

II. SUBMISSION AND APPROVAL OF PLANS

A. APPLICATION

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

B. PLAN BELIEVED NOT TO REQUIRE APPROVAL

1. 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 situated in Woburn, and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan to the board for a determination.
2. Application for a determination by the board shall be made in a form approved by the Board - Form A - accompanied by a surveyor's certificate (Form ES -1), an original drawing and eight contact prints of the plan. The applicant shall state in his application the particular provisions of law under which he believes his plan does not require approval, and shall submit evidence satisfactory to the Board to show that the plan does not require approval.
3. The plan shall not be deemed to have been submitted to the board until said plan, prints, Form ES-1, fees and the application, together with all the necessary evidence noted above, have been delivered to the board at a regular or special Meeting thereof, and all are fully completed in accordance with these Rules and Regulations. Thereafter, the person submitting the plan shall file, by delivery or by registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application.
4. If the board determines that the plan does not require approval, it shall, without a Public Hearing and within twenty-one days (21) of submission, endorse on the plan, or cause to be endorsed thereon by such member or employee thereof as may be hereafter designated, the words "Woburn Planning Board approval under the Subdivision Control Law not required" or words of similar import.

In all cases, the endorsement shall be followed by a notation that "No determination of compliance with all zoning requirements has been made," or words of similar import. The plan then will be delivered to the applicant by the Board, and written notice given to the City Clerk of the date of the board's determination.
5. If the board determines that the plan does require its approval, it shall, within twenty-one days (21) of submission, so notify the City Clerk and the applicant in writing, and said applicant may then submit his plan for approval as hereinafter provided by these Rules and Regulations.
6. A filing fee of fifty dollars (\$50.00) for the first two lots shown on a plan, plus \$50 for each additional lot shall be submitted with each plan believed not to require approval.
7. Minimum plan size shall be 18-inches by 24-inches.

8. Scale: horizontal scale shall be 1 inch equals 40-feet and vertical scale shall be 1-inch equals 4-feet.

9. Monuments shall be permanent and semi-permanent physical monuments upon each locus and connected with the survey in such a manner that they could be used at any future time to relocate the boundary lines as shown upon the plans. Granite monuments shall be set at each corner of the lot abutting the roadway. Said monuments shall be 4- ft. in length, dressed to 6-in. square at the top, having a 3/8-in. drill hole in the center and not less than 4 in. square at the bottom. If ledge is present at the corner(s) of the lot, a 1/2-inch diameter by 1-inch in depth drill hole shall be established on said corner(s).

10. All roadways and structures included in plan shall have their dimensions and setbacks inscribed on the plan.

11. In addition to other requirements of these regulations, a submitted plan "believed not to require subdivision approval" shall include a depiction (legend), which describes all lot line and lot area changes.

C. ONE DWELLING PER LOT

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 city, without the consent of the Planning Board. Such consent may be conditioned upon providing adequate ways to furnish access to each site for such building in the same manner as otherwise required for lots within a subdivision.

D. PRELIMINARY PLAN

A preliminary plan must be submitted for a non-residential subdivision and may be submitted for a residential subdivision by the applicant to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval by each board.

Application for approval by the Planning Board, if such approval is desired, shall be made upon Form B, accompanied by the original and eleven full size (36" x 24" minimum at 1" = 40') contact prints and eight reduced size (18" x 12" minimum at 1" = 60') prints of the Preliminary Plan, prepared as hereinafter prescribed and completed Form P - Preliminary Subdivision Plan Checklist. The applicant shall also, by delivery or registered mail, give written notice to the City Clerk, stating the date of submission of the Preliminary Plan and accompanied by a copy of the completed application.

