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Chapter 375

Subdivision Regulations

[HISTORY: Adopted by the Planning Board of the Town of Lynnfield effective 7-18-1977 as amended through 10-15-2012. Amendments noted where applicable.]

GENERAL REFERENCES

Historic preservation — See Ch. **154**.

Stormwater management — See Ch. **213**.

Streets and sidewalks — See Ch. **217**.

Wetland protection — See Ch. **240**.

Zoning — See Ch. **260**.

Conservation Commission regulations — See Ch. **320**.

Article 1

Purpose

§ 375-1.1 Purpose and intent.

The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and, in proper cases, parks and open areas. The powers of a Planning Board and of a Board of Appeal 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 to life and limb in the operation of motor vehicles; for securing safety in case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning ordinances or bylaws; for securing adequate provision for water, sewerage, drainage, electric power, fuel, communication, streetlighting 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 or town in which it is located and with the ways in neighboring subdivisions.

Article 2

Authority

§ 375-2.1 Statutory authority.

Under the authority vested in the Planning Board of the Town of Lynnfield by MGL c. 41, § 81O, and by any other enabling laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Lynnfield. Such rules and regulations shall be effective on and after July 18, 1977.

Article 3

General

§ 375-3.1 **Definitions.**

For the purpose of these rules and regulations, the following words and terms used herein are hereby defined or the meaning thereof is explained or limited as follows:

APPLICANT

The person who applies for the approval of a plan of a subdivision and his administrators, executors, heirs, devisees, successors and assigns.

BOARD

The Planning Board of the Town of Lynnfield.

CERTIFIED BY

As defined in MGL c. 41, § 81L, or any amendment thereof, addition thereto to or substitution therefor.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of a tree measured at 4 1/2 feet above the ground on the uphill side if a slope exists.

[Amended 4-21-2010]

FINAL APPROVAL

Approval by the Board of a definitive plan of a subdivision.

FRONTAGE

The horizontal distance measured along that lot line adjacent to the street right-of-way, which is the front lot line, between the points of intersection of the side lot lines with this front lot line. For the purposes of these rules and regulations, this horizontal distance shall be considered an acceptable, or legal, frontage only if it is continuous and permits physical access across it to the affected lot.

[Amended 5-29-2002]

GENERAL LAWS (abbreviated "MGL")

The General Laws of Massachusetts, Tercentennial Edition, and as the same may be amended.

[Amended 5-29-2002]

~~**HARDWOOD TREE**~~

~~All deciduous tree species, including, but not limited to, the following: oak, beech, ash, maple, cherry, birch, and elm.~~

~~**[Amended 4-21-2010]**~~

LOT

An area of land in one ownership, with definite boundaries, used or available for use as the site of one or more buildings.

MUNICIPAL SERVICE

As defined in MGL c. 41, § 81L, or any amendment thereof, addition thereto or substitution therefor.

OWNER

The owner of record as shown by the records in the Essex (South District) Registry of Deeds or in the Land Court.

PERSON

An individual, two or more individuals, a partnership, association or corporation.

PLANNING BOARD INSPECTOR

Any Town employee, agent or consultant authorized by the Planning Board to review subdivisions and administer the regulations.

[Amended 5-29-2002]

RECORDED

As defined in MGL c. 41, § 81L, or any amendment thereof, addition thereto or substitution therefor.

REGISTERED MAIL

Registered or certified mail.

REGISTER OF DEEDS

As defined in MGL c. 41, § 81L, or any amendment thereof, addition thereto or substitution therefor.

REGISTRY OF DEEDS

As defined in MGL c. 41, § 81L, or any amendment thereof, addition thereto or substitution therefor.

ROADWAY or TRAVELED WAY

The portion of a street intended for vehicular use.

SIDEWALK

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

[Amended 5-29-2002]

SIGNIFICANT TREE

~~A tree designated by the Planning Board to be an important asset to the community that shall be protected by the applicant during the construction of the subdivision.~~

~~**[Amended 4-21-2010]**~~

Significant trees in the Town of Lynnfield are those trees that are recognized for their importance in the landscape whether on private or public property. Many of these trees are so recognized because of their association with important events, are rare or unusual species, or are a majestic old species. These trees are selected on the basis of their historical, cultural, social, ecological or outstanding visual and aesthetic appeal.

When reviewing any site plan, consideration and possible protection of Significant Trees should be part of the process. Although there will be some subjectivity when considering Significant Trees, the Planning Board should evaluate:

1. Each tree and species in relation to its natural occurrence within each plan.
2. Cultural and historical significance, when relevant, through reports, photographs, archival material and oral evidence of certain trees: association with famous people or events or ordinary people in extraordinary ways.
3. Each tree's contextual relationship to other similar trees and its relative

importance.

4. Unusual or outrageous shape.

5. Health of tree along with any possible hazards that may be associated with tree.

6. Diameter, height and spread of tree.

7. Used as a boundary marker

~~SOFTWOOD TREE~~

~~All evergreen tree species, including, but not limited to, the following: pine, fir, Douglas fir, cedar, and spruce.~~

~~[Amended 4-21-2010]~~

STANDARD SPECIFICATIONS

The Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges, 1995 Edition, as amended.

[Amended 5-29-2002]

STREETS

All the land within the public right-of-way, including the traveled way, curbing, grass strips, sidewalks, drainage and other utilities.

[Amended 5-29-2002]

- A. **STREET, MAJORA** street which, in the opinion of the Board, is being used as a thoroughfare within the Town of Lynnfield, which will connect communities or which will otherwise carry a heavy volume of traffic.
- B. **STREET, SECONDARYA** street intercepting one or more minor streets and which, in the opinion of the Board, is used or will be used to carry a substantial volume of traffic from such minor street(s) to a major street or community facility, and normally including a principal entrance street to a shopping center, industrial park, planned unit development, or a large subdivision, or group of subdivisions, and any principal circulation street within such developments, or a street which will connect subdivisions.
- C. **STREET, MINORA** street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots and which will not be used for through traffic.

SUBDIVIDER

The person undertaking the subdivision of land.

SUBDIVISION

As defined in MGL c. 41, § 81L, or any amendment thereof, addition thereto or substitution therefor.

SUBDIVISION CONTROL LAW

Sections 81K to 81GG, inclusive, of Chapter 41 of the General Laws, and any acts in amendment thereof, in addition thereto or in substitution therefor.

SUBMITTED PLAN

A plan, along with the appropriate and properly executed submitted form and fee, shall be officially submitted by delivery at a regularly scheduled business meeting of the Planning

Board or by registered or certified mail to the Planning Board. If so mailed, the date of receipt shall be the date of submission of the plan. In addition, written notice of such submission, on the appropriate form, shall be given by the applicant to the Town Clerk by delivery or by registered or certified mail.

[Amended 5-29-2002]

TOWN

The Town of Lynnfield, Massachusetts.

[Amended 5-29-2002]

TRAIL

A path or track made by or reserved for the passage of persons and/or animals, usually through undeveloped land.

[Amended 5-29-2002]

UPLAND AREA

All that land upgradient of the wetlands boundary, expressed in a square-foot format.

[Amended 4-21-2010]

WALKWAY

A passage designed for use by pedestrians, not necessarily parallel to a street.

[Amended 5-29-2002]

WETLAND BOUNDARY

As specified as a boundary under the Wetlands Protection Act, MGL c. 131, § 40, and its associated regulations, 310 CMR 10.00. Said "wetland boundary" is that which may be submitted and evaluated by the Lynnfield Conservation Commission.

[Amended 4-21-2010]

WOODLAND

An undeveloped area of trees, shrubs and herbaceous plants one acre or greater. This habitat should consist of trees as the dominant plant form with individual trees interlocking to create a shaded environment.

§ 375-3.2 Approval.

[Amended 5-29-2002]

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of public utilities therein, unless and until a definitive plan of such subdivision has been submitted to and approved by the Board as hereinafter provided or "Approval Under the Subdivision Control Law Not Required" has been endorsed on the plan.

§ 375-3.3 Fees.

To partially defray the costs to the Town in conjunction with processing, review, and inspection, the following fee shall apply. Payment shall be made to the Town of Lynnfield. Said fee does not

limit requirements specified elsewhere.

- A. Approval not required: a filing fee of \$100 for first two lots created, then \$100 each thereafter, regardless of size. **[Amended 5-30-2001]**
- B. Preliminary subdivision plan: no filing fee required.
- C. Definitive subdivision plan: a filing fee of \$600 plus \$300 per lot or portion of the land to be subdivided. When an approved preliminary subdivision plan is valid at the time of filing, the additional \$300 fee will be reduced to \$200. **[Amended 5-30-2001]**
- D. Extension of time to complete subdivision: a filing fee of \$500 shall accompany each application for extension of time to complete a subdivision consisting of up to five lots. An additional fee of \$100 per lot shall be applied to each additional lot shown in a subdivision plan consisting of more than five lots. **[Amended 10-15-2012]**

§ 375-3.4 Project review fees.
[Amended 5-30-2001]

- A. Applicability. In addition to any other fee(s) specified, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Board shall require that applicant(s) pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.
- B. Review fee accounting.
 - (1) Funds received by the Board pursuant to this section shall be deposited with the Town of Lynnfield Treasurer, who shall establish a special account for this purpose pursuant to MGL c. 44, § 53G. 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 of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of approval of the plan.
 - (2) Review fees may only be spent for services rendered in connection with the specific project for which they were collected. Accrued interest may also be spent for this purpose. At the completion of the 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 and 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 an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
 - (3) The Town of Lynnfield Accountant shall submit annually a report of said special account to the Board of Selectmen and Town Administrator for their review.
- C. Appeal. Any applicant may take an administrative appeal to the Board of Selectmen in writing within 14 days from the selection of the outside consultant. The grounds for such an appeal shall be limited to the claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an education degree in, or related to, the field at issue for three or more

years of practice in the field at issue or related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand. **[Amended 7-9-1990]**

- D. Basic project review fee. The following schedule applies to the application of the definitive plan to the Board. **[Amended 4-21-2010]**

Definitive Plan	
Project Size (number of lots/units)	Fee
1 to 5	\$5,000
6 to 10	\$10,000
11 or more	See Note

Note: For each additional group of five lots/units, an additional \$5,000 will be assessed.

