

CITY OF BEVERLY, MASSACHUSETTS

THE BEVERLY PLANNING BOARD

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

ADOPTED UNDER THE SUBDIVISION CONTROL LAW

CHAPTER 41, M.G.L.



THESE RULES AND REGULATIONS WERE ADOPTED ON 8/19/80

AMENDMENTS THROUGH DECEMBER 2005

	<u>PAGE</u>
SECTION IV. DESIGN STANDARDS	32
A. Streets	32
1. location	32
2. alignment	32
3. width	33
4. grade	33
5. dead-end streets	33
B. Minor subdivisions	34
C. Curb Cuts	35
D. Easements	35
E. Open Space	36
F. Protection of natural and historic features	36
G. Lot Drainage	37
H. Fire Hydrants	37
I. Sidewalks, Grass Plots, Trees	37
J. Utilities	37
SECTION V. REQUIRED IMPROVEMENTS FOR APPROVED SUBDIVISIONS	38
A. General	38
B. Street and Roadway	39
C. Utilities	41
D. Sidewalks	45
E. Curbs and Berms	45
F. Grass Plots	48
G. Trees	48
H. Monuments	49
I. Street Signs and Names	49
J. Street Lights	50
K. Fire Alarm Systems	50
L. Soil/Solid Fill	50
M. Maintenance of Improvements	50
SECTION VI. ADMINISTRATION	51
A. Variation	51
B. Reference	51
C. Filing of Plans	51
D. Building Permit	51
E. Inspections	52
F. Validity	53
G. Modification(s) to Approved Plan	53
TYPICAL ROAD CROSS-SECTION	55
APPENDICES	56

RULES AND REGULATIONS GOVERNING

THE

SUBDIVISION OF LAND

BEVERLY, MASSACHUSETTS

(Adopted under the Subdivision Control Law Chapter 41, G.L.)

PURPOSE

These subdivision regulations are adopted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the City of Beverly by regulating the laying out and construction of ways in subdivisions providing access to the lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and, in proper cases, parks and open areas. The powers of the Beverly Planning Board and the 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 of life and limb in the operation of motor vehicles; for securing safety in case of fire, flood, panic, and other emergencies; for insuring compliance with the applicable Zoning ordinances; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the City and with the ways in neighboring subdivisions. It is the intent of the Subdivision Control Law (under which these regulations are adopted) that any subdivision plan filed with the Beverly Planning Board shall receive the approval of such Board if said plan conforms to the recommendations of the Board of Health and to the reasonable Rules and Regulations of the Beverly Planning Board pertaining to subdivisions of land; provided, however, that such Board may, when appropriate, waive, as provided for in M.G.L. Chapter 41, Section 81-R, such portions of the Rules and Regulations as is deemed advisable.

SECTION I. AUTHORITY

Under the authority vested in the Beverly Planning Board of the City of Beverly by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these amended Rules and Regulations Governing the Subdivision of Land in the City of Beverly. These regulations shall be effective on and after January 23, 2003.

SECTION II. GENERALA. Definitions

ADEQUATE ACCESS. Satisfactory means of actual physical ingress and egress within and without the development to any lot or development by vehicular traffic and by pedestrian traffic. Adequacy of access will be determined by the Planning Board after review of such factors as topography, soil conditions, presence of wetlands, existence of easements, construction methods and legal status of way providing access.

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

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

BEVERLY PLANNING BOARD. Planning Board shall mean a planning board established under Section 81-A of Chapter 41 of the General Laws.

BEVERLY PLANNING BOARD AGENT. City Engineer or consultant authorized by the Beverly Planning Board to review subdivisions and administer regulations.

BOARD OR PLANNING BOARD. Beverly Planning Board.

BUILDER. A person who constructs a building on a lot.

CERTIFIED BY. With respect to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded, certified, or endorsed by the Planning Board shall mean it bears the certification of a majority of planning board members, or of its chairman, or any other person authorized by it to certify or endorse its approval or other action; a majority of planning board members shall sign a written statement naming those persons authorized to certify or endorse the Board's action, and shall record that statement at the Registry of Deeds and the Land Court.

CITY. City of Beverly, unless otherwise specified.

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

FRONTAGE. ~~The~~ The distance between either the points of intersection of the side lot lines and the street right-of-way or the points of intersection of the side lot lines and the rear line of the required front yard extended to the street right-of-way, whichever is smaller (see diagram of FRONTAGE, Appendix). When a lot is bounded by more than one street, any one of them, but only one, may be designated as the frontage street by the owner, provided that that street provides sufficient frontage as required by the Zoning Ordinance; however, in the case of a lot bounded by two streets forming an interior angle of more than one hundred and thirty-five degrees (135°), their combined frontage between lot lines may be used to satisfy the lot frontage requirement.

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

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

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

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

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

PLAN OR DEFINITIVE PLAN. The plan of a subdivision as submitted (with appropriate application) to the Board for approval to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board and such plan when approved and recorded; all as distinguished from a preliminary plan.

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

REGISTRY OF DEEDS. Registry of Deeds shall mean the Registry of Deeds of Essex South District in which the land in question is situated, and, when appropriate, shall include the Land Court. (Section 81-L of Chapter 41 of the General Laws).

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

STREET, MINOR. A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots and may be built to less exacting standards as described in Section IV.B.

STREET, PRINCIPAL. A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the City of Beverly, which will connect communities or which will otherwise carry a heavy volume of traffic.

STREET, SECONDARY. A street which may intersect one or more minor streets and which, in the opinion of the Board, is used or will be used to carry substantial traffic from such minor street(s) or abutting lots to a principal street or community facility, and normally including streets within a

shopping center, industrial park, a large subdivision, a group of subdivisions, and any primary circulation route within such developments, or a street which will connect subdivisions.

SUBDIVISION. Subdivision shall mean the division of a tract of land into two (2) or more lots and shall include a re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided. (See definition of APPROVAL NOT REQUIRED PLANS for definition of what does not constitute a subdivision.)

Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without sufficient frontage or the division of a tract of land on which two (2) or more buildings were standing when the Subdivision Control Law went into effect in the City in which the land lies, into separate lots on each of which one (1) of such buildings remains standing, shall not constitute a subdivision. (Section 81-L of Chapter 41 of the General Laws).

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

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

B. Approved Plan Required

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 for sale of lots in a subdivision, or the construction of ways, or preparation therefor or the installation of utilities and municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted and approved by the Beverly Planning Board as hereinafter provided.

C. Source(s) of Information Required

In those cases in which the land shown on the plan is abutted by land of an owner not the owner of the land as shown, the Board may require a statement from the person who prepared the plan as to the source or sources of the information about the location of boundaries. A separate form for such statement will be furnished by the Board (See Form D - Designer's Certificate, Appendix D).

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

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lots in a subdivision, or elsewhere in the City without the consent of the Beverly Planning Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.

E. Fee

Fees for Approval not Required Plans, Preliminary Subdivision Plans, and Definitive Subdivision Plans are contained in the *Planning Board Regulations Governing Fees and Fee Schedules*, as may be amended from time to time, which are incorporated herein by reference.

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

F. Application by a Corporation

A vote from the Clerk of the Corporation shall accompany submission of Definitive Subdivision Plans certifying authorization of individual(s) to act for the Corporation along with a copy of a recent title search supplied by the owner.

G. Ownership of Property

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

H. Disapproval of Premature Subdivision of Land

The Planning Board shall not approve scattered or premature subdivision of land which would involve danger or injury to health, safety, or property by reason of lack of fire protection,

water supply, sewage disposal facilities, drainage, transportation or other public services or which would necessitate an excessive expenditure of public funds for the supply or maintenance of such services. It shall attempt to provide for the harmonious development of the community, allowing open spaces of adequate proportion for the accommodation of existing and prospective traffic, playgrounds, or other recreational purposes.



SECTION III. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANSA. Plan Believed Not to Require Approval1. Submission of Plan

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and three (3) contact prints, one (1) reproducible mylar copy, the original, and a properly executed Form A, (See Appendix A) to the Beverly Planning Board accompanied by the necessary evidence to show that the plan does not require subdivision approval. Filing fees for a Form A, Subdivision Approval Not Required Plan are found in the *Planning Board Regulations Governing Fees and Fee Schedules*, as may be amended from time to time, which are incorporated herein by reference.

Said plan shall contain the following information:

- a. Identification of the plan by name of owner of record and location of the land in question, cross-referenced to page and parcel number of the Assessor's Maps.
- b. The statement "Approval Under the Subdivision Control Law Not Required," and shall provide sufficient space for the date and the signatures of the majority of the Board.
- c. A locus plan at eight hundred feet (800') to the inch shall be included on the plan.
- d. Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan.
- e. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
- f. Notice of any decision of the Zoning Board of Appeal, including but not limited to, variances and exceptions regarding the land or any buildings thereon.
- g. Abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.

(See Form E, Certified List of Abutters, Appendix E).

- h. Distance to the nearest road or other permanent monument(s).
- i. Location of all existing buildings, including setback and side and rear yard designations.
- j. The scale, date, and name of the Engineer or Surveyor who prepared the Plan.
- k. Location of nearest fire hydrant(s).
- l. Metes and bounds of all existing and proposed boundary lines.
- m. Notation explaining purpose of ANR (details of transactions, making an existing non-conforming lot conforming, etc.)
- n. Notation stating that "endorsement of this plan as one not requiring approval under the Subdivision Control Law is not a determination as to conformance with zoning."

2. Endorsement of Plan Not Requiring Approval

If the Beverly Planning Board determines that the plan does not require approval, it shall, without a public hearing, endorse the plan.

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

3. Submission of Recorded or Registered Plans

Upon recording or registering the final endorsed plan with the Registry of Deeds or Land Court, two (2) copies of the registered or recorded plan shall be submitted to the Planning Department.

4. Electronic Data Submittal

Upon endorsement of plan by the Beverly Planning Board that the plan does not require approval under the Subdivision Control Law and recording or registering the plan with the Registry of Deeds or Land Court, the applicant or owner of record shall forthwith file

with the Beverly Engineering Department GIS Coordinator at no charge or cost to the City of Beverly an electronic file of the final endorsed plan. The files shall be in CAD or GIS format and may be submitted on CD, DVD or by electronic mail. All files shall be submitted to the City of Beverly Engineering Department in accordance with their "Digital Data Submission Requirements" as may be amended from time to time, which are incorporated herein by reference, for purposes of incorporating the data into the City's Geographic Information System.

5. Determination that Plan Requires Approval

If the Beverly Planning Board determines that the plan does require approval under the Subdivision Control Law, it shall so inform the applicant in writing and return the plan. The Beverly Planning Board shall also notify the City Clerk in writing of its action.

B. Preliminary Plan

1. General

A preliminary plan of a subdivision must be submitted for non-residential subdivisions, and may be submitted for residential subdivisions by the applicant; twelve (12) prints size 24" x 36" and ten (10) prints size 11" x 17" of which shall be filed with the Beverly Planning Board, along with an original and a properly executed Form B - Preliminary Plan (see Appendix B). Filing fees for a Form B, Preliminary Plan are found in the *Planning Board Regulations Governing Fees and Fee Schedules*, as may be amended from time to time, which are incorporated herein by reference.

The applicant shall file, by delivery or registered or certified mail, a notice with the City Clerk stating the date of formal submission (submitted plan) for such approval of a Preliminary Plan, accompanied by a copy of a properly executed application Form B. The submission of such a Preliminary Plan will enable the applicant, the Beverly Planning Board, the Board of Health, the Public Works Department, the Police Department, the Fire Department, the Agent to the Beverly Planning Board, and other City agencies and owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared. Therefore it is strongly recommended that a Preliminary Plan be filed in each case. A properly executed application Form B (See Appendix B) shall be filed with the Preliminary Plans submitted to the Beverly Planning Board. (See

Form O Document Control Sheet for the distribution of Plans, Appendix O).

The Beverly Planning Board may extend the forty-five (45) day period permitted by statute between submission of a Preliminary Plan and action thereon upon written request of the applicant. (See Form Q, Extension of Time, Appendix Q).

2. Contents

The Preliminary Plan may be drawn on mylar at a suitable scale, preferably forty feet (40') to the inch. The plan shall be designated as a "Preliminary Plan" and shall provide sufficient information to form a clear basis for discussion of the details of the subdivision and for preparation of the Definitive Plan; the plan shall contain the following:

- a. The subdivision name, if any, boundaries, locus plan, north point, date, scale, legend and title "Preliminary Plan."
- b. The names and addresses of the record owner of the land and the subdivider and the name and address and seal of the registered architect, engineer and land surveyor who made the plan, which shall appear in the lower right hand corner.
- c. The names of all abutters, as determined from the last assessment, unless the applicant shall have more recent knowledge of such abutters. (See Form E Certified List of Abutters, Appendix E).
- d. The existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision, in a general manner.
- e. Major features of the land such as existing walls, fences, monuments, buildings, trees six inches (6") in caliper measured four feet (4') above the ground, wooded areas, outcroppings, ditches, swamps, water bodies and natural waterways.
- f. The proposed system of sewage disposal, water installation hydrants, and drainage, including adjacent existing natural waterways.
- g. The approximate boundary lines of proposed lots, with approximate areas and dimensions.

- h. The names and the approximate location and widths of adjacent streets approaching or within reasonable proximity of the subdivision.
- i. The topography of the land with a five foot (5') contour interval; or, in flat areas, of a two foot (2') contour interval. Water bodies and their elevations shall be shown with the date of measurement.
- j. The proposed names of the proposed streets and a number on each lot on each proposed street.
- k. The profiles of existing grades and approximate proposed finished grades of the roadway and drain and other utilities and showing soil conditions and approximate high ground water levels.
- l. Area of adjoining land and water of the applicant not presently being subdivided.
- m. The zoning classification of land shown on the plan.
- n. Necessary engineering calculations to provide information to the Beverly Planning Board that fire protection, vehicular traffic flow, turning radii, and all other safety precautions are being provided.
- o. Show by shading or other methods the areas on all lots that are to be excavated or filled, and wetlands.

3. Approval

During the discussion of the Preliminary Plan, the complete information required for the Definitive Plan, and the financial arrangements will be developed. The Beverly Planning Board may give such Preliminary Plan approval, with or without modifications or suggestions, after the Board's review of data and comments from the Board of Health, Public Works Department, Police Department, Fire Department, and the City Engineer. Such approval does not constitute approval of the subdivision, but facilitates the preparation of the Definitive Plan and the securing of final approval thereof. One (1) copy of the Preliminary Plan will be returned to the applicant. In the event of disapproval, the Beverly Planning Board shall state the reasons for its disapproval in accord with Section 81-U of Chapter 41. It shall be the applicant's

responsibility to submit or obtain enough data or material to obtain meaningful comments from all parties reviewing said plan.

C. Definitive Plan

1. General

Any person who submits a Definitive Plan of a subdivision (submitted Plan) to the Beverly Planning Board for approval shall file with the Board the following: All items required in paragraphs 1a, 1b, 2, and 3 of this section and the minimum filing fee (See Section II.E) shall be submitted for a Definitive Plan to be "duly submitted" in accord with the General Laws of Massachusetts (See Form O Document Control Sheet for the Distribution of Plan, Appendix O) by the Board and the subdivider.

- a. Twelve (12) prints size 24" x 36" and ten (10) prints size 11" x 17" upon application; one (1) original mylar and one (1) reproducible mylar copy of the final plans for signature following final approval; and one (1) print, size 24" x 36" of the final approved signed plans.
- b. A properly executed application Form C, Application for Approval of a Definitive Plan (Appendix C); Form D, Designer's Certificate (Appendix D); Form E, Certified List of Abutters (Appendix E); and proof of submission of plan to the Board of Health (see Section III.C.4.).

Approval of all plans shall be upon the condition that all ways shown thereon and public utilities required by the Board shall be completed and installed within the time so specified. The Board may decline to approve any plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two (2) years of the date of approval. If the ways in any subdivision are not completed and the utilities aforesaid are not installed within the time so agreed to by the applicant or so required by the Board, no such way shall thereafter be laid out, constructed, completed or opened for public use unless and until a new application is filed with and approved by the Board. Ways or portions thereof not completed within two (2) years from the date of approval by the Board shall thereafter be completed in accordance with the then-in-force construction standards of the Beverly Planning Board.

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

2. Contents

The Definitive Plan shall be prepared by a registered, professional engineer and land surveyor and shall be clearly and legibly drawn in black India ink upon mylar or tracing cloth. There shall be a locus plan at a 1":800' scale. The plan shall be at a scale of one inch (1") equals forty feet (40') or such other scale as the Beverly Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one inch (1") equals forty feet (40') horizontal and one inch (1") equals four feet (4') vertical. All elevations shall be the National Geodetic Vertical Datum of 1988 (NAVD88). Sheet sizes shall be twenty-four by thirty-six inches (24" x 36") including a one-inch (1") border. All plans shall be accompanied by an index sheet at a scale of one inch (1") equals one-hundred feet (100') showing the entire subdivision and adjacent streets and dimensions of the lots and streets and lot numbers. This plan shall indicate the Assessor's Map and Parcel number of the land in question. All Engineers and Surveyors shall certify that they either personally performed or supervised the work shown on the drawings.