1. FORM AND CONTENTS

The Preliminary Plan shall be prepared by a civil engineer and surveyor and be drawn clearly and legibly on drafting film with a pencil at a horizontal scale of 1-in. = 40-f t. and vertical scale of 1-inch = 4-ft. and also show clearly:

- a. Subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan".
- b. Names of the record owner, the applicant and the name of the designer, engineer or surveyor.
- c. Existing and proposed lines of streets, ways, easements, and any public areas within the subdivision in a general manner.
- d. Names and addresses of all abutters as determined from the most recent local tax list.

- e. Proposed system of drainage, including adjacent natural waterways, an outline of the drainage areas of which the subdivision is a part and sufficient data to generally determine nature of drainage facility needs.
- f. Approximate boundary lines of proposed lots, with approximate areas and dimensions.
- g. Names, approximate locations and widths of adjacent streets.
- h. Topography of the land on separate sheets, contours at intervals of 2-ft., showing existing conditions in a general manner, the proposed finish contour lines.
- i. A locus plan of the proposed subdivision, at a scale of 100-ft. to the inch, showing the relation of the proposed subdivision to the surrounding neighborhood area for 300-ft. on each side and indicating location and size of utilities available or nearby said proposed development and the location of the existing homes and wetlands.
- j. All bodies of water, streams, swamps and marshes within the proposed subdivision shall be indicated on the plans, and said bodies of water shall be indicated on the locus plan.
- k. Proposed location of fire alarm boxes and fire hydrants.
- l. Submit quadrant of drainage area outline.
- m. It shall be noted on plans how information pertaining to property lines, topography and utilities were derived.
- n. Basic design data, including estimated water consumption, fire demand, sewage flow, average day traffic volume, sight distances, peak drainage runoff rate and volume for the 20 and 100 year storm-events and waivers from these Rules and Regulations should be noted on plans. In this manner, any potential adverse impacts from the development can be addressed and mitigating measures identified prior to the development of definitive plans. Additionally, waivers effecting the final design of the subdivision can be determined prior to the development of definitive plans.
- o. There shall be a fee for the submission of a preliminary plan -\$200 for residential subdivisions and \$500 for a commercial/ industrial subdivision.

2. APPROVAL

The Planning Board and Board of Health, without unnecessary delay, shall act upon the Preliminary Plan and its accompanying materials in accordance with the Subdivision Control Law, but in any event, within forty-five days. They may approve said plan, with or without modification, or disapprove said plan, stating reasons for such disapproval. Approval, if given, does not constitute approval of a subdivision, but does facilitate the procedure in securing approval of the Definitive Plan. Within forty-five days after submission of a Preliminary Plan each board shall notify by mail the applicant and hand deliver to the Clerk of the City, either that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plans or that the plan has been disapproved. In the case of disapproval, the board shall state in detail its reasons therefore. The Planning Board shall notify the City Clerk of its approval or disapproval, as the case may be.

If, in the board's review of the proposed subdivision, it is found that the road(s) and/or intersection(s) shall impose a danger to the health and safety of the public, the board shall

modify, amend or disapprove the submitted Preliminary Plan, subject to, but not limited to the following:

- (1) Proper horizontal alignment; (2) clear site distance for vehicular traffic at intersections; (3) the allowable grade of roadways; (4) dead-ends shall not exceed the distance allowed under these Rules and Regulations; (5) intersections shall incorporate a proper intersection angle, minimum distance between entering streets not directly opposite each other (ft.) and the minimum radius (ft.) Note: the allowed standards for the above reasons are referenced on Table II of these Rules and Regulations.

In addition to the above, the board shall modify, amend or disapprove a Preliminary Plan in which the board makes a finding that the design of storm drains and related installations do not meet the requirements of these Rules and Regulations and the City's Engineering Department.

E. DEFINITIVE PLAN

1. SUBMISSION

The submission of a definitive subdivision plan is accomplished by delivering the plan at a meeting of the Planning Board or when sent by registered mail to the Planning Board. If so mailed, the date of receipt shall be the date of submission of the plan. The accompanying application form is known as "Form C" and it must describe the land accurately enough for identification, and set forth the date of submission of the plan and the name and address of all the record owners.