- E. Inspection project review fee.
- (1) After the granting of an application, but before final approval, the Planning Board will require a supplement to the project review fee for the purpose of ensuring the availability of funds during the inspection phase of the projects to hire a Clerk of the Works.
 - (2) An amount equal to \$2,000 for each lot within the subdivision shall be paid to the 53G Account for the cost of a Clerk of the Works and to defray, in part, the cost of required inspections. Said funds deposited for the purpose of inspections will be expended separately from any other project review fees.
 - (3) The inspection service fees portion, as established by the Planning Board, shall be paid by the applicant prior to any construction activity. The requirement to pay this inspection service fee portion shall be made part of the condition of approval and certification of vote relative to action taken on the plan/application.
 - (4) The purpose of this fee portion is to cover all professional inspection costs, as required by the Planning Board, from the time of the beginning of construction until final "as-built" plans are approved by the Planning Board. Costs include but are not necessarily limited to on-site inspections; "Clerk-of-the Works" wages; consultations; engineering services and review of required plan revisions that may be ordered by the Board after endorsement and prior to the completion of construction; written reports relative to inspections; consultation and resolution of any problems arising from project construction; various testing performed on site as required by the Board; processing and reviewing required as-built plans and providing reports regarding such; and technical services required in the review of as-built plans.
- F. Clerk of the Works inspection.
- (1) This subsection establishes the requirement for additional supervision to be provided by a Clerk of the Works ("clerk"). Such clerk(s) shall be a consultant hired by the Planning Board under the direction of the Director of Public Works and shall be funded as provided for in this section.

- (a) Appointment. The clerk(s) shall be appointed by the Planning Board after receiving a written recommendation by the Director of Public Works.
- (b) Duties.
 - [1] The clerk(s) shall report to the Director of Public Works and may be required to attend Planning Board meetings and site visits.
 - [2] The clerk(s) shall routinely and randomly visit all sites of ongoing development as directed by the Board or Director of Public Works. All site inspections will be at the sole discretion of the Planning Board.
 - [3] The clerk(s) shall provide inspections as required in these rules and regulations.
 - [4] The clerk(s) shall interact with other Town departments as required by the Director of Public Works.
 - [5] The Clerk(s) of the Works shall monitor compliance with permit/approval conditions.
- (2) The applicant/developer shall notify the Director of Public Works at least 72 hours in advance that work has progressed to a stage that an inspection is required.
- G. Replenishment project review fee. When the balance in the applicant's 53G Account falls below 25% of the initial fee, as imposed under Subsection **D**, Basic project review fee, the Board may consider whether to require an additional deposit of funds to cover the remaining project review.

Article 4

Plan Believed Not to Require Approval (ANR)

§ 375-4.1 **Submission.** [Amended 4-21-2010]

- A. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law shall file with the Board the following.
 - (1) One print of the plan on Mylar as well as four black and white prints of the plan, prepared as hereinafter described.
 - (2) Required filing fee as listed under Article 3, General, § **375-3.3**, Fees.
 - (3) A properly executed application on Form A.
 - (4) The necessary evidence to show that the plan does not require approval.
 - (5) Prior to final approval by the Planning Board, the applicant shall submit two copies of the approved version of the plan on media transfer approved by the Board in compliance with Article 13, Geographic Information System (GIS) Requirement. **[Amended 5-30-2001]**
- B. The plan and application shall not be deemed to have been submitted until delivered to the Board at a regular or special meeting thereof or received by registered mail at the Board's office.

§ 375-4.2 **Notice to Town Clerk.**

Thereafter, the person submitting the plan and application shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application.

§ 375-4.3 **Contents.**
[Amended 4-21-2010]

The submitted plan(s) shall contain the following:

- A. Plan format. Each sheet shall comply with the following format:
- (1) Size of plan. The plan shall be 24 inches by 36 inches.
 - (2) Material.
 - (a) Original submission of plans and subsequent revisions shall be provided on twenty-pound bond.
 - (b) Final plans shall be printed on single-matte "Mylar" with a thickness of 0.003 inch.
 - (3) Borders. Each plan shall have a three-quarter-inch border.
 - (4) Scale. The plan shall have a horizontal scale of one inch to 40 feet unless the Board approves another scale as more convenient.
 - (5) Stamp. All sheets of the plan shall be stamped by the Massachusetts professional land surveyor who is responsible for designing the subdivision.
- B. Title block. Each sheet of a submitted plan shall contain a title block in the lower right-hand corner such that when the plan is folded the name is readable. The title block shall contain the following fields:
- (1) Name:
 - (a) The name shall contain the address of the way that the lot presently fronts on.
 - (b) The font size of the name shall be equal to the largest size used in the title block.
 - (c) The last line in the name area shall contain the Assessor's map and parcel number(s).
 - (2) Owners: the names and addresses of the record owner of the land.
 - (3) Subdividers: the subdivider's names and addresses.
 - (4) Technical personnel: the names, addresses, and seals of the designer, engineer, and surveyor who made the plan.
 - (5) Revisions: a revision area sufficient to record a minimum of six changes.
 - (6) Approval: an area for Planning Board approval, signatures and date.
 - (7) Data: the scale, date, and North arrow, sheet number of plan, legend for all symbols used, list of all zoning districts in which the land lies, including all overlays. When multiple sheets are necessary, match lines shall be used and referenced, and an index plan, graphically indicating the arrangement of said multiple sheets, shall be submitted on one standard 24 inches by 36 inches sheet at a suitable scale. **[Amended 5-29-2002]**
 - (8) Coordinate system: The plan shall be produced and depicted using the Massachusetts State Plane Coordinate System (1927 Datum in feet) or the Massachusetts State Plane Coordinate System (1983 Datum in meters).
 - (9) Certification: a statement that the plan is based upon an actual survey and the date thereof.

§ 375-4.4 Required plan features.
[Amended 4-21-2010]

The approval not required plan shall contain the following:

- A. The length of each straight property line segment to the nearest one hundredth of a foot and the bearing thereof to the nearest five seconds.
- B. Names of all abutters, as determined from the most recent local tax list, including all abutting land owned by the applicant.
- C. Location of existing buildings within the parcel, including building setback, side yard and rear yard designations.
- D. Location of all permanent monuments, major features of the land, such as existing natural drainage courses, surface and subsurface drainage, walls, fences, outcroppings and ditches which exist at the time of survey, which may prevent access.
- E. All resource areas as defined by MGL c. 131, § 40, within the parcel which may impede access.
- F. Boundary lines, areas and dimensions of all proposed lots, with all lots designated numerically and in sequence.
- G. All zoning district boundaries and/or any notice of any decision of the Zoning Board of Appeals, including but not limited to variance and exceptions regarding the land or any building thereon. **[Amended 5-29-2002]**
- H. In the case of the creation of a new lot, all the remaining land area and frontage in the ownership of the applicant shall be shown. **[Amended 5-29-2002]**
- I. The name, status (private or public), and width of the right-of-way providing frontage and access to the lot(s) and the extent of the paved improvements within said way. **[Amended 5-29-2002]**
- J. Topography with two-foot contours a distance of 20 feet back from frontage.

§ 375-4.5 Approval or disapproval.

- A. Endorsement of plan not requiring approval. If the Board determines that the plan does not require approval, it shall, without a public hearing and within 21 days of submission, endorse on the plan the words "Lynnfield Planning Board approval under Subdivision Control Law not required." The plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.
- B. Determination that plan requires approval. If the Board determines that the plan(s) does require approval under the Subdivision Control Law, it shall, within 21 days of submission of said plan, so notify the Town Clerk and inform the applicant.

Article 5
Preliminary Plan

§ 375-5.1 Submission.

- A. Any person, before submitting a definitive plan for approval, may submit to the Planning Board the following:
 - (1) Ten black and white prints of the plan, prepared as hereinafter described.
 - (2) Required filing fee as listed under Article 3, General, § **375-3.3**, Fees.

(3) A properly executed application on Form B.

B. In addition, the applicant shall provide one copy of the plan to the Board of Health. The plan and application shall not be deemed to have been submitted until delivered to the Board at a regular or special meeting thereof or received by mail to the Planning Board.

§ 375-5.2 Notice to Town Clerk.

Written notice shall be given to the Town Clerk by delivery or by registered mail, postage prepaid, that he has submitted such a plan. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

§ 375-5.3 Contents.

[Amended 4-21-2010]

The preliminary plan shall show sufficient information, as listed below, about the subdivision to form a clear basis for review and discussion and for the preparation of the definitive plan. The submitted plan(s) shall contain the following:

A. Plan format. Each sheet shall comply with the following format:

(1) Size of plan. The plan shall be 24 inches by 36 inches.

(2) Material.

(a) Original submission of plans and subsequent revisions shall be provided on twenty-pound bond.

(b) Final plans shall be printed on single-matte "Mylar" with a thickness of 0.003 inch.

(3) Borders. Each plan shall contain a three-quarters-inch border.

(4) Scale. The plan shall have a horizontal scale of one inch to 40 feet unless the Board approves another scale as more convenient.

(5) Stamp. All sheets of the plan shall be stamped by the Massachusetts professional land surveyor and professional engineer who is responsible for designing the subdivision.

B. Title block. Each sheet of a submitted plan shall contain a title block in the lower right-hand corner such that when the plan is folded the name is readable. The title block shall contain the following fields; **[Amended 4-21-2010]**

(1) Name:

(a) The name shall contain the word "Preliminary" and be named after one of the proposed ways in the subdivision.

(b) The font size of the name shall be equal to the largest size used in the title block.

(c) The last line in the name area shall contain the Assessor's map and parcel number(s).

(2) Owners: the names and addresses of the record owner of the land.

(3) Subdividers: the subdivider's names and addresses.

(4) Technical personnel: the names, addresses, and seals of the designer, engineer, and surveyor who made the plan.

(5) Revisions: a revision area sufficient to record a minimum of six changes.

- (6) Approval: N/A.
- (7) Data: the scale, date, and North arrow, sheet number of plan, legend for all symbols used, list of all zoning districts in which the land lies, including all overlays. When multiple sheets are necessary, match lines shall be used and referenced, and an index plan, graphically indicating the arrangement of said multiple sheets, shall be submitted on one standard 24 inches by 36 inches sheet at a suitable scale. **[Amended 5-29-2002]**
- (8) Coordinate system: The preliminary plan shall be produced and depicted using the Massachusetts State Plane Coordinate System (1927 Datum in feet) or the Massachusetts State Plane Coordinate System (1983 Datum in meters).
- (9) Certification: a statement that the plan is based upon an actual survey and the date thereof.