The Definitive Plan shall contain the following information:

- a. A title block, appearing in the lower right-hand corner of the plan, showing the name of the subdivision, if any, the date, scale, the names and addresses of the applicant, and the names of the designer, registered architect, engineer and surveyor who made the plan, their seals and signatures.
- b. North arrow, benchmark, and boundaries of the subdivision.
- c. Location and ownership of abutting property as it appears on Form E, Certified List of Abutters (Appendix E) unless the applicant shall have more recent knowledge of such abutters, including all abutting land owned by the applicant not presently being subdivided. A copy of the deed of the land in question shall also be submitted.

- d. Major features of the land, such as existing waterways, swamps, and water bodies, natural drainage courses, walls, fences, buildings, trees six inches (6") in caliper measured four feet (4') above the ground, wooded areas, outcroppings and ditches which exist on or near the site at the time of the survey.
- e. Lines of existing and proposed streets, ways, lots, lot numbers or other designation of each lot, easements, and public or common areas within the subdivision. If the subdivision consists of more than one section, all lot numbers shall be consecutive.
- f. Sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of plan and boundary lines, of all subdivision lot lines including lot frontage on the streets, of the boundary lines of all streets and easements, and the length, radii, tangents, and central angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street lines shall be shown. Adjoining lands of the applicant not included in the subdivision will be shown.
- g. Location of all permanent monuments properly identified as whether existing or proposed.
- h. Location, names, and present widths of streets or private ways bounding, approaching, or within reasonable proximity of the subdivision, showing both roadway widths and rights-of-way widths.
- i. When existing roadways are improved upon or regraded in areas which abut existing homeowners, topographical details at sufficient distances from the roadway layout must be supplied to ensure proper drainage of abutting properties. Proof of slope easements shall be provided prior to plan approval.
- j. Indication of all easements, covenants, or restrictions applying to the land and their purposes, whether or not within the subdivision, including any decision on an appeal or variance or exception made by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.
- k. If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted

on the plan with case numbers and other pertinent references to Land Court procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant.

- l. Suitable space to record the action of the Beverly Planning Board and the signatures of the majority of the Board.
- m. Street address numbers for each lot on a Definitive Subdivision Plan.
- n. A notation that "should the rodent population be displaced (leave its natural habitat) because of land development, then the developer must bear the responsibility of retaining the services of a professional exterminating company to abate the rodent migration problem. This service must adequately solve the problem and must be completed at the expense of the developer."

(Items n through u may be submitted on the same sheet as the Definitive Plan, or on separate sheets.)

- o. Existing profiles of the exterior lines drawn in fine black line, dotted for left and dashed for right side, and proposed profile on the finished centerline drawn in fine black solid line of proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'), or other such scale acceptable to the Beverly Planning Board. At least two (2) bench marks are to be shown on plans and profiles, and grade elevations at every fifty foot (50') station except in vertical curves which shall be at every twenty-five foot (25') station. All existing and proposed intersections and sidewalks shall be shown with all proposed grade elevations calculated. Sufficient subsoil information shall be indicated so as to ascertain soil conditions at proposed sub-base and highest known high water table. Elevations shall be to the national Geodetic Vertical Datum of 1988 (NAVD88). Gradients shall be shown by figures expressed in percent. Water bodies and their elevations shall be shown with the date of measurement.

- p. Existing and proposed topography at two foot (2') contour intervals and, by symbols, the highest known high water mark. There shall also be indicated by differentiating symbols, the contour line four feet (4') above said high water mark.
- q. Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems, storm drains and their appurtenances, and easements pertinent thereto, and dimensions of gutters, including data on borings and percolation tests made, and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the subdivision.

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

- r. Calculations prepared by a Registered Engineer to substantiate proposed drain pipe sizes. The computations shall be based on the current standard of design used by the City Engineer.
- s. Location and species of proposed street trees and location of trees to be retained with trunks over six inches (6") in diameter, measured four feet (4') above the finished ground level, located outside of the street right-of-way line of existing or proposed streets not closer than five feet (5') or more than ten feet (10') from said right-of-way line.
- t. Cross sections typical of each street, roadway and sidewalk to be constructed, including existing soil conditions and high ground water level.
- u. Location of proposed street lights and sidewalks, underground electric lines, and fire alarm systems.
- v. Conceptual design of each utility pump station, and a site plan at the scale of 1" = 20' which shows the layout of the proposed station.
- w. Necessary engineering calculations to provide information

to the Beverly Planning Board that fire protection, vehicular traffic flow, utilities and all other safety precautions are being provided. When deemed necessary, the Planning Board will require that the applicant commission a traffic study to assess the project's impact on the roads and traffic both within and surrounding the development. The City will approve the consulting firm selected by the developer, and the cost of the traffic study will be borne solely by the applicant. The Planning Board will also require, when deemed necessary, the submission of fire flow tests to insure adequate protection from fire."

- x. As a part of the Definitive Plans, there will be submitted an overall Drainage Plan with topographic details for the subdivision and all areas within the total drainage area plus the area of ultimate disposal drawn with India ink on tracing cloth (or other method suitable for reproduction). A separate plan, or a part of the above plan, shall be included for the water system. The above requirements may be on one plan or on two separate plans, with complete details of the drainage and the water system.
- y. Each sheet shall be consecutively numbered as sheet 1, 2, etc. of the total number of sheets.

3. Adequacy of Ways Providing Access to Subdivisions

An analysis of ways providing access to subdivisions, hereinafter referred to as the "street system," shall be prepared for subdivision plans by an engineer or engineers registered in the Commonwealth of Massachusetts having expertise in civil engineering and traffic and transportation engineering. The report(s) shall contain the following information:

A narrative including data to show characteristics of the street(s) providing access to the development measured from the entrance of the development to the nearest cross street. If the distance from the entrance of the development to the nearest cross street is more than 1000 feet, then the required data shall include the first 1000 feet.

- a. Applying the guidelines set forth in Section IV., Design Standards, of these Rules and Regulations, the Planning Board shall determine the adequacy of the street system.
- b. If the Planning Board determines, based on the data submitted, that the street does not meet these guidelines, the Planning Board, in the interest of

the public safety, shall identify those improvements which must be made and shall give written notice to the applicant. The applicant shall propose and describe not less than two alternative designs for improvements to the street system intended to address the inadequacies identified by the Planning Board.

- c. The engineering and cost of construction and implementation of required improvements shall be the full responsibility of the applicant.
- d. The Planning Board may condition a subdivision approval on these improvements being made or legally secured or guaranteed in accordance with the following:
 - 1. Prior to improvement of a street system involving private way(s), the applicant shall show evidence, satisfactory to the Planning Board, of the applicant's right to perform such work. In the event that the applicant does not have the right and cannot obtain the right to make all required improvements, then the applicant shall report these facts to the Planning Board for a determination by the Planning Board of what further action is to be taken. The Planning Board may propose to the City Council that the street(s) be accepted by the City with the undone improvements to be completed by or paid for by the applicant.
 - 2. Prior to any improvement of a street system involving public way(s), The applicant shall receive approval from the City Engineer and other City Boards and other Government Agencies or commissions having jurisdictions over the roadways as applicable. If the applicant does not receive approval to undertake certain improvements then improvements shall be made to the extent of the approvals obtained.
- e. With respect to improvements, which cannot be made by the applicant due to the inability to obtain the necessary approvals, the Planning Board shall be the final arbiter in determining those improvements which are conditions of the subdivision approval.

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

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

5. Review by Other City Officials

The Clerk of the Beverly Planning Board may transmit copies of the Definitive Plan to City Officials other than the Board of Health as follows:

One (1) copy each to the City Solicitor for review of easements and agreements; the Department of Public Works; the Building Inspector; the Fire Department; the Police Department; and the Water Department; and the Salem/Beverly Water Supply Board;

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

- a. City Solicitor as to the form of easements, covenants, and performance guarantees.
- b. Department of Public Works and/or the Beverly Planning Board Agent (City Engineer) as to the design of the street system, location of easements, monuments, drainage system, and, if applicable, the sewage system.
- c. The Fire Department as to location of hydrants, and with regard to safety requirements.
- d. The Police Department as to street safety.
- e. The Water Department and the Beverly/Salem Water Supply Board as to the water system.
- f. Conservation Commission.

6. Soil Survey and Percolation Tests

Where appropriate, the Beverly Planning Board may require, at the expense of the applicant, soil surveys and/or test borings performed under the supervision of a competent geotechnical engineer to establish the suitability of the land for the proposed sewerage disposal system, storm drainage system and proposed street construction. A report prepared by a competent geotechnical engineer and summarizing the results of such soil surveys and tests must be filed with all plans for nonresidential subdivisions or multi-family residences.

7. Public Hearing

Before taking any action to approve, approve with modifications, or disapprove a Definitive Plan, the Beverly Planning Board shall hold a hearing at which parties in interest shall have an opportunity to be heard, in person or by agent or attorney. Notice of the time and place of such hearing and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the City once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land shown on the plan and shown on the most recent tax list.

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

Before final approval of the plan, the applicant shall comply with all applicable regulations and rules of the Department of Public Works and the Board of Health not otherwise covered by these Rules and Regulations. Specific reference is made to the specifications for sewerage systems, which shall conform with the rules and regulations of the Board of Health.

Before final approval of the plan, the applicant shall establish that the lots in the Definitive Plan are in conformity with the City of Beverly Zoning Ordinance, and failure of the lots to comply will be adequate grounds for disapproval of the Definitive Plan (Chapter 41, Section 81-Q of the General Laws, and amendments thereto). The Board may, as a condition of granting a permit under Section 81-Y, impose reasonable requirements designed to promote the health, convenience, safety, and general welfare of the community and to benefit the City. In such event, the Board shall endorse such conditions on the plan to which they relate; or set forth in a separate instrument, attached thereto, to which reference is made on such plan and which shall, for the purpose of the Subdivision Control Law be deemed to be a part of the plan.

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

8. Certificate of Approval

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

If the Beverly Planning Board modifies or disapproves such plan it shall state in its vote the reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the Rules and Regulations and recommendations of the Beverly Planning Board.

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

After the Definitive Plan has been approved and endorsed, the Board shall return the original mylar to the applicant. The applicant in turn shall provide the Board with one (1) full set of the final signed plans.

Refer to Appendix U for statutory review periods. The Beverly Planning Board may extend the ninety (90) or one hundred thirty-five (135) day period permitted by statute between submission of a Definitive Plan and action thereon upon written request of the applicant. (See Form Q, Extension of Time, Appendix Q).

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

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

9. Performance Guarantee

Before endorsement of its approval of a Definitive Plan or Subdivision, the Board shall require that the construction of ways and the installation of municipal services be secured by one, or in part by one and in part by the other, of the methods described in a. or b. below, which method may be selected and from time to time varied by the applicant.

a. Approval with a Certified Check

The applicant shall file a Certified Check or a three-way

agreement in an amount determined by the Beverly Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under "b" hereof. Estimated amounts are noted in Appendices S and T and are revised each year. Such Certified Check, if filed or deposited, shall be accompanied by an appropriate and properly executed agreement prepared in the manner of Form F, G, or such other form as the Board may require, and approved as to form and manner of execution by the City Solicitor and shall be contingent on the completion of such improvements within two (2) years of the date of the approval of the Definitive Plan, or within a reasonable period of time beyond two (2) years as may be approved by the Planning Board. (See Appendices F & G).

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

b. Approval With Covenant

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

c. Developer's Disclosure Agreement

Prior to final approval of a Definitive Subdivision Plan, the Applicant shall prepare and submit a "Developer's Disclosure Agreement" to be referenced on the plan and recorded at the Registry of Deeds for all lots in the subdivision prohibiting conveyance of said subdivision lots. The disclosure agreement may be released only when all individual lot purchasers, with valid Purchase and Sales Agreements, sign and have notarized an "Agreement and Acknowledgement" form available at the Planning Board's office (see Appendix W for sample copies of "Developer's Disclosure Agreement" and lot purchasers' "Agreement and Acknowledgement" forms). The Staff of the Planning Board shall be responsible for administering the Release of Lots. The "Agreement and Acknowledgement" form

shall be prepared by the Applicant and approved by the Planning Board and shall, at a minimum, stipulate the following:

1. That the City of Beverly and the Planning Board of the City bear no responsibility for the speedy completion of utilities and roadways necessary to obtain Occupancy Permits and that this responsibility lies solely with the Applicant (or his successor).
2. That the Applicant has submitted and has received approval of a Performance Guarantee according to Section III.C.8 of this Subdivision Control Law. Said Guarantee insures the completion of construction of ways and the installation of utilities for the subdivision within two years after submittal of the Performance Guarantee or within a reasonable period of time beyond two years as may be approved by the Planning Board.
3. The Buyer of a lot acknowledges that he understands that he will not be able to obtain an Occupancy Permit for the house to be constructed on his lot until the base course of the roadway is constructed and the utilities are installed and are in working order.
4. The Buyer releases, indemnifies, and holds harmless, the City of Beverly from any loss, cost, claim, or damage resulting from the Buyer's inability to occupy the house to be constructed or the failure of the Applicant to complete the subdivision roadways, utilities, and amenities.

10. Reduction of Bond Surety

The amount of any deposit held under clause "8a" above may, from time to time, be reduced by the Beverly Planning Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required by the Board.

11. Release of Performance Guarantee

When all subdivision improvements are complete (and approved drawings are submitted as mandated under Section V), or when a Covenant has been met with respect to any or all lots, the Applicant may send (by Certified or Registered Mail) a written statement detailing the completed improvements (according to Section V) to the City Clerk and the Planning Board. If the

Planning Board, after consultation with the Public Works Department, determines that all improvements are complete, any certified check on deposit which has been posted by the Applicant as a Performance Guarantee (according to the provisions of these Subdivision Rules and Regulations) shall be returned to the Applicant; in the case of a Covenant, the Planning Board will issue a written release of said Covenant on a Release Form (see Form H, Release Form, Appendix H).

However, twenty percent (20%) of the value of the check shall be held by the City to insure maintenance of streets, improvements, and municipal services for eighteen (18) months after completion of construction and installation (completed utility trenches must go through at least one winter season in a condition satisfactory to the Commissioner of Public Works) or until the streets are accepted by the City, whichever comes first; after which date the City shall return the remainder of the bond, if any, to the applicant.

Approximately sixty (60) days before the expiration of the eighteen months, the Beverly Planning Board shall inspect said street or way or portion thereof to determine whether or not defects have developed therein, and determine whether or not it should recommend the release of the final 20%.

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

The owner of record of a subdivision shall be held responsible for all omissions, infractions, and deviations from the approved plans.

Prior to releasing the City's interest in a performance bond or deposit or releasing the covenant, the Beverly Planning Board shall receive from the applicant an As-Built plan and an Acceptance plan (see Sections III.C.11.b. and III.C.12.).

If the Beverly Planning Board determines that said construction or installation has not been completed, it shall specify to the applicant, in writing by registered or certified mail, return receipt requested, the details wherein said construction and installation shall have failed to comply with requirements contained under Section V. Upon failure of the Beverly Planning Board to act on such application within forty-five

(45) days after the receipt of the application by the City Clerk and the Beverly Planning Board, all obligations under the bond shall cease and terminate by operation of law; and deposit shall be returned, and any such covenant shall become void.

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

a. Inspection for Release of Performance Guarantee

Prior to inspection for release of security for performance which was given by bond, tripartite agreement, deposit or covenant, the Applicant shall submit, at the following construction stages, a statement stamped and certified by either a Registered Professional Engineer or a Registered Land Surveyor that the required improvements are built in conformity with these Rules and Regulations, the approved Subdivision Plan, the Standards of the DPW, and the Order of Conditions of the Conservation Commission. If the As-Built Certification of '1' or '2' below is performed by a Registered Land Surveyor, and if any of the required improvements are not in conformity with the approved subdivision plan or the Rules and Regulations, then said RLS Certification and other appurtenant information shall be accompanied by a statement stamped and certified by a Registered Professional Engineer describing the non-conforming construction and a statement, if appropriate or applicable, that in his opinion the described non-conforming construction and/or installation is equal to or better than what is required by the Rules and Regulations, the approved Subdivision Plan, the Standards of the DPW, and the Order of Conditions of the Conservation Commission.

