, location of street trees and other significant features existing or proposed shall be submitted to the Board for approval.
3. No driveways shall be located within six feet (6') of catchbasins.
4. No clear-cutting shall be done within the buffer zone, identified as follows:

5. Prior to the installation of the required street trees, the developer shall submit to the Board for approval a plan of the street trees to be installed, giving locations, species, and sizes. Trees shall be installed with a "collar" to direct the growth of roots from under the sidewalk.
6. In the event that the construction on any lot has not commenced prior to the installation of the finish coat of roadway pavement, the developer shall install the curbing along the entire length of the lot without a curb cut, and shall loam and seed any such vacant lot and the adjoining grass plot.
7. Prior to the commencement of any construction on the site, a detailed construction schedule shall be submitted to the Planning Board and to the Peabody Department of Public Services. Failure to substantially adhere to the construction schedule as approved by the Board may be cause for revocation of the subdivision and/or forfeiture of the Performance Bond.
8. The developer shall install and maintain erosion and sedimentation barriers during the construction of the subdivision.
9. Hours of construction shall be Monday through Friday, 7 AM to 5PM, and Saturday, 8 AM to 4 PM.
10. The developer, his subcontractors, and his successors and assigns shall be responsible for timely street cleaning and street repairs to adjacent streets as may be made necessary by the construction of the subdivision. Failure to perform this work in timely fashion shall be cause for the Planning Board to have the work done, and be reimbursed by the developer. The developer, as part of his roadway maintenance bond requirement, shall remain responsible for and shall maintain as necessary or repair any damage to, the roadway and utility structures, occurring during the construction of any residence on the street.