**§ 375-5.4 Required plans.
[Amended 4-21-2010]**

The preliminary plan shall be comprised of the following sheets:

A. Lotting plan.

- (1) Names of all abutters, as determined from the most recent local tax list, including all abutting land owned by the applicant;
- (2) The length of each straight property line segment to the nearest one hundredth of a foot and the bearing thereof to the nearest five seconds;
- (3) The length, central angle, radius, length of tangent for each curved property line segment to the same degree of precision as the straight lines and clearly identifying each non-tangent curve;
- (4) Boundary lines, areas, and dimensions of all proposed lots with all lots designated numerically and in sequence. Lots not conforming to the Zoning Bylaws shall bear the following notation: "Lot # _____ shall not be used as a separate building lot";
- (5) The width and/or radius of the right-of-way;
- (6) At least two existing permanent benchmarks, being permanent stone bounds outside the construction area;
- (7) The location of recorded and proposed easements, along with their bearings and distances, within or abutting the project site, and/or other property rights affecting the development;
- (8) The location of any sections of the land to which the Town would be granted property rights, either by easement or transfer of ownership, for street, utility, conservation, recreation or other public purposes;
- (9) The proposed yard setback in feet for buildings and, if applicable, from a zoning district boundary, a brook or a pond, and, if applicable, the setback of a driveway or parking lot from lot lines;
- (10) Table of the following for each lot: the upland area, total lot area, frontage, district;
- (11) Proposed bounds, markers and/or monuments;
- (12) Zoning district boundary lines, including overlays and the Town boundary line; and
- (13) A locus of the subdivision, at a scale of 400 feet to the inch, showing the exterior lines of all proposed streets in the subdivision and their location in relation to one or more existing

streets, or portions thereof, shown and readily identifiable as to locus on the "Map of the Town of Lynnfield, Massachusetts; July 1953, Prepared for the Lynnfield Planning Board," as most recently amended. (It is intended that this location plan be so drawn and oriented as to permit the later transfer of the new street lines directly from said plan to the original copy of the aforementioned map of the Town.) **[Amended 5-29-2002]**

B. Proposed plan and profile.

(1) The profile shall contain the following information:

- (a) Existing and proposed center line, and proposed left and right gutter lines designated at fifty-foot intervals and labeled at one-hundred-foot intervals.
- (b) The center-line grade of the proposed street designating the location of vertical curves and corresponding data.
- (c) Elevations at the top and bottom of all even grades and at twenty-five-foot intervals along all vertical curves.
- (d) The horizontal scale of the profiles shall be 40 feet to one inch; the vertical scale shall be four feet to one inch.
- (e) Size and location of existing and proposed storm drains/culverts, water mains, and appurtenances thereto. All existing and proposed structures shall show the rim elevations, sump elevations, and all pipe invert elevations.

(2) The plan shall contain the following information:

- (a) Road center-line stations designated at fifty-foot intervals and labeled at one-hundred-foot intervals.
- (b) Topography with two-foot contours. The Board may agree to waive this requirement for a particular subdivision.
- (c) Proposed lot line and easement lines without bearings and distances.
- (d) Existing, proposed, and temporary edge of roadway, curbing, and sidewalk locations. Roadway shall be designated with widths and radius.
- (e) Existing and proposed house and driveway locations within or adjacent to the subdivision.
- (f) Benchmark with control elevation indicated.
- (g) Size and location of existing and proposed storm drains/culverts, other utilities and their appurtenances thereto within and adjacent to the subdivision. All existing and proposed structures shall show the rim elevations, sump elevations, and all pipe invert elevations.
- (h) Proposed and existing water mains and services. If the subdivision is not supplied with water from one of the Town's water districts, suitable well locations will need to be shown.
- (i) Proposed septic system locations.
- (j) Proposed and existing gas mains and services.
- (k) Proposed and existing electrical, fire alarm, and telecommunication utilities and their associated appurtenances. This shall include all main conduits as well as services to individual lots.
- (l) Current, approved, and a nonappealed wetlands boundary, as detailed herein, including

one-hundred-, fifty-, and twenty-five-foot buffer zones.

~~(m) Location, DBH (diameter at breast height) and species of any hardwood tree with a DBH greater than 24 inches and softwood tree with a DBH greater than 36 inches within the proposed right-of-way, easement areas, or on neighboring properties within 10 feet of the proposed right-of-way or easement areas. All trees determined to be a significant tree by the Planning Board shall be noted on the definitive plan when submitted.~~

(m) Location, DBH (diameter at breast height) and species of any Significant tree, any tree with a DBH greater than 12 inches within the proposed right-of-way, easement areas, or on neighboring properties within 10 feet of the proposed right-of-way or easement areas, or located within a Woodland. All trees determined to be a Significant tree by the Planning Board shall be noted on the definitive plan when submitted.

(n) Proposed location and size of all street signs and regulatory signage.

(o) Proposed street markings.

C. Detail sheet.

(1) The following are the required details:

(a) Street and sidewalk cross section showing typical buried utilities.

(b) Catch basin structures, including proposed casting type.

(c) Manhole structures, including proposed casting type.

(2) The Planning Board may require additional details if they have not already been provided or are different from Lynnfield Department of Public Works standards.

§ 375-5.5 **Approval or disapproval.**

Within 45 days after submission of a preliminary plan, each board shall notify by certified mail the applicant and the Clerk of the Town either that the plan has been approved, or that the plan has been approved with modifications suggested by the Board or agreed upon by the person submitting the plan, or that the plan has been disapproved and, in the case of disapproval, the Board shall state in detail its reason therefor. The Planning Board shall notify the Town Clerk of its approval or disapproval, as the case may be. Except as is otherwise expressly provided, the provisions of the Subdivision Control Law relating to a plan shall not be applicable to the preliminary plan, and no Register of Deeds shall record a preliminary plan.

Article 6 Definitive Plan

§ 375-6.1 **Submission.** **[Amended 4-21-2010]**

A. Any person who submits a definitive plan of a subdivision to the Board for approval shall file with the Planning Board the following:

(1) Thirteen black and white prints of the definitive plan, prepared as hereinafter described.

(2) Required filing fee as listed under Article 3, General, § **375-3.3**, Fees.

(3) A properly executed application on Form C, and designer's certificate on Form D (see "Forms"). **[Amended 5-29-2002]**

(4) Stormwater computations in accordance with Article 8, Required Improvements, § **375-8.3**, Storm drainage.

- (5) Prior to final approval by the Planning Board, the applicant shall submit two copies of the approved definitive plan on media approved by the Board in compliance with the requirements of Article 13, Geographical Information System (GIS) Requirement.
- B. In addition, the applicant shall provide one copy of the plan to the Board of Health. The definitive plan shall not be deemed to have been submitted to the Planning Board until it and all the items required above have been delivered to the Planning Board and the Board of Health at a regular or special meeting thereof or by registered mail to the Planning Board.

§ 375-6.2 Notice to Town Clerk.

As required by statute, the applicant shall give written notice to the Town Clerk by delivery or by registered mail, postage prepaid, that he has submitted the definitive plan to the Board. If notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor to the person who delivered such notice. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the name and address of the owner and of the subdivider and the date when such plan was submitted.

§ 375-6.3 Contents.

[Amended 4-21-2010]

The submitted plan(s) shall contain the following:

- A. Plan format. Each sheet shall comply with the following format:
 - (1) Size of plan. The plan shall be 24 inches by 36 inches.
 - (2) Material.
 - (a) Original submission of plans and subsequent revisions shall be provided on twenty-pound bond.
 - (b) Final plans shall be printed on single-matte "Mylar" with a thickness of 0.003 inch.
 - (3) Borders. Each plan shall have a three-quarters-inch border.
 - (4) Scale. The plan shall have a horizontal scale of one inch to 40 feet unless the Board approves another scale as more convenient.
 - (5) Stamp. All sheets of the plan shall be stamped by the Massachusetts professional land surveyor and professional engineer who is responsible for designing the subdivision.
- B. Title block. Each sheet of a submitted plan shall contain a title block in the lower right-hand corner such that when the plan is folded the name is readable. The title block shall contain the following fields:
 - (1) Name:
 - (a) The name shall contain the word "Definitive" and be named after one of the proposed ways in the subdivision
 - (b) The font size of the name shall be equal to the largest size used in the title block.
 - (c) The last line in the name area shall contain the Assessor's map and parcel number(s).
 - (2) Owners: the names and addresses of the record owner of the land.
 - (3) Subdividers: the subdivider's names and addresses.

- (4) Technical personnel: the names, addresses, and seals of the designer, engineer, and surveyor who made the plan.
- (5) Revisions: a revision area sufficient to record a minimum of six changes.
- (6) Approval: an area for Planning Board approval, signatures, the date of the application filed, final plan filed, hearing date, plan approved, and plan signed.
- (7) Data: the scale, date, and North arrow, sheet number of plan, legend for all symbols used, list of all zoning districts in which the land lies, including all overlays. When multiple sheets are necessary, match lines shall be used and referenced, and an index plan, graphically indicating the arrangement of said multiple sheets, shall be submitted on one standard 24 inches by 36 inches sheet at a suitable scale.
- (8) Coordinate system: The definitive plan shall be produced and depicted using the Massachusetts State Plane Coordinate System (1927 Datum in feet) or the Massachusetts State Plane Coordinate System (1983 Datum in meters).
- (9) Certification: a statement that the plan is based upon an actual survey and the date thereof.