1. Underground Utilities and Drainage: Prior to any backfilling, the Applicant's Registered Professional Engineer or Registered Land Surveyor shall observe and certify that the As-Built location and elevation of all underground utilities including, but not limited to, drainage, water and sewer, conform to the Rules and Regulations and the approved Subdivision Plan. In addition, the Registered Professional Engineer or Registered Land Surveyor shall observe and certify that the location, elevation and grading of the entire drainage system, including drainage easements, swales, retention/detention areas and all visual drainage appurtenances are in conformity with the Rules and Regulations, the approved Subdivision Plan and Order of Conditions. In any instance

where the As-Built construction is not in conformity, the Registered Professional Engineer or Registered Land

Surveyor shall list the exceptions and attach a "red-lined, marked-up print" which shall consist of a print of the approved Subdivision Plan identifying those areas marked in red pencil, wherein the construction and/or installation is inconsistent with either the Rules and Regulations or the approved plan.

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

b. As-built Plan

The Applicant shall submit As-Built Plans drawn with India Ink on Linen or Mylar material certified by his Registered Professional Engineer to show actual locations and grades of all utilities and improvements, and the roadway profile. As-Built "on-the-ground" conditions at time of inspection shall include, at a minimum, the following items to be shown on the As-Built Plan:

- a. Rims and inverts of all drainage structures as they would appear on the Profile Section of the Plan;
- b. Location, size, and type of material for the water main. Indicate spot elevations every 200 feet on the water main to verify vertical installation;
- c. Location of gas mains (and house services if installed);
- d. All underground electrical installations;
- e. Underground cable installation;
- f. Fire alarm wiring, if applicable;

- g. Underground telephone wiring;
- h. Water and sewer services to each individual lot with linear ties to a permanent structure or monument;
- i. Line water gates and ties;
- j. Telephone services to lots;
- k. Cable services to lots;
- l. Curbing - berms and indicate type;
- m. Granite curbs;
- n. Sidewalks and their width;
- o. Granite headers;
- p. Grass Plots and their width;
- q. Any encroachments on private property;
- r. Driveway curb cuts;
- s. Hydrants and water gates;
- t. Utility (telephone/electric) poles and any guys;
- u. Street lights;
- v. Electric Transformers;
- w. All drainage, drainage structures, drainage easements; off-site drainage, appurtenances, pipe sizes and materials. All of this information shall be shown both within the right-of-way and any easement(s). If a drainage channel, swale or brook is part of the drainage, then top and bottom of bank elevations shall be given every 50 feet. If a retention basin is constructed, then enough elevations shall be given to indicate that the retention basin will have the proper staging called for in the approved Plan;
- x. Rims and inverts of all sewer structures;
- y. Any and all other utility appurtenances;

- z. Location of survey monuments;
- aa. Trees which, as specified on the approved plan, were to be retained or planted;
- bb. Landscaping and Planting if required by approved plan;
- cc. Center Line Profile (50-foot stations with high and low points);
- dd. Side slopes and lot grading certification;
- ee. Center Line stationing. Indicate on Plan portion of the As-Built Plan;
- ff. Benchmark;
- gg. Width of roadway layout;
- hh. Width of roadway pavement;
- ii. Location of street signs;
- jj. Typical Title Block;
- kk. Footprint of all houses constructed on all lots in the subdivision.

12. Electronic Data Submittal

Upon recording or registering of the plan with the Registry of Deeds or Land Court and acceptance of the final As-Built and Acceptance Plans by the Beverly Planning Board, the applicant or owner of record shall forthwith file with the Beverly Engineering Department GIS Coordinator at no charge or cost to the City of Beverly: (1) an electronic file of the final approved subdivision plan; and (2) an electronic file of the final As-Built and Acceptance Plans. The files shall be in CAD or GIS format and may be submitted on CD, DVD, or by electronic mail. All files shall be submitted to the City of Beverly Engineering Department in accordance with its "Digital Data Requirements" as may be amended from time to time, which are incorporated herein by reference, for purposes of incorporating the data into the City's Geographic Information System.

13. Acceptance by the City

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

SECTION IV. DESIGN STANDARDSA. Streets1. Location

- a. All streets in the subdivision shall be designed so that in the opinion of the Beverly Planning Board, they will provide safe vehicular travel; natural drainage with no drainage pockets; and an attractive street layout in order to obtain the maximum safety and amenity for future residents of the subdivision; and they shall be in accord with the Rules and Regulations of the Beverly Planning Board.
- b. The proposed streets shall conform in location, so far as practicable, to any existing plans of the Beverly Planning Board; to the Comprehensive Plan or parts thereof adopted by the Beverly Planning Board; and, where required by the Beverly Planning Board, to the existing street system.
- c. Provision satisfactory to the Beverly Planning Board shall be made for the proper projection of streets or for access to adjoining property, whether or not subdivided. To accomplish this, the Board may require a roadway easement and the extension of utilities from the end of a turnaround to adjacent property. If the Board requires such an easement and/or utility extension, language conveying the easement and/or utilities to the City of Beverly in perpetuity shall be submitted to the Board prior to final action on the application.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Beverly Planning Board, such strips shall be in the public interest.

2. Alignment

- a. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.
- b. The minimum centerline radii of curved streets shall be three hundred feet (300').
- c. A tangent at least one hundred fifty feet (150') in length shall separate all reverse curves on principal and secondary streets.

- d. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty degrees (60°).
- e. Property lines at street intersections shall be rounded or cut back to provide for a radius of not less than thirty feet (30'). However, when the intersection of two (2) streets varies more than ten degrees (10°) from a right angle, the radius of the curve at the obtuse angle may be less than thirty feet (30') and the acute angle may be greater than thirty (30') feet to the extent approved or required by the Beverly Planning Board.

3. Width

The minimum width of the right-of-way shall be fifty feet (50'), and the minimum pavement width shall be thirty-two feet (32'), except for minor streets (see Section IV.A.6.).

4. Grade

- a. The centerline grade for any street shall not be less than one percent (1.0%).

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

Secondary streets - six percent (6%)
Principal streets - three percent (3%)

- c. Where changes in grade exceed one percent (1.0%), vertical curves as required by the Board will be provided; and where a grade is five percent (5%) or greater within one hundred fifty feet (150') of the intersection of street right-of-way lines, there shall be provided in a residential subdivision a leveling area of at least seventy-five feet (75') in length, with a maximum grade of three percent (3%), and in all other subdivisions, a leveling area of at least two hundred feet (200') in length, with a maximum grade of two percent (2%), and at all other intersections there shall be a leveling area of at least fifty feet (50') in length.

5. Dead-End Streets

- a. For the purpose of this section, any proposed street which intersects solely with a dead-end street shall be deemed to be an extension of the dead-end street. Dead-end streets and their extensions, if any, shall not be longer than five hundred feet (500') (measured between the sideline of the intersecting

street and the center of the turn-around) unless in the opinion of the Board, a greater length is necessitated by topography or other local conditions.

- b. Dead-end streets shall be provided with a turn-around at the closed end having an outside roadway diameter of at least one hundred feet (100') and a property line diameter of at least one hundred twenty feet (120') unless otherwise specified by the Beverly Planning Board. The Beverly Planning Board may, when potential volume warrants, require a minimum outside roadway diameter of one hundred forty feet (140'), a property line diameter of one hundred sixty feet (160') and the placement of a circular landscaped island with minimum radius of twenty feet (20') at the center of the turn-around, if the dead-end street is not intended to connect with another street at some future point in time. The maximum grade within any cul-de-sac shall be two percent (2%). The Board may require a roadway easement and the extension of utilities from the end of the turnaround to adjacent property. If the Board requires such an easement and/or utility extension, language conveying the easement and/or utilities to the City of Beverly in perpetuity shall be submitted to the Board prior to final action on the application.

B. Minor Subdivisions

A minor subdivision is a private street which, in the opinion of the Beverly Planning Board, may be built to a less exacting standard than otherwise described in these "Rules and Regulations", provided the following are met:

1. Such minor street serves as legal frontage for, or actual access to, not more than six lots.
2. Such minor street shall be no longer than 250 feet. If there is a cul-de-sac, the minor street may be up to 250 feet long from the intersection of a street to the beginning of the cul-de-sac.
3. There will be a covenant concerning the minor street which shall state that such minor street shall remain a private way unless it is both redesigned and improved in accordance with the minimum standards for streets by the owner or owners. In the event water or sewer lines are installed in a minor street, the covenant shall provide that the owner or owners of the minor street shall be solely responsible for the maintenance of the water and sewer installation. The owners of land abutting on a minor street shall maintain and plow said private minor street at their

own expense. This covenant shall be referenced and noted on individual plot plans.

4. Such minor street shall have no connection with, or projection to any street existing or proposed, other than that with which it originates.
5. The design of the minor street shall be as follows:
 - a. Curbs, sidewalks, and street trees are only mandatory in exceptional circumstances.
 - b. Pavement will be a minimum of 24' wide.
 - c. For dead ends, there shall be cul-de-sacs or other turning designs acceptable to the Planning Board. Cul-de-sacs shall be with a minimum right-of-way diameter of 100 feet and may have a 36 foot diameter island, pavement shall be a minimum of eighty-four feet (84').
 - d. The minor street shall be posted as a private way at its entrance or entrances.
 - e. Pavement design and geometrics shall be the same as for a street except as noted in 5 a through 5.d above.
 - f. submission and plan requirements for minor subdivisions shall be the same as for definitive subdivisions.

C. Curb Cuts

1. Driveways shall be at least ten feet (10') wide and have a curb return at the roadway of two feet (2') in radius, and shall have an opening of at least sixteen feet (16') and no greater than twenty-five feet (25') at the gutter line.
2. If driveways slope from the edge of the street right-of-way to the edge of the pavement, there shall be a grade of not less than one percent (1%) but not more than eight percent (8%), but the grade between the sidewalk and the right-of-way shall be only as shown on the Typical Cross Section. (See page 53).

D. Easements

1. Where utilities cross lots or are centered on rear or side lot lines, easements shall be provided with a width of at least twenty feet (20').
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Beverly Planning Board shall require a storm water easement or drainage right-of-way of

adequate width (a minimum of thirty [30] feet) and proper side slope to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purpose.

3. Access easements to park and conservation land shall be provided, if required by the Beverly Planning Board, and shall be at least twenty feet (20') wide.

E. Open Space

1. Before approval of a plan, the Beverly Planning Board may also, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Beverly Planning Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three (3) years. Pedestrian ways, bikeways, or bridle paths of not less than twenty feet (20') in width may be requested where deemed desirable to provide circulation or access to schools, playgrounds, parks, shops, transportation, open spaces and/or community facilities. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purpose of a park and/or playground. The area or areas shall be so located as to serve adequately all parts of the subdivision as approved by the Beverly Planning Board.
2. The Beverly Planning Board may require that the area or areas reserved shall be located and laid out so as to be used in conjunction with similar areas of adjoining subdivisions or of probable subdivisions. Any land so reserved shall be graded to dispose properly of surface water and shall be left in good condition for the purpose intended, as required by the Beverly Planning Board. Land acquired in this manner shall be compensated as provided in Section 81-Q of Chapter 41 of the General Laws.

F. Protection of Natural and Historic Features

Due regard shall be shown for all natural and historic features, such as trees, wooded areas, water courses, scenic points, historic spots, historic buildings, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

G. Lot Drainage

1. Lots shall be prepared and graded in such a manner that development of one shall not cause detrimental drainage on another; if provision is necessary to carry drainage to or across a lot, an easement for drainage of minimum width of thirty feet (30') and proper slope shall be provided. Storm drainage shall be designed in accord with the criteria of the Department of Public Works and in accordance with the Beverly Planning Board.
2. Where required by the Beverly Planning Board or the Board of Health, the applicant shall furnish evidence as to any lot or lots that adequate provision has been made for the proper drainage of surface and underground waters from such lot or lots.

Drawings and engineering calculations shall be prepared by a registered professional engineer showing existing and future drainage patterns and soil and ground water conditions.

H. Fire Hydrants

Hydrants shall be provided at intervals of at least every five hundred running feet (500') on one (1) side of each street. A hydrant may be required at the end of a dead-end street. They shall be of a style approved by the Water Department. All hydrants shall be sited within three (3) feet of the curb, and the 4 1/2" outlet shall be 18" from the ground at finished grade.

I. Sidewalks, Grass Plots, Trees

1. See Typical Cross Section - (Page 53)
2. At the discretion of the Beverly Planning Board, guard rails or fencing shall be required to be installed where steep slopes, bodies of water, rip rap, or other dangerous conditions border or exist close to proposed sidewalks or streets.

J. Utilities

All utilities shall be placed underground at the time of initial construction including electric and telephone.

SECTION V. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISIONA. General

1. It is the intent that no street or way through private property shall be accepted by the City unless the same has been previously constructed and completed in accordance with the Typical Cross Section (Page 53) profile(s) and the following specifications.
2. Unless otherwise specified, all the work and the materials used in the work to be done shall conform to the requirements in the most recent edition of the "Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways, Bridges, Waterways," as amended or revised, hereinafter referred to as the Standard Specifications, as amended, and the Special Provisions included hereinafter. Appropriate illustrations are found in "Commonwealth of Massachusetts, Department of Public Works, Construction Manual Part 3, 1966, as amended".
3. Supplementing the aforesaid Standard Specifications, certain specifications or special provisions shall apply particularly to the work to be done hereunder. References in the following specifications, unless otherwise stated, are to the aforesaid Standard Specifications, amendments or addenda. These specifications and special provisions shall take precedence and shall govern when they are stricter.
4. To facilitate reference, each paragraph in these specifications (where appropriate) is noted with the paragraph number of the particular section as contained in the Standard Specifications.
5. Wherever in the Standard Specifications or other contractual documents the following terms, or pronouns in place of them are used, the intent and meaning shall be interpreted by substitution as follows:

"Commonwealth"	City of Beverly;
"Department"	Engineering Department;
"Engineer"	The Beverly Planning Board of the City of Beverly acting directly or through an authorized representative; such representative acting within the scope of the particular duties entrusted to him.
6. The extent of work required is as shown upon approved plans,

and is in compliance with the Typical Cross Section Plans (Page 53). Stakes shall be set which will indicate the exact amount of cut or fill.

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

A blank space four inches by eight inches (4" x 8") shall be provided on the lower right hand corner on the plan for a title block to be filled in by the applicant. The Surveyor shall place a certification on the plan stating, "The Street (or way or portion thereof) is laid out and the bounds are set as shown on this plan", which shall be dated, signed and the Surveyor's stamp affixed thereon. The plan shall be submitted to the Beverly Planning Board.

9. The applicant shall submit As-Built plans drawn on tracing cloth or mylar certified by his Engineer to show the actual locations and grades of all utilities (including underground electric, telephone and gas installations) and roadway profile and any changes authorized by the Beverly Planning Board.
10. Prior to the final release of any surety, the applicant shall submit with the "Plan of Acceptance" and As-Built plans, certification from a Registered Professional Engineer and Registered Land Surveyor that all construction conforms to the respective plan. Any field work deviations from the plans and the reasons therefor shall also be listed and certified by the Registered Professional Engineer and Registered Land Surveyor.

B. Street and Roadway

1. The roadway shall be graded and prepared for pavement as follows:
 - a. 101 - Clearing and grubbing of the entire area of such street or way shall be performed to remove all stumps, brush, roots, boulders and any like material which may exist upon the surface.

- b. 120 - Roadway earth excavation shall remove all materials encountered down to the true surface of the subgrade, or to suitable material in areas where unsuitable material exists, in preparation for foundations of roadway, sidewalks, driveways, and berms. Approved materials obtained from the excavation may be used in fills as required if, in the opinion of the Beverly Planning Board, they are suitable.
- c. 150 - When, in the opinion of the Beverly Planning Board, suitable material is not available within the limits of the highway location to form the subgrade or sub-base, the contractor shall obtain such additional material as may be approved by the Beverly Planning Board from other sources in accordance with the section (see also Appendix V.).
- d. 170 - The subgrade surface, sixteen and one-half inches (16 1/2") below the finished surface grade, shall be prepared true to the lines, grades and cross sections given and properly rolled. All soft and spongy material below the subgrade surface shall be removed to a depth determined by the Beverly Planning Board and the space thus made shall be filled with special gravel borrow, containing no stones over six inches (6") in their largest diameter.
- e. 401 - Gravel sub-base or foundation containing no stones having any dimensions greater than three inches (3") shall be spread on the surface of the subgrade to a minimum depth of twelve inches (12") in conformity with the requirements of Section M1.03.0 Type b of the Standard Specifications for furnishing gravel borrow. If construction of streets cannot be completed prior to a winter season, all streets in a subdivision shall be levelled prior to the closing of concrete plants in the fall. Levelling shall be done in a manner satisfactory to the Commissioner of Public Works.
- f. 401.60 - Final grading, rolling and finishing, including the shaping, trimming, rolling and finishing of the surface of the sub-base prior to application of gravel for surfacing of the roadway and base courses for walks or loam for berms shall be in accordance with this section and as directed by the Beverly Planning Board.