In addition to the above, any applicant who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the board the items below, i.e., Sub-sections E.1.a-h, E.2, E.3, a-r, as well as a completed Form D-C – Definitive Subdivision Plan Checklist.

- a. An original drawing of the Definitive Plan and accompanying street layout plans and eleven full size (36" x 24" minimum at 1" = 40') contact prints thereof, dark line on white background and eight sets of reduced sized (18" x 12" minimum at 1" = 60' plans. NOTE: The original drawing will be returned after approval or disapproval.
- b. A properly executed application - Form C, Form ES-1 and Form D-C.
- c. There shall be a fee of \$150.00 for the submission of a Definitive Plan. This shall cover the cost of the Public Hearing notice and notification of abutters. There shall also be a fee for residential subdivisions - \$500 and \$100 for each lot; non-residential subdivisions shall be \$1,000 and \$100 for each lot.
- d. A list of all abutters within 300-ft. of the subdivided property, together with the address as determined from the most recent tax list and certified by the Assessors Department on Form D.
- e. A locus plan of the subdivision, at a scale of 100-feet to the inch, showing the relation of the proposed subdivision to the surrounding neighborhood area, for a distance of 300-ft. on each side. This plan shall indicate location and size of utilities, wetlands, existing dwellings and other primary structures. This plan shall also indicate exterior lines of all proposed streets in the subdivision and their relative location to one or more existing streets or portions thereof, shown

and readily identifiable as to locus on the City Property Maps and to such accuracy that said Map may be placed over the locus plan for purposes of actual transfer.

f. A sketch plan showing a possible or prospective street layout for any adjacent un-subdivided land owned or controlled by the owner or applicant of the subdivision unless such a plan has already been submitted to the board.

g. The applicant shall also, by delivery or registered mail, file written notice to the City Clerk, stating the date of submission of the Definitive Plan and accompanied by a copy of the completed application (Form C).

h. Drainage calculations, prepared by the applicant's engineer, shall include formula used, drainage area and other information sufficient for the board to check the size of any proposed drainpipe, culvert or bridge. If plans include connecting into an existing drainage system, the applicant must submit detailed calculations on the impact of the additional drainage into the existing system.

2. FORM

The Definitive Plan shall be prepared by a registered professional civil engineer and registered land surveyor and it shall be clearly and legibly drawn at a horizontal scale of 1-in. = 40-ft. and vertical scale of 1-inch = 4-ft. Said Plan shall be drawn in black ink upon sheets of tracing cloth or drafting film at a minimum size of 20-in. by 30-in. with an 1 ½-in. border, except on the left side, which shall be 24-in. If multiple sheets are used, they shall be accompanied by an index sheet, which shall include a drawing of the entire subdivision at a scale of 1-in. = 100-ft.

3. CONTENTS

The Definitive Plan shall contain or be accompanied by the following information:

- a. Subdivision name, boundaries, true north point, date and scale.
- b. Names and addresses of record owner and applicant, and name of engineer and surveyor who prepared the plan; certificates and seals of the engineer and surveyor indicating that they actually prepared the plan and an additional certificate by the surveyor that all surveying conforms to the requirements of the Massachusetts Land Court.
- c. Names of all abutters, as determined from the most recent tax list, including owners of land separated from the subdivision only by a street and zoning district boundaries, if any.
- d. Existing and proposed lines of streets, rights-of-ways, easements and any public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board, with letters of approval from the police and fire departments.)
- e. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- f. Boundary lines, areas in square feet and dimensions of all proposed lots, with all lots designated numerically and in sequence.
- g. Sufficient data (including lengths, bearings, radii and central angles) to determine the exact location, direction and length of every street and way line, lot line and boundary line and to

establish these lines on the ground. All surveying shall conform to the Land Court "Manual of Instructions for the Survey of Lands."