**§ 375-6.4 Required plans.
[Amended 4-21-2010]**

The definitive plan shall be comprised of the following sheets:

A. Lotting plan.

- (1) Names of all abutters, as determined from the most recent local tax list, including all abutting land owned by the applicant;
- (2) The length of each straight property line segment to the nearest one hundredth of a foot and the bearing thereof to the nearest five seconds;
- (3) The length, central angle, radius, length of tangent for each curved property line segment to the same degree of precision as the straight lines and clearly identifying each non-tangent curve;
- (4) Boundary lines, areas, and dimensions of all proposed lots with all lots designated numerically and in sequence. Lots not conforming to the Zoning Bylaws shall bear the following notation: "Lot # _____ shall not be used as a separate building lot";
- (5) The width and/or radius of the right-of-way;
- (6) At least two existing permanent benchmarks, being permanent stone bounds outside the construction area;
- (7) The location of recorded and proposed easements, along with their bearings and distances, within or abutting the project site, and/or other property rights affecting the development;
- (8) The location of any sections of the land to which the Town would be granted property rights, either by easement or transfer of ownership, for street, utility, conservation, recreation or other public purposes;
- (9) The proposed yard setback in feet for buildings and, if applicable, from a zoning district boundary, a brook or a pond, and, if applicable, the setback of a driveway or parking lot from lot lines;
- (10) Table of the following for each lot: the upland area, total lot area, frontage, district;

- (11) Proposed bounds, markers and/or monuments;
- (12) Zoning district boundary lines, including overlays and the Town boundary line; and
- (13) A locus of the subdivision, at a scale of 40 feet to the inch, showing the exterior lines of all proposed streets in the subdivision and their location in relation to one or more existing streets, or portions thereof, shown and readily identifiable as to locus on the "Map of the Town of Lynnfield, Massachusetts; July 1953, Prepared for the Lynnfield Planning Board," as most recently amended. (It is intended that this location plan be so drawn and oriented as to permit the later transfer of the new street lines directly from said plan to the original copy of the aforementioned map of the Town.) **[Amended 5-29-2002]**

B. Existing conditions and demolition plan.

- (1) Existing contours at two-foot intervals with clearly labeled intermediate and index contours designated;
- (2) The location of all existing planimetric features or all features visible above ground that are to remain, be abandoned or removed, including, but not limited to, building outlines, including abutting properties, granite street monuments, edges of pavement and concrete, curbing, berms, gutters, painted and curbed islands;
- (3) Pavement markings, directional signage, retaining walls, sidewalks, ramps and fences;
- (4) Steep slopes (15% or greater) highlighted;
- (5) Rock outcroppings, with visible area greater than 100 square feet;
- (6) Location, caliper and species of all existing trees within the Town's right-of-way;

~~(7) Location, DBH (diameter at breast height) and species of any hardwood tree with a DBH greater than 24 inches and softwood tree with a DBH greater than 36 inches within the proposed right-of-way, easement areas, or on neighboring properties within 10 feet of the proposed right-of-way or easement areas. If any of these trees have been designated by the Planning Board as significant trees during the preliminary plan stage, they shall be noted as such. If the Planning Board designates one of these trees as a significant tree during its review, it shall be noted as such on the final approved definitive plan;~~

(7) Location, DBH (diameter at breast height) and species of any Significant tree, any tree with a DBH greater than 12 inches within the proposed right-of-way, easement areas, or on neighboring properties within 10 feet of the proposed right-of-way or easement areas, or located within a Woodland. All trees determined to be a Significant tree by the Planning Board shall be noted on the final approved definitive plan;

- (8) All regulated resource areas as indicated in the Massachusetts Wetlands Protection Act within 150 feet of the subdivision; and
- (9) All streams on and within 250 feet of the subdivision.

C. Proposed plan and profile.

- (1) The profile shall contain the following information:
 - (a) Existing and proposed center line, and proposed left and right gutter lines designated at fifty-foot intervals and labeled at one-hundred-foot intervals.
 - (b) The center line grade of the proposed street designating the location of vertical curves and corresponding data.

- (c) Elevations at the top and bottom of all even grades and at twenty-five-foot intervals along all vertical curves.
 - (d) The horizontal scale of the profiles shall be 40 feet to one inch; the vertical scale shall be four feet to one inch.
 - (e) Size and location of existing and proposed storm drains/culverts, water mains, and appurtenances thereto. All existing and proposed structures shall show the rim elevations, sump elevations, and all pipe invert elevations.
- (2) The plan shall contain the following information:
- (a) Road center-line stations designated at fifty-foot intervals and labeled at one-hundred-foot intervals.
 - (b) Proposed lot line and easement lines without bearings and distances.
 - (c) Existing, proposed, and temporary edge of roadway, curbing, and sidewalk locations. Roadway shall be designated with widths and radius.
 - (d) Existing and proposed house and driveway locations within or adjacent to the subdivision.
 - (e) Benchmark with control elevation indicated.
 - (f) Size and location of existing and proposed storm drains/culverts, other utilities and their appurtenances thereto within and adjacent to the subdivision. All existing and proposed structures shall show the rim elevations, sump elevations, and all pipe invert elevations.
 - (g) Proposed and existing water mains and services. If the subdivision is not supplied with water from one of the Town's water districts, suitable well locations will need to be shown.
 - (h) Proposed septic system locations.
 - (i) Proposed and existing gas mains and services.
 - (j) Proposed and existing electrical, fire alarm, and telecommunication utilities and their associated appurtenances. This shall include all main conduits as well as services to individual lots.
 - (k) Current, approved, and a nonappealed wetlands boundary, as detailed herein, including one-hundred-, fifty-, and twenty-five-foot buffer zones.
 - (l) Proposed location and size of all street signs and regulatory signage.
 - (m) Proposed street markings.
- D. Topographic plan.
- (1) Proposed roadway and sidewalk locations designated with widths and radius.
 - (2) Existing and proposed contours at one-foot intervals.
 - (3) Lot line and easement lines without bearings and distances.
 - (4) Location of proposed street trees.
 - ~~(5) Location, DBH (diameter at breast height) and species of any hardwood tree with a DBH greater than 24 inches and softwood tree with a DBH greater than 36 inches within the proposed right-of-way, easement areas, or on neighboring properties within 10 feet of the~~

~~proposed right-of-way or easement areas. If any of these trees have been designated by the Planning Board as significant trees during the preliminary plan stage, they shall be noted as such. If the Planning Board designates one of these trees as a significant tree during its review, it shall be noted as such on the final approved definitive plan.~~

(5) Location, DBH (diameter at breast height) and species of any Significant tree, any tree with a DBH greater than 12 inches within the proposed right-of-way, easement areas, or on neighboring properties within 10 feet of the proposed right-of-way or easement areas, or located within a Woodland. All trees determined to be a Significant tree by the Planning Board shall be noted on the final approved definitive plan.

- (6) Benchmark with control elevation indicated.
- (7) Existing and proposed house locations, including finished floor and cellar floor elevations.
- (8) Elevations at the top and bottom of features such as curbing and retaining walls.
- (9) Proposed septic systems and test pit locations.
- (10) Existing and proposed street sign and traffic control signage.
- (11) Proposed stormwater management system. The stormwater system shall be shown as a detailed insert with spot elevations, one-foot contours, structure and pipe locations, and structure and pipe elevations.
- (12) Stopping and intersection sight distance for intersections at every major roadway. This may include existing and proposed spot elevations shown at any critical location impacting the sight distance.
- (13) Current, approved, and a nonappealed wetlands boundary, as detailed herein, including one-hundred-, fifty-, and twenty-five-foot buffer zones.

E. Streetlighting plan.

- (1) All lot lines and easements within the subdivision without bearings and distances.
- (2) Proposed roadway and sidewalks;
- (3) Proposed houses and driveways;
- (4) Proposed drainage structures and hydrants;
- (5) All underground telecommunication, fire alarm, and electrical conduits, and their associated appurtenances;
- (6) All proposed and existing: streetlights, streetlight conduits, and lighting control pedestals; and
- (7) All proposed and existing street tree locations that may affect streetlight locations.

F. Erosion and sediment control plan.

- (1) The location of existing and proposed planimetric features or features visible above ground, including, but not limited to, building locations, granite street monuments, edge of pavement, curbing, berms, gutters, islands, retaining walls, sidewalks, ramps, and fences.
- (2) On-site drainage patterns and erosion and siltation controls both during and after construction phases.

- (3) Areas of soil disturbance.
 - (4) Location, detail drawing, and specifications of controls used during construction to divert stormwater and to mitigate/eliminate sediments, contaminants, or pollutants. To be installed in accordance with, as updated from time to time, the "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas, A Guide for Planners, Designers and Municipal Officials," prepared by Franklin, Hampden, Hampshire Conservation Districts, dated March 1997.
 - (5) Drainage patterns and slopes anticipated after major grading activities are completed. (All slopes should indicate grading ratio and flow direction.)
 - (6) Areas used for temporary storage (including measures to minimize run-on and migration): soil; materials storage; waste storage (hazardous, nonhazardous, dry, saturated).
 - (7) Vehicle and equipment service and storage areas.
 - (8) Location, detail drawings, and specifications for post-construction stormwater management practices, including, but not limited to:
 - (a) Landscaped areas and areas of hydroseeding.
 - (b) Drainage structures (open and closed).
 - (c) Detention/Retention/Infiltration ponds or underground chambers.
 - (d) Water quality inlets or gross particle separators.
 - (e) Catch basin hoods or oil/water separators.
 - (f) Other pollutant-removing structural and nonstructural best management practices (BMPs).
- G. Detail sheet.
- (1) The following are the required details:
 - (a) Street and sidewalk cross section showing typical buried utilities (see Details Appendix).
 - (b) Catch basin structures, including proposed casting type (see Details Appendix).
 - (c) Manhole structures, including proposed casting type (see Details Appendix).
 - (d) Drainage trench (see Details Appendix).
 - (e) Outlet control structure (if necessary).
 - (f) Level spreader.
 - (g) Spillway cross section.
 - (h) Detention basin embankment.
 - (i) Bituminous concrete cape cod berm (see Details Appendix).
 - (j) Sloped granite curb (see Details Appendix).
 - (k) Granite curb inlet and transition stone.
 - (l) Granite bound (see Details Appendix).

- (m) Wood/Steel guardrail installation (see Details Appendix).
 - (n) Siltation fence and hay bale installation.
 - (o) Typical tree planting (see Details Appendix).
 - (p) Wheelchair ramp (see Details Appendix).
 - (q) Streetlight pole base (see Details Appendix).
 - (r) Streetlight control box (see Details Appendix).
 - (s) Streetlight pole (see Details Appendix).
 - (t) Streetlight (see Details Appendix).
 - (u) Designated Tree Protection Zone (meeting the requirements of International Society of Arboriculture, Best Management Practices)
- (2) The Planning Board may require additional details if they have not already been provided or are different from Lynnfield Department of Public Works standards.

**§ 375-6.5 Approval or disapproval.
[Amended 4-21-2010]**

- A. After the public hearing, the definitive plan will be studied by the Board to determine its conformity with any tentatively approved preliminary plan, and its compliance with the design standards and other requirements of these rules and regulations. Within 90 days after the submission of such plan, provided a preliminary plan has been filed and duly acted upon, or within 135 days after the submission of such plan, provided a preliminary plan has not been filed and acted upon, the Board will take final action thereon by approving, modifying and approving or disapproving such plan. Approval of the plan shall not be deemed to be the laying out or acceptance by the Town of any street shown thereon.
- B. The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Board, but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk. After the definitive plan has been approved and endorsed, the applicant shall furnish the Board with nine black and white prints on paper and one print on Mylar.
- C. In the event of modification, amendment or rescission of approval of a plan of a subdivision, the notice of this action shall contain a statement by the Planning Board that such modification, amendment or rescission does not affect any lot or rights appurtenant thereto in such subdivision, which lot was conveyed or mortgaged in good faith and for valuable consideration subsequent to the approval of the subdivision plan.
- D. Proof of registration of a plan(s) and/or documents within 10 days of recording shall be provided to the Board.
- E. Prior to final approval by the Planning Board, the applicant shall submit two copies of the approved version of the definitive plan on media approved by the Board in compliance with Article 13, Geographic Information System (GIS) Requirement. **[Amended 5-30-2001]**

§ 375-6.6 Verifications, approvals and special requirements.