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

2. Roadways shall be constructed for the full length of all streets within the subdivision and shall have the same curb radius required in Section IV.A.2. The center line of all roadways shall coincide with the center line of the street right-of-way unless a deviation is approved by the Beverly Planning Board. The minimum width of roadway pavement shall be thirty-two feet (32') on a fifty foot (50') right-of-way.
3. 460 - The wearing surfaces of roadways shall be of Class I Bituminous Concrete Pavement, Type I-1, paved in two equal courses with three inches (3") of binder and one and a half inches (1 1/2") of finish when completely rolled and completed. This type of pavement shall be composed of mineral aggregate, mineral filler and bituminous material, plant mixed and laid hot. The pavement shall be constructed upon the prepared surface and in conformity with lines, grades and Typical Cross Section shown on plans. Material and construction methods shall conform to all other requirements of Section 460 of the Standard Specifications except that no such construction shall be undertaken unless the temperature is at least thirty-two degrees (32°) F. in the shade, and rising.
4. 685 - Embankments outside the right-of-way shall be evenly graded and pitched at a minimum slope of three (3) feet horizontal to one (1) foot vertical in fill. When Right of Ways are placed within fifty (50) horizontal feet of abutting land outside the subdivision, the roadway embankments should be pitched at a minimum slope of five (5) feet horizontal to one (1) foot vertical. Where cuts are made in ledge, other slopes may be determined with the approval of the Beverly Planning Board. Where terrain necessitates greater slopes, retaining walls, terracing, fencing, or rip-rap may be used either alone or in combination to provide safety and freedom from maintenance, but must be done in accordance with plans filed with and approved by the Beverly Planning Board. Whenever embankments are built in such a way as to require approval by the Beverly Planning Board, the applicant must furnish to the City duly recorded access easements free of encumbrances for maintenance of the slopes, terraces or retaining walls. All such slopes shall be grassed in accordance with the specifications for the area between the roadway and sidewalk or roadway and boundary of the right-of-way.

C. Utilities

1. 140 - Excavation for structures, including foundations for drains, sewers and water pipes, walls and other structures shall be made to the depth as indicated on the Definitive Plan

or established by the City Engineer or Superintendent of Public Works as appropriate. Rock excavation shall be removed as directed. All utilities shall be covered with a minimum of two (2) feet of clean sand or approved gravel. Blasted rock or boulders greater than one (1) foot in any one dimension shall not be permitted as backfill.

2. 200 - All drain, sewer, gas and water pipes, underground utilities and other structures shall be installed upon the completion of roadway subgrade and before the placing of sub-base, gravel base course, sidewalks or pavement.
 - a. Water
 1. Public water mains shall be Class 150 cement-lined ductile iron pipe of such size as approved by the Water Department and shall not be less than eight inches (8") in diameter. A hydrant shall be located at each street intersection and not more than five hundred feet (500') apart. A hydrant may be required at the end of a dead-end street. All hydrants shall be sited within three (3) feet of the curb.
 2. Each hydrant shall be served directly from the water main through a six inch (6") lateral connection. It shall be gated with a valve box with a six inch (6") valve and shall have two (2) - two and one-half inch (2 1/2") hose outlets, and one 4 1/2" pump outlet. The 4 1/2" hose outlet shall be 18" from the ground at finished grade. Water main valves shall be located in such number and locations that lines by individual blocks may be isolated for maintenance purposes.
 3. The applicant shall provide adequately-sized water pipes to connect to the public water system in accordance with the Beverly Planning Board.
 4. The fire flow for single-family residential projects shall be 1,000 gallons per minute at a residual of twenty (20) pounds per square inch. The Chief of the Beverly Fire Department may require higher fire flow rates for certain projects, to be determined by taking certain variables into consideration: (e.g.: size of structure, elevation of structure, impediments to fire fighting apparatus, construction methods used, and type of use).
 - b. Gas Mains may be installed if gas connection is available.
 - c. Telephone lines shall be installed in underground conduits in conformity with Section 390 of the Standard Specifications.
 - d. Electric Lines shall be installed underground in accord with the regulations of the City Electrician. The Beverly Planning Board may permit transformers, switches and other such equipment to be placed on the ground in approved locations.

e. Sewerage

1. If a public sewerage system is located within one thousand feet (1000') of the subdivision, the applicant shall connect all lots to the public sewerage system in accordance with the Beverly Planning Board at the applicant's expense.
2. If a public sewerage system is planned by the City but not yet constructed, the applicant shall be required to design and install at his cost in the street and to every lot, sewerage laterals which can be connected later to the public sewerage system. In order for the applicant to design and install properly such laterals the City shall be responsible for establishing and providing the applicant, at the applicant's expense, with the necessary plan, specifications and design standards of the proposed public sewerage system.
3. If 1 and 2 above do not apply, the applicant shall design an acceptable sewerage system but may install private on-lot systems in conformance with Board of Health regulations and the City of Beverly Zoning Ordinance.
4. Where public sewers are required, the following design standards shall apply:
 - a. Public sewers shall be designed according to professional engineering practices.
 - b. Public sewers shall not be less than eight inches (8") in diameter, with five inch (5") house laterals.
 - c. Manholes shall be located at every change in grade or horizontal alignment but not more than two hundred and fifty feet (250') apart. Sewer ejector pumps may be permitted at the discretion of the Board.
3. 200, 220, 230 - Adequate disposal of surface and sub-surface water shall be provided and pipes, manholes and catch basins shall be provided according to the sizes and depths as indicated on the plans and in conformity with the requirements of Sections 200, 220, 230 of the Standard Specifications, and shall be built on both sides of the roadway at intervals not to exceed two hundred and fifty feet (250') unless otherwise approved by the Beverly Planning Board, and at such other places as deemed necessary by the Beverly Planning Board to assure the unimpeded flow of all natural watercourses, to assure adequate

drainage of all low points and to provide proper runoff of stormwater. In no instances shall catch basins be located along a driveway cut. Catch basin and manhole frames shall be two feet (2') in diameter or square and be Mass. Standard. There shall be two (2) courses of brick and mortar placed under the frames on all manholes and catch basins.

The standard depth of catch basins shall be two feet, six inches, (2'6") below the invert of lowest drain. Manholes shall be constructed to the required depth at each junction point and as shown on the plan. Pipe culvert and pipe drains shall be in conformity with the requirements of Section 230 for installation of pipes.

Reinforced concrete pipe (used on all cross drains under pavements) shall be installed according to the size as shown on the plans. No backfilling of pipes shall be done until the installation has been inspected by the City Engineer. All drainage trenches shall be filled with clean gravel borrow in accordance with specification 760.

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

Conditions and hydrology shall be made sufficient to predict the probable maximum rates of flow of groundwater

and surface infiltration, and the proposed drainage system should be capable of at least these rates of flow.

- c. If there is evidence that there will be high rates of groundwater infiltration, such as in cuts or in wide flat areas, consideration should be given to installing underdrains to control the probable maximum rate of water inflow.
- d. Care should be taken to prevent placing gravel sub-base material in direct contact with erodible soil which could clog the gravel sub-base and prevent adequate drainage. When such erodible soils (i.e. fine sand, silts, or clays) are at subgrade level, adequate soil or cloth filter material shall be placed between the subgrade and the sub-base gravel.

D. Sidewalks

1. Sidewalks shall be constructed within the subdivision separated from the pavement area by a seeded strip, as provided in subsection F.
2. The sidewalk shall extend the full length of each side of the street and shall be a minimum width of five feet (5').
3. 700 - Bituminous concrete sidewalks having a minimum thickness of two and one-half inches (2 1/2") after compression, shall be constructed on a twelve inch (12") gravel foundation to the required lines and grades in accordance with these specifications.
4. 700 - If concrete sidewalks are desired, they shall be constructed as directed by the City Engineer in conformity with this section of the Standard Specifications.
5. In the case that the Beverly Planning Board grants either a partial or full waiver of the requirement for sidewalks; the developer shall contribute funds, in an amount to be determined by the Beverly Public Works Commissioner which shall equal the cost of the waived portion of sidewalk, into the City's sidewalk fund. These contributions for waived sidewalks shall be used only for sidewalk improvements in the Ward in which the Subdivision is being proposed. The Planning Board shall not require an "in lieu of" payment for sidewalks if the project has been submitted as a "Minor Subdivision".

E. Curbs and Berms

1. Straight face granite curbs of six inches (6") in height shall

be provided along each side of the roadway.

- a. Straight face granite curbing shall be required on cul-de-sacs, intersection radii, and any other areas as determined by the Beverly Planning Board.
 - b. A six foot (6') granite curb inlet shall be installed at each catch basin.
2. All granite curbing and edging shall be basically light gray in color, free from seams and other structural imperfections or flaws which would impair its structural integrity, and of a smooth splitting appearance. Natural color variation characteristic of the deposit from which the curbing is obtained will be permitted.

When curbing is sawed, all surfaces that are to be exposed shall be thoroughly cleaned of any iron rust or iron particles by sand blasting or other approved methods satisfactory to the Engineer and any saw mark in excess of 1/8 inch shall be removed.

3. Massachusetts D.P.W. Handbook Specifications for VA-4 and SA granite curbing shall be adopted for use on streets and driveway openings. If, however, pursuant to appropriate regulations of the Planning Board, SA curbing is allowed by special waiver, (granted by the Planning Board), then MDPW specifications for such curbing shall be adopted.

(M9.04.1) Granite Curb

The stones for the several types of granite curb shall be cut to the dimensions and curvature hereinafter stated:

Type	Min Length	Width At Top	Depth	Minimum Width at Bottom
VA1	6 feet	7"	17-19"	4" (for 2/3 length)
VA2	6 feet	7"	19-21"	4" (for 2/3 length)
VA3	6 feet	6"	19-21"	4" (for 2/3 length)
**VA4	6 feet	6"	17-19"	4" (for 2/3 length)
VA5	6 feet	6"	See Plans	5" (for 2/3 length)
VB	3 feet	5"	15-17"	3 1/2" (for 2/3 length)

Except for the two (2) following special conditions, ten percent (10%) of the length of each type of VA curb installed on the project may consist of stones no more than six inches (6") shorter than the length specified in either table.

- a. Stones used in making closures may be as much as one third shorter than specified in either table.

- b. On curves with radii greater than 100 feet but less than 500 feet, type VA stones may be from four feet (4') to not more than six feet (6') in length.

Type VA stones to be set on a radius of 100 feet or less shall be cut unless otherwise directed and except for making closures shall be of minimum lengths as follows:

<u>Radius</u>	<u>Minimum Length</u>
50 feet to 100 feet	6 feet
25 feet to less than 50 feet	4 feet 6 inches
Less than 25 feet	3 feet

Type VA Curb. This type of curbstone shall have a top surface free from wind, shall be peen hammered or sawed to an approximately true plane, and shall have no projections or depressions greater than 1/8 inch. The front and back arris lines shall be pitched straight and true and there shall be no projection on the back surface for 3 inches down from the top which would exceed a batter of 4 inches in 1 foot, except on VA5 the back surface shall have no projection or depression greater than 1-1/2 inches.

The frontface shall be at right angles to the planes of the top and ends and shall be smooth quarry split, free from drill holes and with no projection of more than 1 inch and no depression of more than 1/2 inch measured from the vertical plane of the face through the arris or pitch line for a distance down from the top of eight inches for types VA1 and VA4, ten inches for VA2 and VA3, and the full depth of VA5. For the remaining distance there shall be no projection or depression greater than one inch measured in the same manner.

The ends of all stones shall be square with the planes of the top and face so that when the stones are placed end to end as closely as possible no space shall show in the joint at the top and face of more than 1/2 inch for the full width of the top and for eight inches down on the face for Type VA1 and VA4, ten inches for VA2 and VA3, and the full depth of VA5; after which the end may break back not over eight inches from the plane of the joint. The arris formed by the intersection of the plane of the joint with the planes of the top and exposed faces shall have no variation from the plane of the top and exposed faces greater than 1/8 inch.

Type SA Edging. The exposed face shall be smooth quarry split to an approximately true plane having no projections or

depressions which will cause over one inch to show between a two-foot (2') straight-edge and the face when the straight-edge is placed as closely as possible on any part of the face.

If projections on the face are more than that specified they shall be dressed off. The top and bottom lines of the face shall be pitched off to a straight line and shall not show over 1/2 inch between stone and straight-edge when straight-edge is placed along the entire length of the top and bottom lines and when viewed from a direction at right angles to the plane of the face, and for the top line only not over 1/2 inch when viewed from a direction in the plane of the face. The ends shall be square to the length at the face and so cut that when placed end to end as closely as possible no space shall show in the joint at the face of over 3/4 inch, except that where the edging is to be used on a curve having a radius of ten feet or less the ends of the stones shall be so cut as to provide a finished joint at the face of not more than 1/2 inch. The arris formed by the intersection of the plane of the face with the plane of the end joint shall not vary from the plane of the face or the plane of the joint more than 1/4 inch. Drill holes may show on the exposed face but only along the bottom edge. The sides shall not be broken under the square more than four inches and the side adjacent to the grass shall not project over one inch.

F. Grass Plots

1. A grass plot shall be provided on each side of each roadway between the pavement and sidewalk areas, and shall occupy all the remaining area.
2. The slope of the grass plot shall be as shown on the profiles and Typical Cross Section (page 53).
3. Street light stanchions and street lights shall be located in the grass plot, but shall not be nearer than twenty-five (25) feet from the intersection of two (2) streets, measured from the intersection of the tangents of the intersecting street curb lines.

G. Trees

1. Street trees of species approved by the Planning Board shall be planted on each side of each street (at least two [2] per lot) in a subdivision, except where the Definitive Plan shows trees to be retained which are healthy and adequate. Such trees shall be located outside of the right-of-way as shown in the Profile and Typical Cross Section (page 53), they shall be placed at approximately fifty foot (50') intervals and shall be at least

twelve (12') feet in height, two (2) inches in caliper measured four feet (4') above the approved grade, and shall be planted in at least one-half (1/2) cubic yard of topsoil.

2. All deciduous street trees shall be clear of any branches from the approved grade level to a point seven (7) feet above level.
3. The developer will be liable for all trees so planted as to their erectness and good health for eighteen (18) months after acceptance.
4. All cut bankings must be planted with a low growing shrub and wood chipped to a minimum depth of six (6) inches or seeded with a deep rooted perennial grass to prevent erosion.

H. Monuments

1. Granite monuments shall be installed on street lines at all points of curvature and at all points of change in direction.
2. Monuments shall be installed at all other points where, in the opinion of the Beverly Planning Board, permanent monuments are necessary.
3. Monuments shall be a standard permanent granite of not less than four (4) feet in length and not less than six (6) inches in width and breadth and shall have a one-half by two inch (1/2" x 2") drill hole in the center of the top surface. Said monuments shall be installed at the time of the final grading with the top flush with the top final graded surface.
4. The placement and accurate location of those markers shall be certified by a Registered Land Surveyor and properly located on the street Acceptance Plan.

I. Street Signs and Names

1. Upon completion of the first house, reflective street signs shall be installed at each intersection to conform to the standard established by the Department of Public Works.
2. Street names shall be approved by the City Council with review by the Police Department and Fire Department to prevent duplication and confusion and to provide names in keeping with the character of the City.
3. From the time of final grading until such time as each street is accepted by the City as a public way, the sign posts at the intersection of such street with any other street shall have affixed thereto a sign designating such street a private way.

J. Street Lights

1. Street lights shall be installed to conform to the type and style as required by the City Electrician.
2. Street light stanchions shall be located at such intervals as required by the Beverly Planning Board in the rear grass plot, as provided in Section V.F. and shall be installed in accord with the procedure required by the City Electrician.