- h. Monuments shall be permanent and semi-permanent physical monuments upon each locus and connected with the survey in such a manner that they could be used at any future time to relocate the boundary lines as shown upon the plans. Granite monuments shall be set at each corner of the lot abutting the roadway. Said monuments shall be 4-ft. in length, dressed to 6-in. square at the top, having a 3/8-in. drill hole in the center and not less than 4-in. square at the bottom. If ledge is present at the corner(s) of the lot, a 1-inch diameter by 1-inch in depth drill hole shall be established on said corner(s).
- i. All bodies of water, streams, swamps and marshes within the proposed subdivision shall be indicated on the plans and said bodies of water shall be indicated on the locus plan.
- j. Existing and proposed topography on a separate sheet drawn at 2-ft. contour intervals. Whenever deemed necessary, the board may require additional information on abutting land.
- k. Size, material type and location of existing and proposed storm drains, water mains and sewers, including appurtenances within and adjacent to the subdivision.
- l. Location, type and specifications for proposed sewer and water system.
- m. Suitable space to record the action of the board and the signature of the members of the Planning Board on each sheet of the Definitive Plan. Where the applicant elects to secure completion of required improvements by Covenant (see Form E), rather than by bond or surety, there shall be a notation above such space as follows:

Approved _____, subject to covenant conditions set forth in a
covenant
Executed by _____ dated _____ and to be
(recorded/registered) herewith.

n. A separate layout plan for each proposed street in the subdivision, at a horizontal scale of 1-inch = 40-ft., showing for each street proposed exterior lines, centerline, points of tangency, length of curves, intersection angles, radii of curves, and the location of permanent monuments and bench marks, together with all lot lines, buildings and other major features within 40-ft. of the exterior lines of such streets. The layout plan shall also show the size and location of all storm drains, water mains and sewers within the street, together with their appurtenances.

On the same sheet, there shall be drawn cross sections of the proposed street, properly located and identified by station number, at such intervals along the street as will adequately indicate any variations in its sections, supplemented where necessary, by lines on the layout plan showing the width and location of proposed roadways, planting strip, gutters, sidewalks and similar physical features.

Directly above or below the layout plan of each proposed street, a profile shall be drawn at a horizontal scale of 1-inch = 40-ft. and a vertical scale of 1-inch = 4-ft., showing for such street existing centerline grades in fine solid lines, existing exterior right side line in fine black dashed line, existing exterior left side line in fine black dashed line and proposed finished centerline grades in heavy solid lines. Proposed grade elevations shall be shown by figures at beginning and end and at 50-ft. stations, except on vertical curves where they shall be shown at 25-ft.

stations. Rates of gradient, in percentage, shall also be shown. All elevations shall refer to Massachusetts Geodetic datum, unless in the opinion of the board, suitable bench marks are not readily available. Profiles shall also indicate the location of any intersecting public or private ways and the location of existing and proposed storm drains, water mains and sewers and their appurtenances and other utilities.

- o. Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges, outcroppings and swamps.
- p. The applicant must submit data, prepared by his engineer, indicating that an adequate supply of water exists to service the proposed development for residential use and fire protection.
- q. Looping of proposed water mains with existing mains shall be required of all subdivisions.
- r. Plans shall be prepared in accordance with 250 CMR 6.021 for unregistered land or in accordance with the 1971 Land Court Instructions when registered Land is involved.
- s. Each new right of way within a subdivision shall be identified on the Definitive Subdivision Plan with a parcel designation and parcel geometry sufficient to allow for conveyance of the right of way to the City of Woburn upon completion of the subdivision.