- A. Agency information.

- (1) The applicant shall, 45 days from submission, obtain the following from the agency and for the facilities listed below: **[Amended 5-29-2002]**
 - (a) Director of Public Works: **[Amended 4-21-2010]**
 - [1] For streets, roadways, sidewalks, monuments, easements, and storm drainage facilities: verification of existing facilities shown on the definitive plan; approval of proposed facilities; detailed specifications for performing the required work, including any special construction requirements; approval of cost estimates for performing said work; authorization for any permitted deviations in improvement requirements.
 - [2] For street trees: requirements as to size, species, location, and method of planting.
 - [3] For streetlighting facilities: requirements for installing proposed facilities, authorization for any permitted deviations in requirements.
 - (b) Water District Commissioners, for water mains, hydrants, and related facilities: verification of existing facilities shown on the definitive plan; approval of proposed facilities; detailed specifications for performing the required work, including any special construction requirements; approval of cost estimates for performing said work; authorization for any permitted deviations in improvement requirements.
 - (c) Chief of the Fire Department, for any special water supply facilities for fire protection where there is to be no public water system: approval of proposed facilities; construction specifications; approval of cost estimates.
 - (d) Board of Health, for the subdivision as a whole: tentative approval of the suitability of the land as building sites; for individual water supply; and individual sanitary facilities. **[Amended 4-21-2010]**
 - (e) Wiring Inspector, for streetlighting underground circuits: requirements for installing proposed facilities; authorization for any permitted deviation from requirements.
 - (f) Gas utility serving area, for gas distribution lines: requirements for installing proposed facilities. **[Amended 12-7-1992]**
 - (g) Public utility supplying telephone service and cable service, for telephone and cable wire and appurtenances: requirements for installing proposed facilities. **[Amended 4-21-2010]**
 - (h) Division of Zoning Enforcement and Inspection, for all underground utilities and improvements: approval of proposed layout relative to each other and to the street.
 - (i) Other corporations or agencies, for facilities not listed above owned, operated or controlled by such bodies: requirements for installing such proposed facilities.
 - (2) All such facilities listed above shall be shown on the definitive plan. **[Amended 4-21-2010]**
 - (3) The specifications, standards, requirements and like referred to in this subsection, inclusive, shall be furnished to the Board and considered by it in its deliberations concerning the approval of the definitive plan, but none of the same shall be conclusively binding upon the decision of the Board.
- B. Agency approval. The verifications of existing facilities and the approval of proposed facilities required from any agency listed under Subsection A, Agency information, may be indicated by an appropriate statement from the agency addressed on its letterhead to the Board. Work specifications, installation requirements, special construction requirements, and any granted authorization for deviations in improvement requirements will be furnished to the applicant by the agency concerned in a written statement suitable for attachment to

and incorporation with his application form written statement. **[Amended 5-29-2002]**

C. Opinion of Board of Health as to suitability of the land.

(1) The applicant shall submit to the Planning Board and to the Board of Health a report from a qualified professional engineer registered in the Commonwealth of Massachusetts, engaged at the applicant's expense, and approved by the Planning Board, which contains at least the following:

(a) The definitive plan to which the report applies.

(b) Results of percolation tests at the site of the leaching bed of the septic tank on each lot, including an estimate of conditions likely to exist at periods of maximum wetness.

(c) A summary of the minimum facilities required to assure that, without substantial altering of the landscape by filling or dredging, the sewage from a minimum of eight occupants can properly be disposed of without:

[1] Odor or liquid effluent appearing above ground or in storm drainage facilities.

[2] Contamination of any brook, pond, well field, reservoir, or wetland.

[3] Excessive operational problems to the occupant.

(d) An estimate of the maximum height of the water table.

(e) The minimum elevation of the lowest floor in the dwelling to avoid inundation in a fifty-year flood.

(f) Any soil characteristics, such as recent filling, which might preclude a stable foundation.

(g) A statement that, in the opinion of the engineer, all (or which) lots are suitable for building dwellings thereon, considering the above and other pertinent factors.

(2) The Planning Board shall, within 10 days after submission of the definitive plan and engineer's report to it, consult with the Board of Health. If there is evidence that any of the lots in the subdivision cannot be used as building sites without injury to the public health or environment, the Planning Board shall not approve such lots for building purposes. The applicant shall be notified in writing of the Planning Board action within 30 days.

§ 375-6.7 Erosion and sediment control practices.
[Amended 4-21-2010]

General erosion and sediment control practices shall be implemented during construction. A narrative of the erosion and sediment control practices shall be provided to the Planning Board and shall include:

A. General practices and timing of implementation to match construction sequence.

B. Soil stabilization.

C. Methods to reduce tracking sediment onto private/public roads.

D. Wind erosion control:

(1) Dust control.

(2) Sweeping.

E. Methods to minimize contact with stormwater.

(1) Construction vehicles and equipment:

(a) Maintenance.

(b) Fueling.

(c) Washing.

(2) Materials:

(a) List of materials to be delivered and stored.

(b) Describe methods to minimize amounts of materials stored on site.

(c) Describe methods secondary containment.

(d) Describe chemical storage methods.

§ 375-6.8 Requirement as to number of buildings for dwellings.

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town, without the consent of the Board, and such consent may be conditioned 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.

§ 375-6.9 Public hearing.

Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be scheduled and held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given at the expense of the applicant by advertisement in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing or, if there is no such newspaper in such Town, then posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing, and by sending, via certified mail with return receipt, a copy of such advertisement to the applicant and to all persons entitled under the provisions of Chapter 41 of the General Laws, as it may be amended from time to time. Return receipts evidencing such mailing by certified mail shall be presented by the applicant at the public hearing for review and retention by the Planning Board.

§ 375-6.10 Health and safety requirements pending street acceptance.

Until such time as all the streets and ways in the subdivision are accepted as public ways by Town Meeting, the general contractor, the developer, the owner, and each successor in interest to them, jointly and severally (hereafter referred to as the "development entities"), shall maintain all areas of the subdivision in a safe and secure manner so as not to constitute a hazard to the health, welfare, or safety of the public.

A. It is the responsibility of the development entities to pay for and provide as follows:

(1) The tracking of soil, dust, aggregate and other construction materials from the site onto private or public ways shall be minimized. In the event soil, dust, aggregate or other construction materials are tracked onto the public way, the DPW Director may order any contractor working at the site or any development entities to take such steps on the site that the DPW Director deems reasonable to clean or remove such materials or to prevent materials from tracking off the site.

(2) Standing water shall be dispersed and drained or otherwise removed in a manner

appropriate to environmental concerns.

- (3) Construction materials, hazardous materials, structures, tools and equipment shall be secured in such a manner so as not to damage or cause harm to any person or adjacent properties. Appropriate precautions shall be taken in the event of actual or forecast adverse weather conditions such as wind, rain, snow, or flooding.
- (4) Streets and ways shall be kept clear and passable so as to allow immediate access by emergency vehicles.
- (5) Streets and ways shall be plowed and sanded in a manner consistent with how and when public streets and ways are plowed and sanded. A twenty-four-hour contact phone number of the development entities' plow contractor shall be provided to the DPW Director in writing prior to December 1 of each year.
- (6) Refuse and trash removal shall be performed at least once per week at the driveway of each and every occupied premises within the subdivision.
- (7) Each street in the subdivision shall be illuminated by streetlights in the location shown on the definitive plan and in accordance with the Planning Board rules and regulations prior to the issuance of the first occupancy. All the streetlights shall be maintained in continuous working order.

B. These requirements are not waivable.

§ 375-6.11 Street signs.

Until such time as all the streets and ways in the subdivision are accepted as public ways by Town Meeting, the development entities shall erect and maintain street signs for each street and way within the subdivision designating the street name and clearly indicating that the street is a private way. Such signs shall be in accordance with DPW standards or direction. This regulation is not waivable.

§ 375-6.12 Notice.

Each definitive plan shall contain the language of §§ 375-6.10 and 375-6.11. This regulation is not waivable.

§ 375-6.13 Application for extension of time to complete subdivision.

- A. All applications for extension of time to complete a subdivision must be in writing, signed by the developer and/or any successor in interest or his designated representative and shall include the filing fee as listed under Article 3, General, § **375-3.3**, Fees.
- B. The application shall affirm that the subdivision plan and all construction thereunder complies with the Planning Board rules and regulations in effect at the time of submission of the definitive plan; otherwise, the applicant shall provide documentation establishing the time and manner in which compliance with said rules and regulations shall be achieved.
- C. The application shall also affirm the development entities have complied with the provisions of § 375-6.10 and 375-6.11. No application for extension of time shall be approved unless the developer and the subdivision conform to the applicable Planning Board rules and regulations and the aforementioned §§ 375-6.10 and 375-6.11.
- D. Each application for extension of time shall be accompanied by an itemization of all work completed and an itemization of all work remaining to be completed, with a good faith estimate of the cost of completion and completion date.
- E. Upon receipt of an application for extension of time to complete a subdivision, the Planning Board shall review the application to determine its conformity to the applicable Planning Board rules and regulations as well as the provisions related to any extension. The

Planning Board shall also consider whether or not the developer has conformed to the plans, specifications, and like requirements.

- F. The Planning Board shall review the sufficiency of the bonding for the subdivision and shall require further security if the Board determines that additional security is reasonably required in light of the work remaining, inflationary factors, and any other criteria allowed by law.

§ 375-6.14 Compliance.

In the event of failure by the development entities to comply with the plans and specifications approved by the Board, or in the event of failure of the development entities to comply with the Planning Board rules and regulations, the Planning Board may conduct an administrative hearing and shall make findings of fact and render a decision based upon such findings. Failure on the part of the developer and/or any successor in interest to comply with such decision shall be grounds to deny any extension and/or the rescission of the subdivision consistent with the provisions of MGL c. 41, § 81W, and/or the implementation of any other remedy available to the Planning Board.

Article 7 Design Standards

§ 375-7.1 Streets.