K. Fire Alarm Systems

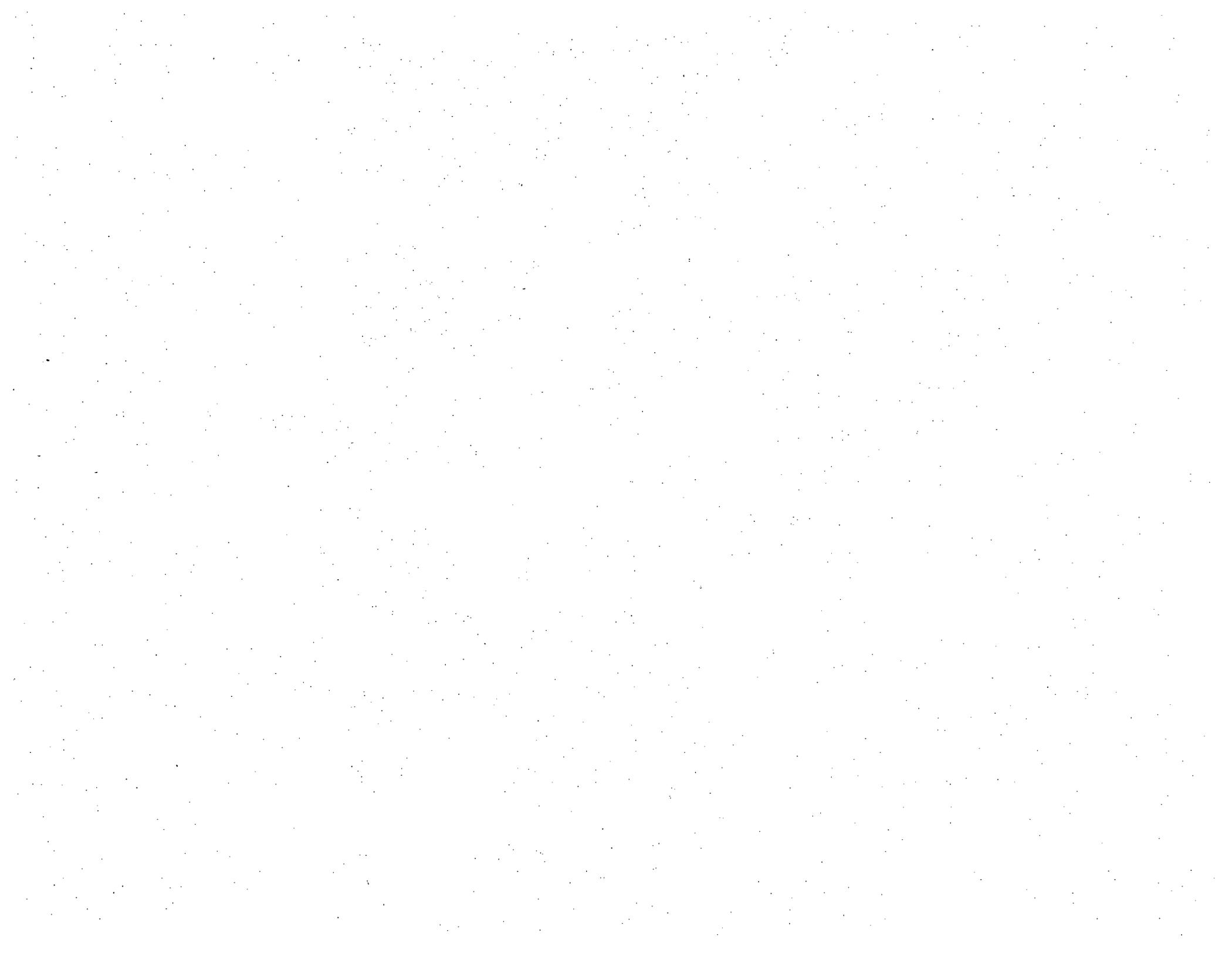
Fire alarm systems of design and construction approved by the City Electrician and Fire Prevention Bureau, shall be required along streets in the subdivision in conformity with specifications, publication #73, of the National Fire Protection Association. Specifications for the installation of same may be obtained at the City Electrician's Office.

L. Soil/Solid Fill

Before the disposal of soil/solid fill is introduced on a site from locations both within and without the City of Beverly, a valid site assignment from the Beverly Board of Health must be obtained (see Appendix V). A notation to this effect must be added to the plan.

M. Maintenance of Improvements

For the purpose of protecting the safety, convenience and welfare of the City's inhabitants, for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for reducing the danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; under the authority of Chapter 41, Section 81-M as amended, the applicant or his successor shall provide for the proper maintenance and repair of improvements under this Section of the Rules and Regulations during the construction of said improvements or until the City votes to accept such improvements whichever comes first.



SECTION VI. ADMINISTRATIONA. Variation

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Beverly Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law, (See Section V.D.5 (Sidewalks) for "in lieu of" payments for waivers of the sidewalk requirement).

B. Reference

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

C. Filing of Plans

Approval of any definitive subdivision plan is subject to the condition that, unless an appeal has been taken from such approval as provided by M.G.L. Chapter 41, Section 81-BB, the subdivider will record the definitive plan in the Essex South District Registry of Deeds or the Land Court within six (6) months of the date of its approval, or within twelve (12) months of approval if accompanied by a Certificate of No Amendment/Rescission from the Planning Board (see M.G.L. Chapter 41, Section 81-X). Approval is also conditioned upon the subdivider certifying to the Planning Board, in writing, within thirty (30) days of recordation that the plan has indeed been recorded with the Registry of Deeds or the Land Court giving the date it was recorded and the plan book and page number or certificate number. Failure to file said plan shall render any approval null and void.

D. Building Permit

1. No building shall be erected within a subdivision without written permission from the Beverly Planning Board by Release Form H, or other approved form (Appendix H).
2. The Building Inspector shall not issue any permit for the erection of a building until he is first satisfied that the lot on which the building is to be erected is not within a subdivision or that a way furnishing the access to such lot as required by the Subdivision Control Law is shown on a plan recorded under Chapter 41 of Section 81-X, as amended, and that any condition endorsed thereon limiting the right to erect or maintain buildings on such lot had been satisfied or waived by the Board, and in the event that more than one building for dwelling

purposes will be erected or placed or converted to use as such on any lot, that the Building Inspector is satisfied that consent has been obtained from the Beverly Planning Board in accord with Section II.D. of these Rules and Regulations, Chapter 41, Section 81-Q, and amendments thereto.

E. Inspections

1. Inspections shall be arranged by the applicant with the City Engineer for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at each significant construction stage.
2. Inspection shall be requested in writing at least forty-eight (48) hours in advance of each inspection to the Beverly Planning Board.
3. Inspections shall be made by the City Agent, unless otherwise indicated, for each of the following:
 - a. Satisfactory excavation.
 - b. Satisfactory laying and testing of water and sewer mains, hydrants, and related equipment.
 - c. Satisfactory location of gas mains and related equipment (by the Gas Company).
 - d. Satisfactory installation of surface and subsurface drainage systems and related equipment.
 - e. Satisfactory filling.
 - f. Satisfactory compaction.
 - g. Satisfactory installation of electric lines and related equipment.
 - h. Satisfactory location of telephone lines and related equipment.
 - i. Satisfactory completion of the pavement.
 - j. Satisfactory placing of curbs and gutters.
 - k. Satisfactory construction of sidewalks.
 - l. Satisfactory finish grading of grass plots.

- m. Satisfactory installation of monuments.
 - n. Satisfactory grading of lots.
 - o. Satisfactory planting of street trees.
 - p. Satisfactory final clean-up.
4. The Beverly Planning Board may establish the order of the required inspection and may require satisfactory completion of one step before the applicant proceeds to the next. It may require tests to be done by the applicant as a condition of approval, when in the opinion of the Beverly Planning Board, it is advisable.
 5. The proper City official shall indicate on Form N, Inspection Form (Appendix N), provided by the Beverly Planning Board the date of inspection and the approval and shall file such form with the Beverly Planning Board.
 6. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the applicant or rescission of the approval of the plan in accord with Chapter 41, Section 81-W of the General Laws of Massachusetts.
 7. The Commissioner of Public Works or his duly authorized agent may stop the progress of the entire work in the installation of utilities and streets within the subdivision, until corrections are completed.
 8. The Commissioner of Public Works may require that an R.P.E. (Registered Professional Engineer) be available at the applicant's expense during the construction.

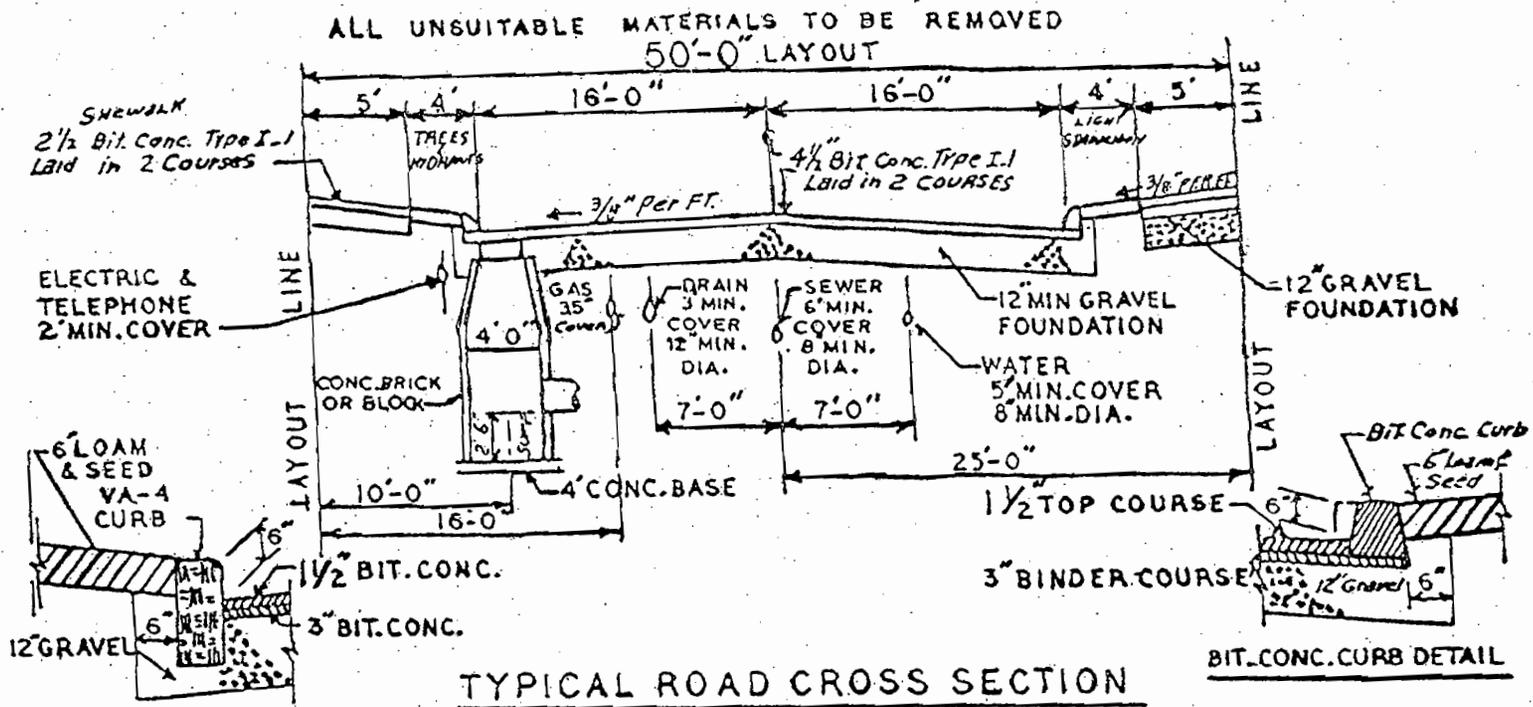
F. Validity

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

G. Modification(s) to Approved Plan

No changes, alterations, or modifications shall be made to any

aspect of an approved definitive plan without resubmission to and approval from the Planning Board in accordance with M.G.L. Chapter 41, Sections 81-O and 81-W. The applicant shall be held responsible for all omissions, infractions, and deviations from the approved plans.



GRANITE CURB DETAIL

N.T.S.

BIT-CONC. CURB DETAIL

NOTES:

- 1 BITUMINOUS CONCRETE BERM FORM TO BE APPROVED BY CITY ENGINEER.
- 2 ALL TRENCH BACKFILL FOR UTILITIES TO BE APPROVED BEFORE USED.
- 3 WATER MAINS TO BE GATED ALL WAYS AND LINE GATES NOT OVER 100 FT. APART & IN ALL DIRECTIONS AT EACH INTERSECTION.
- 4 WATER MAINS TO BE D.I.C.L. OR C.I.C.L. CLASS 150.
- 5 HYDRANTS TO HAVE 6 INCH GATE LOCATE 3 FT. FROM HYDRANTS. BRANCHES TO BE 6 INCH CLASS 150.
- 6 GRANITE BOUNDS (6 SQ BY 4 MIN.) TO BE SET AT ALL P.C. BENDS AND ON STRAIGHTWAYS NOT OVER 500 FT. APART, SET FLUSH WITH SIDEWALK.
- 7 GRADE AND ALIGNMENT STAKES SHALL BE SET ACCURATELY FOR EACH UTILITY AND FOR THE ROAD CONSTRUCTION.
- 8 SUBDRAINS SHALL BE INSTALLED AS REQUIRED BY THE CITY ENGINEER.



APPENDICES

The following forms are being used with the approval of the Beverly Planning Board and may subsequently be revised.

APPENDIXPAGE

A	Form A - Application for Endorsement of Plan Believed Not to Require Approval	57
A-1	Form A-1 - Application for Waiver of Frontage Requirement	63
B	Form B - Application for Approval of a Preliminary Plan	65
C	Form C - Application for Approval of a Definitive Plan	67
D	Form D - Designer's Certificate	70
E	Form E - Certified List of Abutters	71
F	Form F - Performance Bond secured by Deposit	72
G	Form G - Covenant	74
H	Form H - Release Form	77
I	Form I - Conveyance of Easements and Utilities	79
J	Form J - Referral Form	82
K	Form K - Control Form	83
L	Form L - Public Hearing Notice	85
M	Form M - Receipt of Subdivision Plan	86
N	Form N - Inspection Form	87
O	Form O - Document Control Sheet	88
P	Form P - Mortgages Acquired after submission	89
Q	Form Q - Extension of Time	90
R	Form R - Applicant Signature Information	91
S	Construction Cost Estimating Data (1989)	93
T	Underground Electrical Cost Estimating Data (1989)	94
U	Statutory Review Periods	95
V	Board of Health Soil/Solid Fill Regulations	96
W	Sample Developer and Lot Owner "Agreement and Acknowledgement" Form	100
	SUMMARY OF AMENDMENTS TO THE SUBDIVISION RULES AND REGULATIONS SINCE 1981	105

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD
FORM A

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

File three (3) completed forms with the Beverly Planning Board together with the mylar, a mylar reproducible, three (3) prints, a \$100.00 filing fee to adjust lot lines or \$200.00 filing fee per lot created, and copies of any decisions of the Zoning Board of Appeals. One (1) completed form will also be filed with the City Clerk. See attached "Instructions for Plans."

_____ 20
(Date of Filing)

_____ 20
(Received by)

Amount Paid _____

To the Beverly Planning Board:

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

Name of Owner: _____

Address: _____ Tel. #: _____

Name of Applicant: _____

Address: _____ Tel. # _____

Name of Surveyor: _____

Address: _____ Tel. # _____ (Registration #)

Deed of Property Recorded In: _____ Registry

Book Number: _____

Page Number: _____

City of Beverly Assessor's Map Number: _____ Parcel #'s: _____

Location and Description of Property: _____

Reason plan does not constitute a subdivision: _____

Has the person, corporation, or other legal entity making this application ever, within the ten (10) years preceding the date of this application:

1. Been convicted of a crime related to the construction or development of real property?

Yes _____ or No _____

2. Suffered the suspension or revocation of any construction or development related permit or license?

Yes _____ or No _____

3. Been subjected to a fine or other penalty for any construction or development related offense?

Yes _____ or No _____

If the answer to any of the above questions above is "yes", any member of the Beverly City Council may request that the applicant explain the circumstances of any such conviction, suspension, revocation, fine, or penalty at a public hearing called for that purpose in accordance with City Council Order #14 of 1999.

Signature of Applicant or Agent: _____

Address: _____

Signature of Owner if not Applicant: _____

Address: _____

.....

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

Signed: _____

For the Beverly Planning Board:

(date)

The Beverly Planning Board determined on _____ that this plan does, in fact, constitute a subdivision. (Section 81P, Chapter 41, General Laws). Notification of said determination sent to City Clerk and Applicant on _____.

INSTRUCTIONS FOR PLANS
BELIEVED NOT TO REQUIRE APPROVAL UNDER
THE SUBDIVISION CONTROL LAW
"ANR'S"

SUBMISSION REQUIREMENTS

Applicant who believes that his plan does not require approval under the Subdivision Control Law shall submit the following to the Beverly Planning Board:

1. one (1) mylar original
2. one (1) mylar reproducible
3. three (3) prints
4. three (3) fully-executed form A's
5. \$100.00 filing fee to adjust lot lines or \$200.00 filing fee per lot created (checks should be made payable to the City of Beverly)
6. copy of any decisions (s) of the Zoning Board of Appeal, including, but not limited to, variances and exceptions regarding the land or any buildings thereon

PLAN REQUIREMENTS

Plans submitted as "ANR's" must contain the following information:

1. Identification of the plan by name of owner of record and location of the land in question, cross-referenced to page and parcel number of the Assessor's Maps.
2. The statement "Approval Under the Subdivision Control Law Not Required," and shall provide sufficient space for the date and the signatures of the majority of the Board.
3. A locus plan at eight hundred feet (800') to the inch shall be included on the plan.
4. Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan.
5. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the Applicant shall be shown.
6. Notice of any decision of the Zoning Board of Appeal, including, but not limited to, variances and exceptions regarding the land or any buildings thereon.