4. MANDATORY REVIEW BY BOARD OF HEALTH

- a. At the time of filing of the Definitive Plan, the applicant shall also file with the board of Health, two contact prints of the Definitive Plan, dark line on white background. If the subdivision is proposed for service by on lot sewage systems, the applicant shall submit to the Board of Health a copy of the plan, showing the location of each proposed system and results of either soil or percolation tests, prepared in accordance with the requirements of Article XI of the Sanitary Code of the Department of Public Health of the Commonwealth of Massachusetts. The results of said tests shall be certified individually by a civil engineer or registered sanitarian experienced and recognized as qualified to make and certify such tests.
- b. After the plan is filed, the Board of Health shall, within the time prescribed in the Subdivision Control Law, report to the board, in writing, approval or disapproval of said plan. If the Board of Health disapproves the plan, it shall make specific findings as to which, if any, of the lots shown on the plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report and, where possible, shall make recommendations for the adjustment thereof.

5. PUBLIC HEARING

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the board, notice of which on an approved form shall be given by the board, at the expense of the applicant, as required by the Subdivision Control Law and by mailing a copy to the applicant and to all owners of property abutting upon the land and abutters to abutters within 300-ft. of the property included in such plan as appearing on the most recent tax list.

6. APPROVAL, MODIFICATION OR DISAPPROVAL

- a. After the required hearing, but within the period specified in the Subdivision Control Law of submission of the Definitive Plan, the board shall take final action thereon. It may approve, modify and approve, or disapprove said Plan, as provided by statute. The board may require the engineer-of-record to attend a meeting(s) of the board, provided the board notifies the applicant or his legal representative seven (7) days in advance of the requested attendance.

b. The board shall modify, amend or disapprove a Definitive Plan in which the board makes a finding that the design of storm drains and related installations do not meet the requirements of these Rules and Regulations and the City's Engineering Department.

c. If, in the board's review of the proposed subdivision, it is found that the road(s) and/or intersection(s) shall impose a danger to the health and safety of the public, the board shall modify, amend or disapprove the submitted Definitive Plan, subject to, but not limited to the following:

(1) Proper horizontal alignment; (2) clear site distance for vehicular traffic at intersections; (3) the allowable grade of roadways; (4) dead-ends shall not exceed the distance allowed under these Rules and Regulations; (5) intersections shall incorporate a proper intersection angle, minimum distance between entering streets not directly opposite each other (ft.) and the minimum radius (ft.) Note: the allowed standards for the above reasons are referenced on Table II of these Rules and Regulations.

In addition to the above, the board shall modify, amend or disapprove a Definitive Plan in which the board makes a finding that the design of storm drains and related installations do not meet the requirements of these Rules and Regulations and the City's Engineering Department.

7. CERTIFICATE OF APPROVAL

The action of the board with respect to said Plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by mail to the applicant. If the board modifies or disapproves said Plan, it shall state in its vote the reasons for its action. 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 City Clerk on Form C-1 or C-2 and said clerk has notified the board that no appeal has been filed.

8. PERFORMANCE GUARANTEE

Before endorsement of the approved Definitive Plan of a subdivision, the applicant shall file with the Planning Board a performance guarantee, in a form satisfactory to the board, for the completion of the required improvements specified in Section V of these Rules and Regulations for all lots in the subdivision, the construction of ways and the installation of municipal services.

Approval of the Definitive Plan shall not be deemed to constitute the laying-out or acceptance by the City of any streets within a subdivision.

9. RECORDING OF PLAN AND DISTRIBUTION TO CITY AGENCIES

In the case of approval of a definitive plan by action of the Planning Board, after the expiration of twenty days without notice of appeal to the Superior Court, the plan shall be endorsed and delivered by the Planning Board to the person who submitted such plan.

Prior to endorsement, the Board shall require the applicant to inscribe upon the plan to be recorded, all approved waivers and all conditions of approval, as it shall specify in the certificate of approval filed with the City Clerk. Said conditions shall specify in the certificate of approval filed with the City Clerk. Said conditions shall include, but shall not be limited to, the number of lots approved; that there be no deviation from the approved final grade/topographical plans; if applicable, the words "as per covenant"; and any inscription required under the provisions of any

section of MGL c.41, or such other condition as the Board may require for the plan to be approved.