A. Location and alignment.

- (1) All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- (2) The proposed streets shall conform to any Master or Study Plan adopted in whole or in part by the Board.
- (3) Streets shall be continuous and in alignment with existing streets, as far as practicable, and shall comprise a convenient system with connections adequate to insure free circulation of vehicular travel.
- (4) If adjoining property is not subdivided but is, in the opinion of the Board, suitable for ultimate development, provision shall be made for proper projection of streets into such property by continuing appropriate streets within the subdivision to the exterior boundary thereof. Said projections shall be built to meet all the requirements as specified in Article 8, Required Improvements.
- (5) Temporary dead-end streets, laid out to permit future projection, shall conform to the provisions of alignment, width, and grade that would be applicable to such streets if extended.
- (6) Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- (7) Street jogs with center-line offsets of less than 125 feet should be avoided.
- (8) The minimum center-line radii of curved streets shall be 100 feet. Greater radii may be required for principal streets.
- (9) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60°.
- (10) Street lines at all intersections shall be rounded with a curve at each corner having a radius of not less than 25 feet. However, when the intersection of two streets varies more than 10°

from a right angle, the radius of the curve at the obtuse angle may be less and at the acute angle shall be greater than 25 feet to the extent approved or required by the Board.

B. Width.

- (1) The minimum width of street rights-of-way shall be 50 feet for principal streets and 40 feet for all other streets.
- (2) Alleys with a minimum width of 20 feet may be required by the Board at the rear of any lots designated or zoned for nonresidential use.

C. Grade.

- (1) Grades of all streets shall be the reasonable minimum, but shall not be less than 1.0%. Grades shall not be more than 6.0% for principal streets or more than 9.0% for other streets.
- (2) Where the grade of any street at the approach to an intersection exceeds 6.0%, a leveling area shall be provided having not greater than a grade of 1.0% for a distance of 25 feet measured from the nearest exterior line of the intersecting street.

D. Dead-end streets.

- (1) Dead-end streets, if approved by the Planning Board, permanently designed as such, shall not be longer than 500 feet unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.
- (2) Dead-end streets, if approved by the Planning Board, permanently designed as such, shall be provided at the closed end with a turnaround having an outside property line diameter of at least 120 feet. Construction of an island within the turnaround is prohibited.

E. Adequate access from public way.

- (1) A way providing access to streets within a subdivision shall be considered to provide adequate access if such access way complies with the subdivision regulations for pavement, width, and maximum grade applicable within a subdivision (hereinafter "access way").
- (2) The Board may require, as a condition of its approval of a subdivision plan, that the developer construct or reconstruct an access way to comply with the subdivision regulations for pavement, width, and maximum grade applicable within a subdivision or compensate the Town for the cost of such improvement.
- (3) Waivers. The Board may waive compliance with these access regulations upon a determination that the way in fact will be otherwise sufficient to serve the needs for access to potential uses of land abutting on or served by the way in question.

§ 375-7.2 **Easements.**

- A. Easements for water mains and storm drains across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 20 feet wide.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Board may require that there be provided a stormwater or drainage easement of adequate width to conform substantially to the lines of such watercourse, drainageway, channel or stream, and to provide for construction of other necessary purposes.
- C. Easements for underground electrical power, fire alarm or telephone lines across lots or centered on rear or side lot lines shall be provided as necessary. Such easements shall not

be less than 10 feet in width.

- D. Easements for installation and maintenance of distribution transformers, streetlight metering or switching services and the like shall be provided as required. Such easements shall be centered on lot lines and adjacent to street lines and shall provide at least four feet of working space around the installed equipment.

§ 375-7.3 Lots.

All lots shown on the plan shall comply with the requirements of the Zoning Bylaws of the Town of Lynnfield.

§ 375-7.4 Open space.

Before approval of a plan, the Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its written approval.

§ 375-7.5 Protection of natural features.

- A. Due regard shall be shown for all natural features, such as large trees, stonewalls, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision, or to the Town.
- B. Special consideration shall be given to any Significant tree, any tree with a DBH greater than 12 inches within the proposed ~~hardwood trees with a DBH (diameter at breast height) greater than 24 inches and softwood trees with a DBH greater than 36 inches within the proposed~~ right-of-way, easement areas, or on neighboring properties within 10 feet of the proposed right-of-way or easement areas, or located within a Woodland. The Board may designate hardwood trees with a DBH (diameter at breast height) greater than 24 inches or softwood trees with a DBH greater than 36 inches as significant trees if the Board determines the tree serves as an important asset to the community. [Amended 4-21-2010]
- C. When certain trees meet many of the aforementioned considerations, the Board should request the applicant to preserve the tree if reasonably feasible. All trees to be preserved designated by the Board to be significant shall be well marked with signage and protected by the developer during construction. Protection measures for these trees shall be determined by the DPW Director/ Tree Warden and the Planning Board prior to construction following the guidelines established by the International Society of Arboriculture, Best Management Practices, Managing Trees During Construction, 2nd edition. If the Planning Board permits the removal of a Significant tree for the construction of the subdivision, the Board may require the applicant to replace or relocate said tree as deemed fit. **[Amended 4-21-2010]**

§ 375-7.6 Aboveground utility system components, cases and supports.

With the exception of fire alarm boxes, hydrants and streetlights, such items shall be painted a neutral green.

Article 8 Required Improvements

§ 375-8.1 General.

- A. All improvements hereinafter specified shall be constructed or installed by the applicant in accordance with these rules and regulations and in conformity with the approved definitive plan and the specifications and other construction requirements of the agencies concerned, and to the satisfaction of such agencies.
- B. As provided in Article 6, § **375-6.6**, Verifications, approvals and special requirements,

Subsection **B**, Agency approval, the agencies concerned may require notice on the completion of specified items of construction and the inspection thereof by a competent engineer or other person employed at the applicant's expense.

**§ 375-8.2 Streets and roadways.
[Amended 4-21-2010]**

A. General.

- (1) Each stage of work within the exterior lines of all streets in the subdivision shall be approved before the next stage is started.
- (2) The entire area within the exterior lines of all streets in the subdivision shall be cleared, excavated or filled as necessary, and graded in accordance with the then current standard specifications of the Commonwealth of Massachusetts Department of Public Works Standard Specifications for Highways and Bridges.

B. Specifications.

- (1) Roadways shall be constructed for the full length of all streets in the subdivision. The center line of such roadways shall coincide with the center line of the street rights-of-way unless a variance is specifically authorized by the Director of Public Works. The minimum width of roadways between curblines shall be as follows:
 - (a) All principal streets: 32 feet.
 - (b) All other: 26 feet.
- (2) Where a temporary dead-end street extends 150 feet or more beyond an intersection, there shall be constructed, as part of the roadway, a temporary turnaround located directly adjacent to the subdivision boundary and extending across the full width of the street right-of-way. Suitable provision shall be made for future extension of the street and of underground utilities.
- (3) No grade or inclination of the surface of any street shall be in excess of 6% for main thoroughfares or 9% for minor streets, nor shall it be less than 0.5%. The line and profile of the street shall be acceptable to the Planning Board.
- (4) All roadways shall be brought to and include a finished grade as shown on the profiles of the definitive plan and shall be provided with a finished surface of their full width and length. All principal streets and all streets in residential zones shall be constructed with 12 inches of compacted subbase (M1.03.0 Type C Gravel Borrow or processed gravel) with a minimum of four inches of bituminous concrete pavement placed on top.
- (5) Bituminous concrete shall be constructed in two lifts, the first being 2.5 inches of compacted type "I" binder, the second being 1.5 inches of compacted type "I" top course in accordance with state specifications. All roadways shall be crowned three inches.
- (6) Cape cod bituminous concrete curbs shall be provided on all streets except where sloped granite curbs shall be provided on the radius of curves at all street intersections, landscaped islands (if permitted by the Board), and in culs-de-sac without landscaped islands. Granite curb inlets shall be installed behind every catch basin with a granite curb transition stone on either side of the throat to transition the curpline to the cape cod curb.
[Amended 3-23-1992; 5-29-2002]
- (7) All areas between the exterior street lines and the curblines of the roadways thereon which are not occupied by sidewalks shall be graded, loamed with six inches of loam after compacting and seeded with grass seed. Where the final grade of the exterior street lines is

above or below the grade of the adjacent land, walls or 2-1 slopes shall be constructed sufficient, in the opinion of the Director of Public Works, to support the street or the adjacent land, as the case may be.

- (8) Stone bounds shall be set on the exterior street lines at all angle points, at the beginning and end of all curves, and at all intersections. Such bounds shall be set in bank gravel with their tops at the proposed finished surface grade, unless the Director of Public Works directs otherwise. Bounds shall be of granite, not less than four feet long, and not less than six inches square, with the top surface hammer-dressed, to a six-inch area. They shall be set accurately on the street lines, and at such elevation as the Board may direct. A drill hole 1/2 inch by two inches shall be placed in the center of the top of each bound.
- (a) The setting of the bounds and markings shall be supervised by a registered land surveyor. Upon completion of setting the required number of bounds, a written certification from a registered land surveyor shall be properly located on the as-built plan. Said certification shall state that he/she has placed the bounds with drill holes in accordance with the locations as shown on the approved plans. **[Amended 5-29-2002]**
- (b) In the case of "Green Belt land" as described in Chapter **260**, Zoning, § 260-8.4, Green Belt zoning, stone bounds shall be set on the exterior lines of all "Green Belt land" at all angle points, at the beginning and end of all curves, at all intersections, and at intervals of 300 feet or less on straight boundary lines.
- (9) A minimum of three street trees per lot, ~~of a minimum DBH (diameter at breast height) of 3.0 inches, and a species of a minimum 2.0" caliper of a native species and not to exceed more than 25 % of one species,~~ approved by the Director of Public Works/Tree Warden, shall be planted in the subdivision wherever, in the opinion of the Director of Public Works/Tree Warden, existing woodlands or suitable individual trees are not retained. Trees shall be located outside the street right-of-way lines at a distance not to exceed 20 feet and at such spacing and location as the Director of Public Works/Tree Warden shall specify. The subdivision's homeowners' association trust shall be made responsible for maintaining these trees in perpetuity.
- (10) Street signs and standards, of a design and material approved by the Planning Board and bearing the name of the street as indicated on the approved definitive plan and the intersecting street, shall be erected at all intersections of streets in the subdivision. At all points at which a private street within the subdivision intersects with an existing public way, there shall also be erected on the same standard and immediately below the street sign, of such size as the Director of Public Works may deem necessary, reading "Private Way."
- (11) Sidewalks, having a width of not less than five feet if on a principal street, or four feet if on any other street, shall be constructed along both sides of all streets. The sidewalks shall be constructed of three inches of hot top.

§ 375-8.3 Storm drainage.