7. Abutters from the latest available Assessor's records unless the Applicant has knowledge of any changes subsequent to the latest available Assessor's records. (See Form E, Certified List of Abutters, Appendix E).
8. Distance to the nearest road or other permanent monument(s).
9. Location of all existing buildings, including setback and side and rear yard designations.
10. The scale, date, and name of the Engineer or Surveyor who prepared the Plan.
11. Location of nearest fire hydrant(s).
12. Metes and bounds of all existing and proposed boundary lines.
13. Notation explaining purpose of ANR (details of transactions, making an existing non-conforming lot conforming, etc.)
14. Notation stating that "endorsement of this plan as one not requiring approval under the Subdivision Control Law is not a determination as to conformance with zoning."

PROCEDURE

Upon receipt of an ANR filing which meets all the submission and plan requirements listed above, the Planning Department will date stamp the Applications. Applicant will file one copy of the stamped Application with the City Clerk.

As required by M.G.L. Chapter 41, Section 81-P, the Planning Board has twenty-one (21) days from the date of filing to review the plan. If the Planning Board determines that the plan is indeed an ANR, it will, without a public Hearing, endorse the plan and return it to the Applicant for recording. (*NOTE: Endorsed plans must be recorded at the Registry of Deeds within six (6) months of being signed. If for some reason the plan does not get recorded within six (6) months, certification of vote must be obtained from the Planning Board – contact Planning Staff for more information.) Upon recording or registering the final endorsed plan with the Registry of Deeds or Land Court, two (2) copies of the registered or recorded plan shall be submitted to the Planning Department.

Upon endorsement of plan by the Beverly Planning Board that the plan does not require approval under the Subdivision Control Law and recording or registering the plan with the Registry of Deeds or Land Court, the applicant or owner of record shall forthwith file with the Beverly Engineering Department GIS Coordinator at no charge or cost to the City of Beverly an electronic file of the final endorsed plan. The files shall be in CAD or GIS format and may be submitted on CD, DVD or by electronic mail. All files shall be submitted to the City of Beverly Engineering Department in accordance with their "Digital Data Submission Requirements."

If the Planning Board declines to endorse the plan as an ANR, it will so inform the Applicant and City Clerk in writing, and will return the unsigned plan to the Applicant. If the Board determines that subdivision approval is required, Applicant may either:

- a. submit a Definitive Subdivision Plan (or, when required, a Preliminary Subdivision Plan) to the Planning Board for review; or
- b. appeal the Planning Board's decision in the manner provided in M.G.L. Chapter 41, Section 81-BB.

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM A - 1: FRONTAGE WAIVER

APPLICATION FOR WAIVER OF FRONTAGE REQUIREMENT - Filing Fee: \$100.00

TO THE PLANNING BOARD:

The undersigned represent(s) that he/she is (are) the owner(s) of a certain parcel of land located at _____ which he/she propose(s) to divide into _____ lot(s), as depicted on the accompanying plan; and hereby petitions the Planning Board to waive, to the extent shown on the submitted plan, the frontage requirements of the City of Beverly Zoning Ordinance and Planning Board's Subdivision Rules and Regulations pursuant to the authority of M.G.L. Chapter 41, Section 81-R for the following reason(s):

Name of owner(s): _____

Address of owner(s): _____

Telephone number: _____

Name of surveyor: _____

(registration #)

Surveyor's address: _____

Deed of property recorded in _____ Registry of Deeds,

Book & Page#: _____

Location of property: _____

Assessor's Map/Lot#: _____

Zoning Designation(s): _____

Date of filing: _____

Signature of owner(s) or representative _____

Plan Requirements

1. Identification of the plan by name of owner of record, and location of the land in question, cross-referenced to page and parcel number of the assessors' maps.
2. A locus plan at eight hundred feet (800') to the inch shall be included on the plan.
3. Zoning classification and location of any zoning district boundaries that may lie within the locus;
4. Notice of any decision of the zoning board of appeals, including but not limited to variances and exceptions regarding the land or any buildings thereon
5. Distance to the nearest road or other permanent monuments
6. Location of all existing buildings, including setback and side and rear yard designations
7. The scale, date, and name of the engineer or surveyor who prepared the plan (plan must also include registration stamp)
8. Location of nearest fire hydrant(s)
9. Metes and bounds of all existing and proposed boundary lines
10. The statement "Approved Under the Subdivision Control Law M.G.L. Chapter 41, Section 81-R" and sufficient space for the date and signatures of the majority of the Board
11. Location, size, and identity of all utilities servicing the lots.

CITY OF BEVERLY, MASSACHUSETTS BEVERLY PLANNING BOARD - FORM B

PRELIMINARY PLAN OR MODIFICATION OF A PRELIMINARY PLAN APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN OR MODIFICATION OF A PRELIMINARY PLAN

File one (1) completed form with the Beverly Planning Board together with the original and twelve (12) copies of the plan in question, ten (10) additional copies of plans, size 11" x 17"; and a filing fee of: Residential: <10 lots, \$500 plus \$25 per lot created; >10 lots, \$1,000, plus \$25 per lot created; Commercial: \$1,000, plus \$25 per acre; Modification: 1/2 of original filing fee. File a copy of the Form B with the City Clerk in accordance with Section III, B-1.

_____ 20 _____ 20
(Date of Filing) (Received by)

To the Beverly Planning Board:

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

by _____ dated _____

Being land bounded as follows: _____

hereby submits said plan as a **Preliminary** Subdivision Plan in accordance with the Rules & Regulations of the Beverly Planning Board and makes application to the Board for approval of said plan:

The undersign's title to said land is derived from _____

by deed dated _____

and recorded in the Essex South District Registry of Deeds Book _____ Page _____

registered in the Essex South District Land Court, Certificate of Title No. _____ and

shown on City of Beverly Assessor's Map Number: _____ Parcels: _____

Has the person, corporation, or other legal entity making this application ever, within the ten (10) years preceding the date of this application:

1. Been convicted of a crime related to the construction or development of real property?
Yes _____ or No _____
2. Suffered the suspension or revocation of any construction or development related permit or license?
Yes _____ or No _____
3. Been subjected to a fine or other penalty for any construction or development related offense?
Yes _____ or No _____

If the answer to any of the questions above is "yes", any member of the Beverly City Council may request that the applicant explain the circumstances of any such conviction, suspension, revocation, fine, or penalty at a public hearing called for that purpose in accordance with City Council Order #14 of 1999.

Signature of Applicant or Agent: _____

Address: _____

Signature of Owner if not Applicant: _____

Address: _____



(For Office Use Only)

Action taken: _____

_____ Date: _____

**CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD
FORM C**

**DEFINITIVE PLAN
APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN
OR MODIFICATION OF DEFINITIVE PLAN**

File one completed form with the Beverly Planning Board together with the originals, one reproducible copy and twelve (12) copies of the plan in question, ten (10) additional copies of plans, size 11" x 17", and file a copy of Form C with the City Clerk in accordance with Section III, C-1. See attached "Regulations Governing Fees and Fee Schedules."

See Form R for applicant signature information.
This form is to be accompanied by Forms D and E.

_____ 20 _____ 20
(Date of Filing) (Received by)

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

_____ Section: _____ Sheets: _____

by _____ dated: _____

Being land bounded as follows: _____

Hereby submits said plan as a DEFINITIVE Subdivision Plan in accordance with the Rules and Regulations of the Beverly Planning Board and makes application to the Board of Approval of said plan.

The undersigned's title to said land is derived from _____

By deed dated _____ and recorded in the Essex South District Registry of Deeds Book _____ Page _____ registered in the Essex South District Land Court, Certificate of Title No. _____ and shown on City of Beverly Assessor's Map

Number: _____ Parcels: _____ and said land is free of encumbrances except for the following:

Said plan has () has not () evolved from a Preliminary Plan submitted to the Board on _____ 20 ____ and approved () with modifications () disapproved () on _____ 20 ____.

The undersigned hereby applies for the approval of said DEFINITIVE Plan by the Board and in furtherance thereof hereby agrees to abide by the Board's Rules and Regulations. The undersigned hereby further covenants and agrees with the City of Beverly upon approval of said DEFINITIVE Plan by the Board:

1. To install utilities in accordance with the Rules and Regulations of the Beverly Planning Board, the Public Works Department, Fire Department and Police Department and all general as well as Zoning Ordinances of said City, as are applicable to the installation of utilities within the limits of ways and streets;
2. To complete and construct the street or ways shown thereon in accordance with Section V of the Rules and Regulations of the Beverly Planning Board and the approved DEFINITIVE plan, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole part of said land, and assigns of the undersigned; and
3. To complete the aforesaid installations and construction within two (2) years from the date of approval.

Has the person, corporation, or other legal entity making this application ever, within the ten (10) years preceding the date of this application:

1. Been convicted of a crime related to the construction or development of real property?
Yes _____ or No _____
2. Suffered the suspension or revocation of any construction or development related permit or license?
Yes _____ or No _____
3. Been subjected to a fine or other penalty for any construction or development related offense?
Yes _____ or No _____

If the answer to any of the above questions above is "yes", any member of the Beverly City Council may request that the applicant explain the circumstances of any such conviction, suspension, revocation, fine, or penalty at a public hearing called for that purpose in accordance with City Council Order #14 of 1999.

Signature of Applicant: _____

Address: _____

Signature of Owner if not the Applicant: _____

Address: _____



(FOR OFFICE USE ONLY)

Action taken: _____

(date)

Signed: _____

Date and action of Board of Health: _____

The petitioner is required to bring to the Board a lien certificate indicating that there is no indebtedness to the City of Beverly at the time of filing said application.

CONTENT REQUIREMENTS FOR DEFINITIVE PLANS

Locus at 1:800 scale	_____
Plan at 1:40 scale	_____
Sheet size 24x36"	_____
Index sheet showing entire subdivision 1:100'	_____
Adjacent lots shown	_____
Dimensions of lots	_____
Street numbers and lot numbers	_____
Assessor's Map and Parcel number	_____
Signed and stamped by professional engineer	_____
Title Block	
-name of subdivision	
-date	
-scale	
-name and addresses of applicant	
-names of designer, engineer, registered architect, surveyor	_____
North arrow	_____
Benchmark	_____
Boundaries of subdivision	_____
Location and ownership of abutting property	_____
Copy of deed	_____
Major features, ie., waterways, swamps, water bodies, natural drainage courses, buildings, walls, fences, trees 6" in diameter, etc.	_____
Lines of existing and proposed streets, ways, lots, lot numbers, easements, public or common areas.	_____
Data to determine location, direction, and length of every street and way, lot line, etc. Include lot frontage, subdivision lot lines,	_____
Indicate all streets, easements, length, radii, tangents, and central angles of all curves in lot lines and street lines, angle points, or intersections of tangents along street lines	_____
Location of all permanent monuments	_____
Location, names, and widths of streets within proximity of the subdivision, showing roadways widths and rights-of-way widths.	_____
Topo details at a sufficient distance from the roadway layout for existing roadway improvements abutting homeowners	_____

Indication of all easements, covenants or restrictions _____

Land Court information provided on plan _____

Space to record action of Board _____

Space for Board's signature _____

Notation for "rodent control" _____

Existing profiles scales at 1:40 _____

Two benchmarks for plans and profiles _____

Grade elevations at 50' stations except vertical
which are 25" _____

Existing and proposed intersections and sidewalks _____

Subsoil information for soil conditions _____

Existing and proposed topo at 2' intervals _____

Highest known water mark _____

Size and location of existing and proposed water
supply mains and their appurtenances _____

Sewage disposals and their appurtenances _____

Data on percolation and borings _____

Method of carrying water to nearest watercourse _____

Drainage calculations _____

Location and species of proposed street trees _____

Location of trees 6" in diameter, 4' from ground _____

Cross section typical of each street, roadway,
and sidewalk _____

Location of street lighting, sidewalks, underground
electric lines and fire alarm system _____

Conceptual design of each utility pump station
and site plan at scale of 1:20 _____

Engineering calculations relating to fire protection,
vehicular traffic flow, utilities and all safety
precautions _____

Overall drainage calculations _____

Sheets numbered 1, 2, 3, etc. _____

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM D
DESIGNER'S CERTIFICATE (To Accompany Form B and C)

_____ 19_____
(Date of filing)

To the Beverly Planning Board:

In preparing the plan entitled _____

Sections: _____ Sheets: _____

my source(s) of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____ to _____

dated _____ and recorded in the Essex South District Registry of Deeds Book _____ Page _____

2. City of Beverly Assessor's Map No. _____ Parcel # _____

3. Oral information furnished by: _____

4. Actual measurement on the ground from a starting point established by:

5. Other sources: _____

(Seal of Engineer or Surveyor) Signed: _____
(Registered Professional Engineer or Registered Land Surveyor)

Number: _____

Address: _____

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM E

CERTIFIED LIST OF ABUTTERS (To accompany Form C)

One copy of this form is to be completed and filed with the Beverly Planning Board in accordance with Section III.C.1.b.

_____ 19_____
(date of filing)

To the Beverly Planning Board:

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

_____ Section: _____ Sheets: _____

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

Signature of Applicant or Agent: _____

(To be certified by the Assessor's Office)

To the Beverly Planning Board:

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

(Signed)

(Date)

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM F
PERFORMANCE BOND - SECURED BY DEPOSIT

See Form R for applicant Signature Information

One completed form and four (4) copies thereof shall be filed with the Beverly Planning Board:

KNOW ALL MEN BY THESE PRESENTS

that _____

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

The condition of this obligation is that if the Principal(s) shall fully and satisfactorily observe and perform in the manner and in the time therein specified all of the covenants, conditions, agreements, terms, and provisions contained in the application signed by the Principal(s) and dated _____ 19____ under which approval of a Definitive Plan of a certain subdivision, entitled _____

Section(s) _____ Sheet(s) _____

and dated _____ 19____ has been or is hereafter granted by the Beverly Planning Board then this obligation shall be void; otherwise it shall remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said City of Beverly as liquidated damage.

This money secures the construction and installation of services for lots:

on _____ name(s) or street(s) _____

from Station _____ to Station _____ and additional work, if any,

to be performed in accordance with all provisions of the law and the Beverly Planning Board Rules and Regulations.

All work to be completed by _____ 19____

This bond is secured by:

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

IN WITNESS WHEREOF the undersigned has hereunto set _____ hand
and seal this _____ day of _____ 19____

Principal(s)

 Witness

 Witness

 Witness

 Witness

by: _____ title

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM G
COVENANT

See Form R for Applicant Signature Information
One completed form and two (2) copies thereof shall be filed with
the Beverly Planning Board.

KNOW ALL MEN BY THESE PRESENTS

that whereas the undersigned _____
name(s), street, city/town, state

has submitted an application dated _____ 19____ to the
Beverly Planning Board for approval of Definitive Plan of a certain
subdivision entitled _____

Section(s) _____ Sheets _____

and dated _____ 19____ and has requested the Board
to approve such plan without requiring a performance bond.

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

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

It is the intention of the undersigned and it is hereby
understood and agreed that this contract shall constitute a
covenant running with the land included in the aforesaid
subdivision and shall operate as restrictions upon said land.
This covenant shall take effect upon the approval of said
plan. Reference to this covenant shall be entered upon said
plan and this covenant shall be recorded when said plan is
recorded.

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

- 3. The undersigned represents and covenants that undersigned is the owner(s)* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise of any of said land, except such as are described below and sub-ordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

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

- 4. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the City of Beverly Governing the Subdivision of Land before _____ 19____ unless an extension of time is granted by the Beverly Planning Board. Failure to so complete shall automatically rescind approval of the plan.

- 5. The undersigned _____ wife husband of said Covenantor, hereby agrees that such interest as I may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead, and other interest therein.

IN WITNESS WHEREOF the undersigned, applicant as aforesaid, does hereunto set his hand and seal this _____ day of _____ 19____.

Applicant's husband/wife

Applicant(s)

by _____ (title)

Description of Mortgages: _____

(Give complete names and Registry of Deeds Reference)

Assents of mortgagees:

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

_____ 19_____

Then personally appeared the above named _____

_____ and acknowledged the foregoing

instrument to be _____ free act and deed, before me.

Notary Public

My Commission expires: _____

*If there is more than one owner all must sign.

CITY OF BEVERLY MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM H
RELEASE FORM

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

- a. The requirements for the construction of ways and municipal services called for Surety and dated

_____ 19____ and/or by
the Covenant dated _____ 19____ and recorded
in District Deeds, Book _____ Page _____ (or
registered in _____ Land Registry District as
Document No. _____ and noted on Certificate of Title
No. _____ in Registration Book _____ Page _____)
has been completed/partially completed to the satisfaction of
the Beverly Planning Board to adequately serve the enumerated
lots shown on Plan entitled "_____

Section(s) _____ Sheets _____" plan
dated _____ 19____ recorded by the Essex South
District Registry of Deeds, Plan Book _____, Page _____
(or registered in said Land Registry District, Plan Book _____,
restrictions as to sale and building specified thereon.