Within 60 days after the endorsement of the Definitive Plan by a majority of the Board said plan shall be recorded by the applicant at the Middlesex South District Registry of Deeds and in the case of registered land with the recorder of the Land Court.

Within 10 days of recording the applicant shall provide the Board with copies of the recorded plan, certificate of approval and covenant, as the case may be, attested to by the Register of Deeds, and a copy of the receipt provided by the registry showing the recording information thereon. The Board shall make the attested copies available to other city agencies as necessary.

The applicant shall record all pages of the subdivision plan unless the Board requires otherwise in its certificate of approval. The pages to be recorded shall, if necessary, be renumbered consecutively, and submitted to the Board for its endorsement.

Upon recording, the board shall file one print of the Definitive Plan with each of the following: the Building Commissioner, the City Engineer, City Assessor, Board of Health and City Clerk. In accordance with state statute, if the performance of the construction of ways and the installation of municipal services is secured by a covenant, the Building Commissioner shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the board of a copy of the Certificate of Performance (Form F), releasing the lot(s) in question.

Prior to a building permit being issued for any lot secured by a bond or other surety, the way servicing the lot shall have the following required construction items completed:

- The way(s) shall include a bituminous concrete base, with all utility mains and laterals installed.
- Sidewalk(s) constructed to bituminous concrete base and installation of curbing.
- All required street lights shall be installed and operational.

Note: The satisfactory completion of the above construction items shall be per the written approval of the City Engineer.

- All fire hydrants shall be installed and operational.

Note: The satisfactory completion of fire hydrants shall be per the written approval of the Fire Department Chief.

Failure to comply with the procedural and other requirements of these Rules and Regulations may result in rescission of the Approval given hereunder by the Board.

10. CREATION OF COMMITTEES AND SUBCOMMITTEES

The Planning Board shall have the authority to create committees and sub-committees within its membership, for the purpose(s) of studying matters concerned with planning of the City's infrastructure, subdivision control, zoning, and site plan review and report findings of said matters to the Planning Board as a whole. The board may adopt, amend, modify or reject said findings by a majority vote of the entire membership of the board. Hence, the final adoption of

said findings shall be forwarded to the appropriate city agencies, private parties and/or corporations, as formal action of the Planning Board.

11. AMEND OR FAILURE TO COMPLETE PLAN

If the applicant seeks to amend and/or modify an approved Definitive Subdivision Plan, or fails to complete the Subdivision by the approved completion date, said Plan and other required materials shall be submitted to the Planning Board in compliance with the most recently adopted Land Subdivision Rules and Regulations.

III. DESIGN STANDARDS

A. GENERAL

Subdivisions shall be designed in accordance with the following specific standards.

B. STREETS

1. GENERAL SYSTEM AND LOCATION

- a. 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. Proposed streets shall be designed to afford safe access to abutting lots and existing streets, including consideration of traffic factors, such as vision at corners, sight clearance, sight lines, existing obstructions, width of existing streets and similar considerations.
- b. The proposed streets shall conform to the Master Plan, adopted in whole or in part by the board.
- c. 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 traffic.
- d. Streets in the subdivision shall connect to, and be accessible from, a public way or an existing private way open to the public, and in which the applicant has rights for purposes for which ways are intended and commonly used, and which ways are of adequate construction to provide safe and convenient travel for which ways are intended.
- e. There shall be provided at least two (2) recognized means of access, as noted above, for each subdivision, except those comprising only one dead-end street. In the case of an approved definitive subdivision plan under development, the board will not release a surety bond or deposit or in the case of a covenant, issue a release of covenant for a portion or section of the subdivision under development, unless there is provided and constructed first, except for a dead-end street, two means of access to said portion or section.
- f. Proposed streets, which are obviously in alignment with other streets already existing and named shall bear the names of existing streets. The names of all proposed streets shall be subject to the approval of the board.