A. General.

- (1) Storm drains, culverts and related installations, including catch basins, gutters, and manholes, shall be installed as necessary to provide adequate disposal of surface water from all streets within the subdivision and adjacent land. **[Amended 4-21-2010]**
- (2) Each subdivision, regardless of its size, shall have a stormwater management system compliant with the latest edition of the Department of Environmental Protection's (DEP) Stormwater Management Policy and the requirement of these regulations. **[Amended 4-21-2010]**
- (3) Proper connections shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the subdivision is not subdivided, provision shall be

made for proper projection of the drainage system by continuing appropriate drains to the exterior boundaries of the subdivision at such size and grade as will allow for such projection. **[Amended 4-21-2010]**

- (4) The storm drainage system shall be laid out to the satisfaction of the Director of Public Works, who will require provision of such facilities and arrangement thereof as in his opinion are reasonably necessary.
- (5) The subdivision's stormwater management system shall be designed so as to not increase the peak rate of runoff of stormwater in the two-, ten-, and one-hundred-year storm events. Holding ponds, dry wells, or other equivalent permanent means shall be provided to prevent an increase in the rate of rainfall runoff due to the construction of roadways, driveways, other paved areas, building roofs, and grassed areas during these storm events. Computations prepared by a registered professional engineer in support of the design of the preventive shall be provided to the Planning Board. The Soil Conservation Method shall be used for runoff computations. **[Amended 4-21-2010]**
- (6) A stormwater management system operations and maintenance plan shall be submitted to and compliant with the Department of Environmental Protection's Technical Guide for Compliance with the Massachusetts Stormwater Management Standards. The subdivision's homeowners' association trust shall be made responsible for maintaining the stormwater management system in perpetuity and, if necessary, replacing the system if the system fails. **[Amended 4-21-2010]**
- (7) Plans shall show topographical information on all lots. **[Amended 5-29-2002]**

B. Specifications. [Amended 4-21-2010]

- (1) The minimum size of the all drains shall be 12 inches ID and shall be Class IV reinforced concrete pipe. At least three feet of cover will be required over all drains.
- (2) The catch basins shall be: a minimum of seven feet deep; constructed with a four-foot inside diameter; constructed with a four-foot sump; made of precast concrete with H-20 design strength; and furnished with a Lebaron LF246 or equivalent casting for a single catch basin, or a Lebaron LV2448-1 or equivalent for a double catch basin.
- (3) All manholes shall be: constructed with a four-foot inside diameter; made of precast concrete with an H-20 design strength; constructed with inverts made of (with) either cemented brick or concrete; and furnished with a Lebaron LA246 or equivalent casting.
- (4) Catch basins shall be built on both sides of the roadway at intervals no greater than 300 feet. They shall be built at all low points in the roadway.
- (5) Manholes shall be built at intervals no greater than 300 feet. The maximum distance between a catch basin and manhole shall be 300 feet.
- (6) Oil and gas traps shall be installed in all catch basins. All oil and gas traps shall be Lebaron L219-12 or equivalent.
- (7) Detention basins shall be designed to the following parameters:
 - (a) All standing water shall completely drain from the pond within 24 hours from the end of the storm event.
 - (b) Vehicle access to critical pond structures (inlet, outlet, forebays, sumps, etc.) shall be provided for ease of maintenance and inspection. "Access" is defined as the ability to drive a vehicle within three feet of the structure.

- (c) A fence or vegetated barrier or other safety feature may be required by the Board for detention and retention areas for reasons of safety and aesthetics.

§ 375-8.4 Water facilities.

- A. Water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivisions as necessary to provide to all lots therein adequate water supply for domestic and fire protection use.
- B. Proper connections shall be made with the existing water systems of the appropriate Water District. Where property adjacent to the subdivision is not subdivided, provision shall be made for proper projections of the system by continuing appropriate water mains to the exterior boundaries of the subdivision, at such size and grade as will allow for the projections.
- C. Service connections for water from the main structures in the street to the exterior lines thereof shall be installed for each lot shown on the plan, whether or not there is a building thereon. Any deviation of this requirement necessitated by unusual topographic or technical difficulties must have the specific approval of the Water Commissioners.
- D. The water system shall be laid out to the satisfaction of the Water Commissioners, who will require provision of such facilities and arrangement thereof as in their opinion are necessary to carry out the intent of Subsections **A**, **B** and **C** above.
- E. Where the subdivision is located outside a Water District or where, in the opinion of the Water Commissioners, reasonably accessible water mains are not available and will not become available within a reasonable time, and the Commissioners so inform the Planning Board, the Board may waive the requirement of the construction of such mains. In such cases, however, each lot shall be provided with a source of domestic water supply satisfactory to the Board of Health, and the subdivision shall be provided with such special water supply facilities for fire protection as are deemed necessary by the Chief of the Fire Department.

§ 375-8.5 Streetlighting.
[Amended 4-21-2010]

A. General.

- (1) All work must be constructed in compliance with the Commonwealth of Massachusetts Electrical Code, and permitted. No work shall be covered or out of sight without prior inspection by the Town of Lynnfield's Wiring Inspector.
- (2) All equipment and wiring back to the service or metering point shall be owned, operated and maintained by the Town after the street has been publicly accepted.

B. Specifications.

(1) Materials requirements:

- (a) Luminaires shall be: colonial pole-top; finished in a factory-applied acrylic black, enamel finish; and have a photo control socket at the top. The luminaire used shall be General Electric catalog number T10R10S3N2LMS3BLT.
- (b) Poles shall be: round aluminum; tapered from four inches at the base to three inches at the top; 10 feet tall; and finished in a factory-applied acrylic black, enamel finish. Field-applied finishes will not be acceptable. The luminaire used shall be General Electric catalog number ARTA103S4.0ABLA.
- (c) Anchor bolts shall be: 16 inches long; made of galvanized steel; threaded for at least four

inches with 3/4-10 NC on one end and a three-inch-long right-angle hook on the other.

- (d) The pole base shall be constructed in accordance with manufacturer's specifications and the detail shown in Details Appendix.
 - (e) All conduit used shall be one-inch-diameter PVC (Schedule 80).
 - (f) Wire used shall be UL-approved, thermoplastic, approved for wet locations, 10 AWG stranded copper (unless a larger size is required by unusual loads) 600 volt rated.
 - (g) Meter socket type shall be approved by the Town of Lynnfield's Wire Inspector and by either the Peabody Municipal Light Department or the Reading Municipal Light Department, whichever department has jurisdiction.
 - (h) Circuit breaker panel enclosure shall be: raintight; 100 amp; 600 volt rated; cover hinged at top.
 - (i) Cabinet to be used shall provide for a weathertight compartment for panel board. This cabinet shall also provide a location where the meter can be installed on the outside of this cabinet for easy reading. The cabinet shall be a Barber Electric model number B422518TCP or equivalent. (See Details Appendix.)
- (2) Design and installation. Lighting installations shall be made in a workmanlike manner by a qualified contractor in accordance with applicable electrical codes, Town bylaws and Planning Board regulations. The following regulations shall be followed when designing and installing the streetlighting system:
- (a) Location of luminaires. Poles shall be nominally spaced 250 feet on each side of the street, with any pole being midway between the two on the opposite side. All intersections shall be illuminated by at least one luminaire. Pole spacing may be varied plus 25 feet or minus 75 feet when necessary to provide even spacing on runs not a multiple of 250 feet. Poles shall be set one foot outside the forty-foot or fifty-foot right-of-way, on an easement provided for this purpose. Each easement shall provide for three feet of access around each streetlight. These locations shall be shown on the definitive plan.
 - (b) Metering and service locations shall be situated to give a minimum number and still provide no greater than a voltage drop of 3% at the furthest luminaire. Heavier gauge wire shall be used when beneficial. The streetlighting system shall have a minimum of two circuits, with at least one circuit for each side of the street. These locations shall be shown on the definitive plan.
 - (c) Photo cell location. The photo cell shall be used to activate all of the streetlights on the street. Photo cells shall be installed on the luminaire closest to and on the same side of the street as the cabinet. The photo cell shall be wired to the cabinet and connected to a contactor within the cabinet that will be used to activate all of the circuits in the cabinet.
 - (d) Cable burial. Power wires, protected by rigid nonmetallic conduit (Schedule 80), shall be buried at a depth not less than 24 inches, and located as shown on the definitive plan. Cables shall lay in at least three inches of sand, and be covered with at least six inches of sand and caution tape a minimum of 12 inches above sand. The total of bends in the conduit shall not exceed 360°. Minimum bend radius shall be six inches. All street crossings shall be made perpendicular to the street lines. Diagonal street crossings are prohibited. No conductor splices shall be made in the raceway between poles or services. Moisture or dirt shall not be allowed to enter the conduit.
 - (e) Foundations. The bases for poles shall be cast from concrete in accordance with the Light Pole Base shown in the Details Appendix and be allowed to harden under warm, damp conditions for at least two weeks before installation. They shall be installed two inches

above the finish grade line, with bolts oriented as specified, and the top surface in a true horizontal plane. Backfill shall be puddled with water and firmly tamped every six inches.

- (f) Poles. Each pole shall be adjusted to a true vertical position with aluminum shims. All poles shall follow the contour of the street in straight lines or smooth curves.
- (g) Luminaires. Fixtures shall set squarely on the poles, with the "street side" parallel with the street and adjacent to it.
- (h) Cabinet. The cabinet shall be installed so that the circuit breakers are kept in a weathertight location and the meter can be easily read when installed on the side. The cabinet shall be installed on a concrete foundation and bolted down securely.
- (i) Deviations. The contractor or developer shall not perform any work or use any material contrary to the letter and intent of his contract or plan and this standard except that he shall request in writing to the Department of Public Works authorization for such deviation, stating clearly and in full the nature and scope of said deviation, and the reason for it; and shall receive in writing approval from the Department of Public Works to proceed in the requested manner.

§ 375-8.6 Natural gas.
[Amended 4-21-2010]

- A. Natural gas service shall be provided to each lot. The developer shall make provisions to insure that a gas service is installed to each property and outside of the right-of-way of the roadway to allow for the future development of the lot.
- B. The developer shall coordinate with the gas department to determine the location, size, and any other appurtenances necessary to provide gas to each lot.
- C. The engineer shall show the location of all gas mains, services, and other appurtenances on the definitive plan prior to submission to the Board.

§ 375-8.7 Other utilities.

- A. All utilities not listed above, such as electric power, telephone and the like, shall be installed underground in accordance with the standards of the municipal body or corporation having jurisdiction, subject to § 375-8.8, Location of underground utilities.
- B. Such system shall be owned, operated and maintained by the responsible municipal body or corporation.
- C. All utilities shall be shown on the definitive plan prior to approval by the Board. **[Amended 4-21-2010]**

§ 375-8.8 Location of underground utilities.