Lots designated on said plan as follows: (lot numbers, and
streets):

- b. (To be attested by a Registered Land Surveyor)
I hereby certify that lot number(s) _____

on _____
street(s)

do conform to layout as shown on Definitive Plan entitled

_____ Section _____ Sheets _____

Registered Land Surveyor

Appendix H

c. The City of Beverly, a municipal corporation situated in the County of Essex, Commonwealth of Massachusetts, acting by its duly organized Planning Board, holder of a Performance Surety dated _____ 19____ and/or a Covenant dated _____ 19____ from _____

of the (City/Town) of _____ County,

Massachusetts recorded with the Essex South District Deeds,

Book _____, Page _____ (or registered in Land Registry District as Document No. _____ and noted on Certificate of Title No. _____ Registration Book _____, Page _____)

acknowledges satisfaction of the terms thereof and hereby releases its right title and interest in the lots designated on said plan as follows:

EXECUTED as a sealed instrument this _____ day of _____ 19____

Majority of the _____
Planning Board of _____
the City of Beverly _____

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. _____ 19____

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

Notary Public

My Commission Expires: _____

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM I
CONVEYANCE OF EASEMENTS AND UTILITIES

One (1) completed form and three (3) copies thereof shall be filed with the Beverly Planning Board.

See Form R for applicant Signature Information

(See Form R for applicant identification information)

County of _____, State _____

for nominal consideration of _____ grant to the City of Beverly, a Municipal Corporation in Essex County, Commonwealth of Massachusetts with quitclaim covenants EASEMENTS AND/OR UTILITIES IN PERPETUITY in the land hereinafter described and shown on a plan recorded in, over and under _____ parcel(s) for the

this, two, etc.

purpose of allowing the City, its agents, employees, invitees, or those with whom the City may contract, to construct, reconstruct, inspect, repair, renew, replace, operate, and maintain:

pipes, and ditches, or both for drainage, water mains and conduits, for water distribution purposes as hereinafter set forth

including any and all equipment and material appurtenant and incidental thereto, and to cross and recross the premises, by foot or by vehicle, or with equipment, at its convenience for purposes stated, and to cut down and keep trimmed all trees and bushes and to keep clear said premises of all structures as the City may deem convenient for its purposes,

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

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

" _____ "

(Name of Subdivision Plan, Section and Sheet Numbers)

Plan dated

Drawn by

and are bounded and described as follows: (use running descriptions)

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

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

For grantor's title see deed from _____
dated _____, 19____, and recorded in Essex
South District Registry of Deeds, Book _____ Page _____,
or under Certificate of Title No. _____, registered in the
Essex County District Land Court, Book _____, Page _____.

And (to be completed if a mortgage exists) _____
Name and Address _____

the present holder of a mortgage on the above described land, which
mortgage is dated _____, 19____, and recorded in
said Deeds Book _____, Page _____ for consideration
paid, hereby releases unto the City of Beverly forever from the
operation of said mortgage, the rights and easements hereinabove
granted and assents thereto.

Authorized Signature of Mortgagor

Appendix I

page 81
Page 3 of 3

IN WITNESS WHEREOF I/WE have hereunto set our/my hand(s) and seal(s)
this _____ day of _____, 19_____.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

_____, 19_____

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

Notary Public _____

My Commission Expires _____

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM J
REFERRAL FORM

_____, 19____

TO: Department of Public Works/City Engineer
Board of Health
Fire Department
Police Department
Conservation Commission

The attached Definitive Plans were submitted to the Beverly Planning Board on _____, 19____. A public hearing has been scheduled for _____, 19____ at _____ p.m. in the Aldermanic Chambers, City Hall to discuss these plans.

May we have your comments and recommendations concerning this subdivision by no later than _____. Please return this form with your comments and recommendations.

Thank you,

Beverly Planning Board

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM K
CONTROL FORM

NAME OF SUBDIVISION _____

SECTION _____ SHEETS _____

SECTION _____ SHEETS _____

ASSESSOR'S MAP NO. _____ PARCEL NOS. _____

PRELIMINARY PLAN _____ DEFINITIVE PLAN _____

Dated

Dated

Submitted

Submitted

Forms Received: _____

Decision Deadline

Decision Deadline

PUBLIC HEARING DATE _____

ENCLOSED:

FORM B _____

FORM C _____

Filing Fee Receipt: _____

Amount _____

Dated _____

Copy of Hearing Notice: _____

Paid Advertising Bill: _____

Certified Mail Receipts: _____

Public Hearing Minutes: _____

CONDITIONALLY APPROVED _____

DISAPPROVED _____

PLAN TO BE SIGNED ON: _____

PLAN SIGNED ON: _____

EXTENSION OF TIME REQUESTS: _____
From _____ to _____ From _____

COVENANT DATED: _____

WORK TO BE PERFORMED BY: _____

PLANS & COVENANT (AND EASEMENT DEED) RECORDED ON _____

BOOK _____ PAGE _____

EXTENSION OF COVENANT DATED: _____

WORK TO BE PERFORMED BY: _____

2ND COVENANT RECORDED _____ BOOK _____ PAGE _____

(1) BOND POSTED: _____
(Surety Bond No., if any, date, amount secured by and work to be performed and when)

(2) _____

(3) _____

PARTIAL RELEASE OF COVENANT FOR LOTS _____ GRANTED _____

PARTIAL RELEASE OF COVENANT FOR LOTS _____ GRANTED _____

PARTIAL RELEASE OF COVENANT FOR LOTS _____ GRANTED _____

FULL RELEASE OF COVENANT GRANTED _____

BOND RELEASED ON _____ IN THE AMOUNT OF _____

BOND RELEASED ON _____ IN THE AMOUNT OF _____

BOND RELEASED ON _____ IN THE AMOUNT OF _____

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM L
PUBLIC HEARING NOTICE

CITY OF BEVERLY
PLANNING BOARD
LEGAL NOTICE OF PUBLIC HEARING

Seal

Notice is hereby given that under the provisions of Chapter 41,
Section 81-T of the Massachusetts General Laws, the Beverly Planning
Board will hold a public hearing on _____, 19____,
at _____ p.m. in _____,
(place of hearing)

for approval of a definitive subdivision plan known as _____

_____ Section _____

Sheet _____ plan dated _____, 19____; drawn by
_____ showing _____ lots.

Said property is located as shown on Assessor's Map _____,
Parcels _____. Application and plans are on file with the
Beverly Planning Board and are available for public inspection.

BEVERLY PLANNING BOARD

_____, Chairman

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM M
RECEIPT FOR SUBDIVISION PLAN

Received from _____

_____ original, second mylar, filing fee, and _____

copies of a

PRELIMINARY DEFINITIVE MODIFIED SUBDIVISION PLAN

entitled: _____

Section _____

Sheets _____

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

Beverly Planning Board

Date of filing

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM N
INSPECTION FORM

Name of Subdivision	Street	From Station to Station	ITEMS INSPECTED	DATE OF INSPECTION	REMARKS	APPROVAL	SIGNATURE OF INSPECT- ING OFFICER
<u>Excavation</u>							
<u>Laying Water</u>							
<u>Mains</u>							
<u>Laying Gas</u>							
<u>Mains</u>							
<u>Installation of</u>							
<u>surface & sub-</u>							
<u>surface drainage</u>							
<u>system & related</u>							
<u>equipment</u>							
<u>Filling</u>							
<u>Compacting</u>							
<u>Installation of</u>							
<u>Sanitary Sewers</u>							
<u>& Related Equip.</u>							
<u>Installation</u>							
<u>of Hydrants</u>							
<u>Installation of</u>							
<u>Electrical Lines</u>							
<u>Installation of</u>							
<u>Telephone Lines</u>							
<u>Completion of</u>							
<u>Pavement</u>							
<u>Grading of Curbs</u>							
<u>and Gutters</u>							
<u>Construction of</u>							
<u>Sidewalks</u>							
<u>Grading of</u>							
<u>Grass Plots</u>							
<u>Installation of</u>							
<u>Monuments</u>							
<u>Tree Planting</u>							
<u>Final Clean-up</u>							

Other

Please give full name, title, address and telephone number at bottom of Form.

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARDFORM O
DOCUMENT CONTROL SHEET - DISTRIBUTION OF PLANS

AGENCY	Approval under Subdivision Control Law Not Required	Date Preliminary S U B D I V I S I O N	Date Definitive	Date Approved P L A N S
Owner	Original Returned	Print Returned	1 Original Returned	1 Original Returned
Registry of Deeds	Owner may file			Owner may file
Ward Alderman		1 Print	1 Print	1 Print
Beverly Planning Board	6 Prints	6 Prints	6 Prints	4 Prints
City Eng/ Dept of PW	mylar repro- ducible	mylar repro- ducible	1 Print	mylar repro- ducible
Board of Health		1 Print	1 Print	1 Print
Building Inspector	1 Print		1 Print	1 Print
Police Dept.		1 Print	1 Print	
Fire Dept.		1 Print	1 Print	
Assessors	1 Print			

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARD

FORM P
MORTGAGES ACQUIRED AFTER SUBMISSION OF COVENANT

See Form R for Applicant Signature Information

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

Additional Mortgages (i.e. development mortgages):

Description of Mortgages: _____

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

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

Witness and Date

Signature of Applicant and Date

Assents of Mortgagees to the Covenant:

ESSEX, ss:

COMMONWEALTH OF MASSACHUSETTS

Then personally appeared the above named _____, 19____

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

My Commission Expires: _____

Notary Public

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

CITY OF BEVERLY, MASSACHUSETTS
BEVERLY PLANNING BOARDFORM RAPPLICANT SIGNATURE INFORMATION (FOR USE WITH FORMS C, F, H, I, P)Identification of Applicant1. Sole Person, No Company

That I, John Doe, of 13 XYZ Street, _____, county of _____, Commonwealth of Massachusetts (or other state) as Principal

2. Sole Proprietorship

That I, John Doe, street, city or town, county and state, doing business as JOHN DOE COMPANY, street, city or town, county and state as Principal

3. Partners in a Company

That we, John Doe, of street, city or town, county and state, and James Smith of street, city or town, county and state the partners of SMITH AND JONES COMPANY, a partnership doing business at street, city or town, county and state as Principals

4. Corporation

That XYZ Inc., a Massachusetts Corporation having a usual place of business located at street, city or town, county and state as Principal

5. A Trust

That we, John Jones of street, city or town, county and state, and Fred Smith of street, city or town, county and state the trustees of _____ Trust, as Principals

NOTES:

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

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

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

SIGNATURES OF APPLICANT

1. Sole person, no company

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

2. Sole proprietorship

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

3. Partners in a company

SMITH AND JONES COMPANY

Witness

James Smith, Partner

Witness

John Doe, Partner

4. Corporation

XYZ DEVELOPMENT, INC.

Witness

William Johnson, President

5. Trust

XYZ REALTY TRUST

Witness

List all trustees with
witness line for each

SIGNED AND SEALED THIS _____ day of _____ 19____

If signed by more than one person the date should be that of the signature of the first person.

BEVERLY PLANNING BOARD - COST ESTIMATING DATA

(The following are estimates and may be updated from time to time)

Stone Bound	\$200.00/ea
Sidewalk Binder	6.00/ft
Sidewalk Finish	6.00/ft
Curbing - 7" Bit. Conc.	6.00/ft
Curbing - 6" Granite Reveal	30.00/ft
Road Paving - Binder (32 ft. road)	30.00/ft
Finish (32 ft. road)	20.00/ft
Manholes 0-8 feet	2,000.00/ea
Manholes 8-16 feet	3,000.00/ea
Catchbasins	2,000.00/ea
Sewers 8" (installed)	60.00/ft
Drains 12" (installed)	30.00/ft
Drains 18" (installed)	40.00/ft
Drains 24" (installed)	66.00/ft
Drains 36" (installed)	80.00/ft
Water Pipe 8" (installed including fittings)	45.00/ft
Fire Hydrant (installed)	2,400.00/ea
Excavation - Class A	10.00/cy
- Class B	16.00/cy
- Ledge	100.00/cy
Guard Rails	60.00/lft
Fencing	40.00/lft
Headwall (non-reinforced)	1,500.00/ea
Gravel Fill (Roadway)	15.00/cy
Grass Plot	6.00/ft
Loam & Seed Easements	8.00/sqyd
Reinforced Concrete	500.00/cy
Ties to Utility Systems	300.00/lot
Rip Rap	30.00/sy
As Built Plans	300.00/lot
Street Acceptance & Easement Plans	250.00/lot
Trees	300.00/tree
Sewer Services	800.00/lot
Water Services	800.00/lot

A contingency of 25% must be added to all estimates for cost increases that will occur before the work is completed. Items not included shall be as determined by the Commissioner of Public Works.

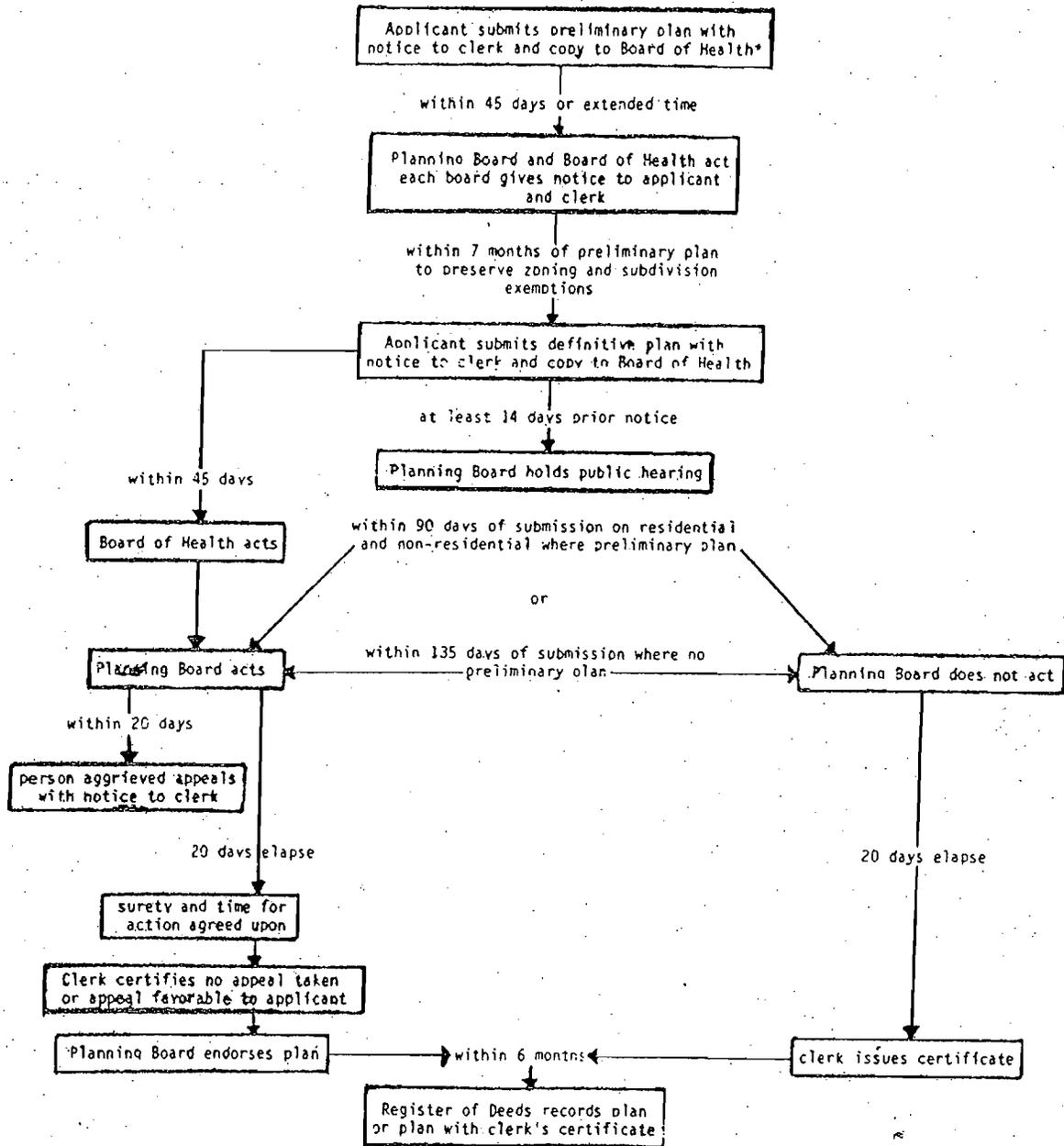
APPENDIX T - BEVERLY PLANNING BOARD COST ESTIMATING DATA
UNDERGROUND ELECTRICAL

1991

Primary Duct Bank	\$ 35.00/ft
Street Lighting Conduit	20.00/ft
Combined Telephone and Fire Alarm Duct Bank	35.00/ft
Telephone & Fire Alarm Service	30.00/ft
Light Poles	3,000.00/ea
Fire Alarm Call Boxes	3,500.00/ea
Electric Manholes	5,000.00/ea
Switch Gear or Transformer Pad	3,000.00/ea

A contingency of 25% must be added to all estimates for cost increases that will occur before the work is completed. Items not included shall be as determined by the Commissioner of Public Works.