The relative location of underground utilities shall be proposed by the developer, subject to the approval of the Planning Board in consultation with the various agencies responsible for said utilities.

Article 9
Performance Guarantee

§ 375-9.1 Performance bond.

- A. Before approval of the definitive plan, the applicant shall, except as hereinafter provided, file with the Board bond(s), in form satisfactory to said Board (See Appendix Form E, Form F-1 or Form F-2.): 1) for the satisfactory completion of all water mains, hydrants and related facilities; 2) for the satisfactory completion of required streetlighting; 3) for the satisfactory completion of all other required improvements; 4) for the filing of satisfactory "as built" plans

with the Board within two years from the date of approval of the definitive plan. Said bonds shall be sufficient in the penal sum, in the opinion of the Board, to cover the cost of the respective improvements and so drawn as to insure their satisfactory completion. They shall be executed by the applicant as principal and a surety company authorized to do business in the commonwealth and satisfactory to the Board as surety, or secured by the deposit with the Town Treasurer of cash or negotiable securities satisfactory to the Board, or an escrow agreement in an amount equal to the penal sum of bonds. A cover letter from the lender shall accompany the bond document and the account number and bank statement shall be provided to the Planning Board.

- B. Account number for escrow agreement (Form F-2) and bank statements shall be provided to the Planning Board. Bank or surety cover letter shall accompany performance bond. **[Amended 5-29-2002; 4-21-2010]**

§ 375-9.2 **Conditional approval.**

- A. Instead of requiring bonds, the Board may, at the election of the applicant, approve the definitive plan on condition that no lot in the subdivision shall be sold and no building shall be erected or placed on any lot until all the improvements necessary to adequately serve such lot, in accordance with these rules and regulations, have been constructed and installed to the satisfaction of the Board.
- B. If conditional approval is requested by the applicant, he shall execute and deliver to the Board, before final approval, a conditional approval contract (Appendix Form G) to construct and install the required improvements. Such contract shall be recorded, at the expense of the applicant, at the Essex South Registry of Deeds or registered with the Assistant Recorder of the Land Court in said Land Registry District, and shall be binding upon the land within the subdivision.
- C. Upon the completion, to the satisfaction of the Board, of all the improvements necessary to adequately serve all lots within the subdivision, or, if so requested by the applicant, any particular lots, the Board will issue and deliver to the applicant a certificate of such performance; and upon the due recording or registering of such certificate, the conditions applicable to the lots described therein shall terminate.

§ 375-9.3 **As-built plans.** **[Amended 4-21-2010]**

- A. As-built plans shall be submitted to the Planning Board after all subdivision items have been completed and prior to the start of the one-year guarantee period. These plans shall be of an acceptable nature to the Planning Board before the one-year guarantee period is set to begin.
- B. The as-built plan shall be submitted in the same scale as the approved definitive plan. The acceptable as-built plan shall be submitted with two Mylar versions, six black and white prints, and electronically in accordance with Article 13, Geographical Information System (GIS) Requirement.
- C. The as-built plan shall contain the following information:
 - (1) Lot lines for the road right-of-way and of all lots part of the subdivision. Included with these lot lines shall be any easements within the subdivision. Bearings and distances shall not be a part of this plan.
 - (2) All granite bounds, including registered land surveyors certification and stamp.
 - (3) Location and contours for the roadway, including center-line profile. The profile shall show the proposed grade as well as the as-built center line of the roadway every 50 feet.

- (4) Location and contours for the sidewalk.
- (5) Location and contours of all drainage within the subdivision, including detention basins. The drainage structures shall have the rim, invert, and sump elevations. The locations and elevations of all drainage structures shall be drawn on the road profile. The detention basins shall have one-foot contours with spot elevations for the bottom and top of the embankments. There shall also be spot elevations for all spillways and elevations on pipes or structures instrumental in the operation of the basins.
- (6) Water system, including all gates and hydrants.
- (7) Streetlighting fixtures, utility poles, conduits, transformers, and utility boxes within the subdivision.
- (8) Major features of the land within the right-of-way such as driveways, houses, walls, fences, natural drainage courses etc.
- (9) Street trees installed, including species.
- (10) Any and all benchmarks used within or surrounding the subdivision.

**§ 375-9.4 Street acceptance plans.
[Amended 4-21-2010]**

A street acceptance plan shall be submitted to the Planning Board after all subdivision items have been completed and prior to the one-year guarantee period.

A. The street acceptance plan shall contain the following:

- (1) All lot lines for the road right-of-way and of all lots part of the subdivision. Bearings and distances shall be written clearly along all lot lines.
- (2) All lines of easement within the subdivision. Bearings and distances shall be written clearly along all lot lines.
- (3) The following statement from a registered surveyor: the property lines shown are the lines dividing existing ownerships, and the lines of streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown.
- (4) A stamp from a Massachusetts registered land surveyor.
- (5) Names of all owners of lots within subdivision and who abut the roadway.
- (6) Anything else necessary for the plan to be recorded at the Registry of Deeds.

B. The developer's surveyor shall provide two original Mylars and six black and white copies of this plan to the Planning Board.

§ 375-9.5 Guarantee hold.

Ten percent of the total bonding amount will be retained as security for one year from the date of acceptance of the as-built plans by the Board to ensure satisfactory compliance with the rules and regulations.

**Article 10
Evidence of Satisfactory Performance**

§ 375-10.1 Release of security.

Before the Board will release a surety bond or deposit, or, in the case of conditional approval,

issue a certificate of performance, the applicant shall send by registered mail to the Town Clerk and to the Board the engineer's certification and plan as required under § 375-6.6, Verifications, approvals and special requirements, together with written evidence that the required work has been completed to the satisfaction of each of the following agencies for the facilities listed below:

- A. Director of Public Works, for streets, roadways, sidewalks, monuments, street signs, and storm drainage facilities.
- B. Water District Commissioners, for water mains, hydrants, and related facilities.
- C. Chief of the Fire Department, for any required special water facilities for fire protection.
- D. Director of Public Works, for street trees and streetlighting. **[Amended 4-21-2010]**
- E. Board of Health, for any required individual water supply and sanitary facilities for domestic use.
- F. Electric utility serving area, for electric supply and service facilities.
- G. Telephone company, for telephone facilities.
- H. Gas utility, for gas facilities. **[Amended 12-7-1992]**
- I. Conservation Commission, for any required compliance with the Wetland Protection Act.
- J. Provider for the television facilities. **[Amended 4-21-2010]**
- K. Other corporations or agencies owning, operating or controlling facilities not listed above, for such facilities.

Article 11 Conveyance of Improvements

§ 375-11.1 Procedure.

- A. Before the Board releases a surety bond or deposit or, in the case of conditional approval, issues a certificate of performance, the applicant shall execute an instrument, substantially in the form of Appendix Form H-1 or H-2, transferring to the Town or water districts, as the case may be, the ways and easements shown on the subdivision plan, together with all installations in said ways and easements, with the exception of rights, easements and installation of private utilities, such as gas and electricity, and with the further exception that the conveyance of the water pipes and appurtenances shall be to the respective water districts. The dedication of said ways and installations to the Town and to the respective water districts shall be subject to acceptance by the governing bodies and officials empowered by law to accept such dedication.
- B. In accordance with the foregoing, the developer should not convey any fee or right, by deed or otherwise, in any ways, easements or installations other than the right to pass and repass in common with others having the same right. Conveyances will comply with MGL c. 183, § 58, and the Planning Board will be furnished by the developer with a copy of the deed for each lot conveyed at least 30 days prior to the time when title to the way or ways is to be conveyed to the Town.
- C. The conveyance called for in this section shall transfer to the appropriate public corporation valid unencumbered title to all ways, easements and installations in such ways and easements as shown on the subdivision plan, and as enumerated in the performance bond and the conditional approval contract referred to in Article 9, Performance Guarantee, of these regulations.

Article 12 Administration

§ 375-12.1 **Waiver.**

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law. Any waiver(s) granted by the Board shall be noted upon the submitted plan(s) in order to be valid, regardless of any other record to the contrary.

§ 375-12.2 **Additional regulations.**

For matters not covered by these rules and regulations, reference is made to Sections 81K to 81GG, inclusive, of Chapter 41 of the General Laws, and acts in amendment thereof, in addition thereto or in substitution therefor.

Article 13 Geographic Information System (GIS) Requirement

[Added 5-30-2001]

The applicant shall submit all respective drawings, plans, or layouts in a format compliant with the Town of Lynnfield's Geographic Information System (GIS) to the Planning Board for review and approval. A letter from the Planning Board verifying receipt of said being in compliance with Planning Board standards shall be submitted to the applicant.

Failure to submit such information to the Planning Board and to obtain a compliance letter may be cause for the Planning Board to rescind approval or not to endorse said plan.

§ 375-13.1 **Media.**

All digital information shall be submitted on CDs. All media shall be high-quality, free from any and all defects and viruses, and labeled as to their contents. Media shall be prepared along with a backup and be sequentially numbered. These shall be provided in an PC (or compatible) format file system.

§ 375-13.2 **Digital submission file formats.**

- A. The Town will accept either GIS or CAD (computer-aided drafting and design) files. All digital information shall be accompanied by an identical hard-copy paper drawing, plan, or layout. The computer version of the plan shall be identical, full size, and shall contain all information included on the printed plan.
- B. All GIS files shall be submitted in an ESRI shape file format, "ArcView," or ARC/INFO export uncompressed file, "E00 format."
- C. All CAD files shall be submitted in AutoCAD 2002 drawing (.dwg). Each feature depicted on the plan shall have its own distinct data layer within the CAD system (i.e., lines representing each side of a property parcel.) Where property parcels are depicted, the property parcel data layer shall be a distinct data layer within the system. Polygons representing property parcels must be closed and no other data layer shall be used to close the polygon.

§ 375-13.3 **Projection and coordinate systems.**

- A. All digital file submissions shall be produced and depicted using either the Massachusetts State Plane Coordinate System (1927 Datum in feet) or the Massachusetts State Plane Coordinate System (1983 Datum in meters). Each CAD sheet shall have a minimum of four survey-quality control points depicted on both the hard-copy maps and the digital CAD file. These control points shall be survey-quality and accurate to plus or minus one centimeter.
- B. The Planning Board may request the placement of a permanent control point at a specific location in or near the subject property. Said point shall be of a high accuracy accompanied

by a detailed narrative that outlines how the control point was established.