SUBDIVISION APPROVAL PROCESS



* preliminary plans must be filed for non-residential subdivisions, and are optional (but recommended) for residential subdivisions

BOARD OF HEALTH SOIL/SOLID FILL REGULATIONS

As authorized by Chapter 111, Section 31 of the Massachusetts General Laws, the Beverly Board of Health adopted on March 9, 1989, the following regulation governing the placement of soil/solid fill within the City of Beverly.

Nothing contained in these regulations shall relieve any requirement pursuant to Chapter 111, Sections 150A and 150A 1/2 of the Massachusetts General Laws, that a valid site assignment be obtained from the Beverly Board of Health prior to the introduction of soil/solid fill upon any tract, parcel or lot.

Section 1: Declaration of Policy

The purpose of this regulation is to control the disposal of soil/solid fill introduced from locations both within and without the City of Beverly and require, when necessary, the analysis of the soil/solid fill for chemical contamination. The disposal of cured blacktop, cement, and other similar materials in non-designated sites will be included within the scope of this regulation.

Past determinations of whether or not soil/solid fill was environmentally suitable was based on a visual and olfactory judgment by the inspector. However, as a result of these rules and regulations analytical testing can be required. The purpose of analytical testing is bifold. First and foremost, by initial testing of soil/solid fill for chemical contaminants, any soil/solid fill which is contaminated will be screened out from use. This screening avoids the filling and then removal of such soil/solid fill once in place. Secondly, the party responsible for supplying fill will be advised of their statutory requirements in accordance with Chapter 21E of the Massachusetts General Laws.

Section 2: Definitions

Board of Health means the appropriate and legally designated health authority of the City of Beverly having the usual powers and duties of the board of health of a city or town, or his or its authorized agent or representative.

Soil means the unconsolidated mineral material or the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Solid Fill means mortar, bricks, gravel, stone, cured blacktop, cement, dredge material, products of excavation, or any other material not capable of decomposition and shall specifically exclude rubbish, garbage, bulky

wastes, special wastes, or waste as defined in the regulations of the Commonwealth of Massachusetts (regulations for the disposal of solid waste by sanitary landfill).

Sampling means the collection of data or measurements to obtain representative samples of a tract, parcel, or lot of interest in order to make an inference about said tract, parcel, or lot.

Responsible Person(s) means any person(s) having management control over the entity or employer. In the case of a corporation, the responsible person(s) shall be officers of the corporation and any other managing agent of such corporation. In the case of sole proprietorship or a partnership, the responsible person(s) shall be the owners or partners and any other managing agent of such sole proprietorship or partnership.

Hazardous Material means material including but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed.

Contaminant means any substance which by its presence creates or has the potential to create hazardous material.

Section 3: Regulation

The Board of Health, effective March 15, 1989, may require that any material used within the City of Beverly as fill or introduced into the soil be subject to analysis to verify that no hazardous material is included within soil/solid fill. Such analysis shall be conducted by a Massachusetts Certified Laboratory approved by the Board of Health, using state of the art analytical techniques, and provide a written report of the results of the sample tested to the Board of Health. However, if an out of state laboratory must be used said laboratory must be certified through that state's certification agency.

To implement these guidelines the Board of Health will review all applications for building permits as a potential location for soil/solid fill delivered from an off-site source. The determination of whether an on-site visit will be necessary will be based on this application and any other further information the Board of Health may request of the applicant. All building permit holders will be given a letter from the Board of Health notifying

the responsible party of the soil testing guidelines and any further requirements made by the Board of Health. Any applicant for a building permit shall notify the Board of Health as to whether the work will or has the potential for the introduction of soil/solid fill to the work site, and if soil/solid fill is to be introduced, and if the applicant is not the owner of the site, such owner, agent, or responsible party and the Board of Health shall be notified in writing by the applicant. Such notification to the Board of Health and owner, agent, or responsible party shall contain such information as the Board of Health may require until completion of the project. Any modification to the building permit shall require a notification be sent to the Board of Health so the Board may determine if such modifications are applicable to Chapter 15 of the Board of Health Rules and Regulations. The Board of Health may recommend the revocation of such building permit in the event of non-compliance with any provision of this regulation.

The Board of Health may require quality assurance sampling, soil boring, and/or additional analytical sampling and testing at any site. The expense of these additional samples shall be incurred by the building permit applicant. In addition, a written chain of custody of any samples taken shall be submitted by the certified laboratory to the Board of Health.

The cost of the laboratory analysis is to be incurred by the property owner, agent, or other responsible party. However, the City of Beverly will not be responsible for payment of any analytical costs.

Section 4: Fee

The Board of Health may charge a fee for services rendered not to exceed any actual costs incurred by the City of Beverly. However, the minimum fee, if assessed, will be fifty dollars (\$50.00) and the maximum fee will be five hundred dollars (\$500.00). This fee schedule will be binding upon all parties concerned.

Section 5: Penalty Clause

Any person who shall fail to comply with an order issued pursuant to whoever, himself, or by his servant or agent, or as a servant or agent of any other person or any firm or corporation, which violates provisions of the soil/solid fill regulation, made under authority of Chapter 111 Section 31 of the Massachusetts General Laws, shall be punished by a fine of not more than five hundred dollars (\$500.00). Each days' failure to comply with an order shall constitute a separate violation.

Section 6: Appeals

Any person or persons aggrieved by the decision of the Board of Health may appeal said ruling in any court of competent jurisdiction within the Commonwealth.

Section 7: Severability of Sections

If any portion of this regulation shall be declared invalid for any reason whatsoever, such invalidity shall not affect any other portion of this regulation, all of which shall remain in full force and effect, and to this end the provisions of this regulation are hereby declared severable. Notwithstanding any provisions that may be in conflict with Massachusetts General Laws, the revised ordinances of the City of Beverly, and the charter of the City of Beverly.

Section 8: Liability

Neither the City of Beverly nor the Board of Health, by adoption of these regulations, assumes any responsibility for the compliance at the site of applicable hazardous waste laws or other Massachusetts environmental protection regulations. Such interpretation of compliance is no longer defensible and legally sound since the enactment of Chapter 21E of the Massachusetts General Laws.

The above regulations will become effective March 15, 1989 and compiled with the City of Beverly Board of Health Rules and Regulations, Chapter 15, entitled "Soil/Solid Fill Regulations".

also be disclosed that the City of Beverly and the Planning Board of the City of Beverly bear no responsibility to the individual lot owner to insure the speedy completion of utilities and roadways necessary to obtain occupancy permits.

2. At the time of entering into a Purchase and Sale Agreement, all persons purchasing lots within the (name of subdivision) shall execute an Agreement acknowledging the following:

A. The City of Beverly and the Planning Board of the City of Beverly bear no responsibility for the speedy completion of utilities and roadways necessary to obtain occupancy permits and that the responsibility lies solely with (name of owner of subdivision) .

B. (name of owner of subdivision) has placed a bond in the form of a (form of surety posted) in an amount and form satisfactory to the Beverly Planning Board as a guarantee of the construction of ways and installation of utilities for the subdivision, which work must be completed on or before (subdivision completion date as determined by the Beverly Planning Board) pursuant to M.G.L. Chapter 41, Section 81-U or as may be reasonably be extended by the Planning Board.

C. The Buyer acknowledges that he will not be able to obtain an occupancy permit for the house to be constructed until the utilities are installed and in working order.

D. The undersigned hereby releases, indemnifies, and holds the City of Beverly harmless from any loss, cost, claim, or damage resulting from the Buyer's inability to occupy the house to be constructed.

3. (name of owner of subdivision) shall use his best efforts to speedily complete the utilities and roadways necessary to insure the issuance of occupancy permits for all houses to be constructed

within the subdivision and shall guarantee to each purchaser that their occupancy date shall not be delayed due to the failure of (name of owner of subdivision) to install utilities or to construct roadways necessary to obtain an occupancy permit.

4. (name of owner of subdivision) shall cause to be recorded with the prospective covenant of their subdivision the following statement:

Each lot owner, by acceptance of his deed, hereby agrees and acknowledges that:

A. The City of Beverly and the Planning Board of the City of Beverly bear no responsibility for the speedy completion of utilities and roadways necessary to obtain occupancy permits and that the responsibility lies solely with (name of owner of subdivision) .

B. (name of owner of subdivision) has placed a bond in the form of a (form of surety posted) in an amount and form satisfactory to the Beverly Planning Board, which bond has been forwarded to the Beverly Planning Board as a guarantee of the construction of ways and installation of utilities for the subdivision, which work must be completed on or before (subdivision completion date as determined by the Beverly Planning Board) .

C. The Buyer acknowledges that he will not be able to obtain an occupancy permit for the house to be constructed on his lot until the base course of roadway is constructed and the utilities are installed and in working order.

D. The undersigned hereby indemnifies and holds the City of Beverly harmless from any loss, claim, cost, or damage resulting from the Buyer's inability to occupy the house to be constructed.

WITNESS my hand and seal this _____ day of _____, 19 ____.

(name of owner of subdivision)

BY: _____

(signature)

SAMPLE LOT OWNER'S
"AGREEMENT AND ACKNOWLEDGEMENT" FORM

The undersigned, signer of this Purchase and Sale Agreement for lot # ___ of the ___ (name of subdivision) ___, hereby agrees and acknowledges the following:

A. The City of Beverly and the Planning Board of the City of Beverly bear no responsibility for the speedy completion of utilities and roadways necessary to obtain occupancy permits and that the responsibility lies solely with ___ (name of owner of subdivision) ___.

B. (Name of owner of subdivision) ___ has placed a bond in the form of a ___ (form of surety posted) ___ in the original amount of _____ dollars (\$ _____), which bond has been forwarded to the Beverly Planning Board as a guaranty of the construction of ways and installation of utilities for the subdivision, which work must be completed on or before (sub-division completion date as determined by the Beverly Planning Board) ___, pursuant to M.G.L. Chapter 41, Section 81-U, or as may be reasonably be extended by the Planning Board.

C. The Buyer acknowledges that he will not be able to obtain an occupancy permit for the house to be constructed on his lot until the base course of roadway is constructed and the utilities are installed and in working order.

D. The undersigned hereby releases, indemnifies, and holds the City of Beverly harmless from any loss, cost, claim, or damage resulting from the Buyer's inability to occupy the house to be constructed.

SIGNED under seal this ___ day of _____, 19___.

(SIGNATURE OF BUYER)

SUMMARY OF AMENDMENTS TO THE SUBDIVISION CONTROL LAW
SINCE 1981

1. August 18, 1981

Section IV.6. - Design Standards

Established this section for Minor Streets

2. February 19, 1985

Appendices S and T were revised to provide up-to-date cost estimates for subdivision improvements.

3. May 20, 1986

*Section III.8.b. - Performance Guarantee (Superseded by 8/2/88 Amendment)

*Section VI.C. - Administration, Building Permits (Superseded by 10/2/86 and 8/2/88 Amendment)

*The above established a new regulation (and amended minor rules in conflict with the intent of this new regulation) requiring the completion of all street improvements prior to the issuance of Building Permits for new Subdivisions

Section III.10. - Release of Performance Guarantee

Section III.A.1. - Submission of SANR Plans

Established a \$25.00 filing fee for Subdivision Approval Not Required (Form A) Plans

Section III.C.2. - Definitive Plans - Contents

Minor changes to list of items.

4. October 2, 1986

Section VI.C.1. - Administration - Building Permits

Amended the 5/20/86 Amendment (Superseded by 8/2/88 Amendment)

Section III.C.10. - Release of Performance Guarantee

Add Parts A & B - Inspection for Release of Performance Guarantee

5. July 12, 1987

Section V.E.2. - Curbs and Berms
Established this new Section on Curbs and Berms

6. June 21, 1988

Section III.8.C. - Performance Guarantee - Restrictive Covenants
Established this new section on Restrictive Covenants

7. August 2, 1988

Section III.8.C. - Performance Guarantee

Section VI.C.1. - Administration - Building Permits

Changes and Deletions in the May 20 and October, 1986
Amendments

8. January 15, 1991

Section II.A. - Definitions

Added or amended, the following definitions:

Adequate Access
Approval Not Required Plans
Certified By
Frontage
Street, Minor
Street, Principal
Street, Secondary
Subdivision
Submitted Plan

Section II.B - Approved Plan Required
Language amended.

Section II.E. - Fee
Fees changed.

Section III.A. - Procedure for the Submission and Approval of
Plan Believed Not to Require Approval
Requirements for submission added.

Section III.B. - Preliminary Plan
Language amended.

Section III.C.1,2,& 4 - Definitive Plan
Requirements for submission added, language amended,
review by Salem/Beverly Water Supply required.

Section III.C.7 - Definitive Plan - Certificate of Approval
Refer to Appendix U for statutory review periods.

Section III.C.8. - Definitive Plan - Performance Guarantee
Retitle subsection C. "Restrictive Covenants" as
"Developer's Disclosure Agreement."

Section III.C.10. - Definitive Plan - Release of Performance
Guarantee

- Utility trenches must survive one winter in a satisfactory condition before being approved by the Public Works Commissioner.
- As-Built Plans must be submitted along with Acceptance Plans before final release of bond.
- Requirements for As-Built Plans added.

Section IV.A.1. - Design Standards - Streets
Roadway easement and/or utility extension may be required at the end of a turnaround to adjacent property.

Section IV.A.2. - Design Standards - Alignment of Streets
The minimum centerline radii of curved streets shall be changed from (150') to (300'), language amended.

Section IV.A.3. - Design Standards - Width of Streets
Language added which specifies that minimum pavement width shall be 32' except for streets in Minor Subdivisions.

Section IV.A.4. - Design Standards - Grade of Streets
Maximum grades are changed from (9%) to (6%) for secondary streets, and from (6%) to (3%) for principal streets.
Language amended.

Section IV.A.5. - Design Standards - Dead-end Streets
Language amended, maximum grade within cul-de-sacs limited to (2%).

Section IV.A.6. - Design Standards - Minor Subdivisions
Rename "Minor Streets" as "Minor Subdivisions," language amended.

Section IV.G.1. - Design Standards - Fire Hydrants
Location of new hydrants specified.

Section IV.H - Design Standards - Sidewalks, Grass Plots, Trees
Guard rail requirement next to dangerous conditions

Section V.A. - Required Improvements for an Approved Subdivision
Certification from Registered Land Surveyor or Registered Professional Engineer required for Acceptance and As-Built plans.

Section V.B. - Required Improvements for an Approved Subdivision

- Street and Roadway

Unpaved roadways must be leveled prior to a winter season.

New slope requirements for embankments.

Section V.C. Required Improvements for an Approved Subdivision

- Utilities

Requirements for fill amended. Language concerning hydrants amended.

Fire flow minimum established.

Section V.D. – Required Improvements for an Approved Subdivision

- Sidewalks

Contribution required for waived sidewalks.

Section V. – Required Improvements for an Approved Subdivision

Board of Health site assignment required for the disposal of soil/solid fill.

Section VI. – Administration

Filing requirements added. “Modification(s) to Approved Plan” section added.

Appendices

Appendices A,B,C,L,M,S,T,U,V,W all amended to reflect changes in text of Subdivision Rules and Regulations.

9. January 23, 2003

Section III.C. – Definitive Plan – Reference to Paragraph 3. (Adequacy of Ways Providing Access to Subdivisions) added

Section III.C.3 - Adequacy of Ways Providing Access to Subdivisions

10. December 16, 2003

Section II. E. – Fee

Fees updated

11. December 20, 2005

Section II.E. – Fee
Language amended.

Section III.A.1. – Submission of Plan
Language amended regarding filing fee.

Section III.A.3. – replace with new section, Submission of
Recorded or Registered Plans
New requirement added.

Section III.A.4. – insert new section, Electronic Data Submittal
New requirement added.

Section III.A.5. – insert section, Determination that Plan Requires Approval
(previously numbered as Section III.A.3.)

Section III.B.1. – Preliminary Plan, General
Filing requirements for submission of plans added; language amended
regarding filing fee.

Section III.C.1.a. – under Definitive Plan, General
Replace section with new language regarding requirements for
submission of plans.

Section III.C.2. – Definitive Plan, Contents
Language amended.

Section III.C.2.o. – under Definitive Plan, Contents
Language amended.

Section III.C.8. – Certificate of Approval
Remove third paragraph in its entirety and replace with new language.

Section III.C.12 – insert new section, Electronic Data Submittal
New requirement added.

Appendices

Appendices A, B, and C all amended to reflect changes in text of
Subdivision Rules and Regulations.