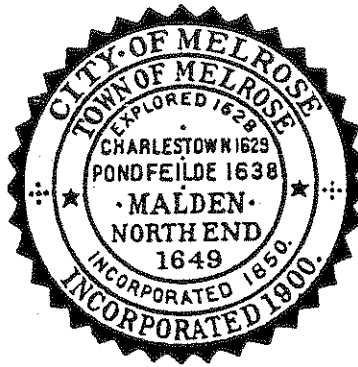


Rules and Regulations
Governing the Subdivision of
Land
in
Melrose, Massachusetts



Adopted by the Planning Board

March 24, 1958

Revised August 1, 1969
Revised April , 1974
Revised April 28, 1986
Revised November 23, 1992

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
IN
MELROSE, MASSACHUSETTS

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PURPOSE

"The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be put, in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board and of a Board of Appeal under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panics and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. It is the intent of the subdivision control law that any subdivision plan filed with the Planning Board shall receive approval of such Board if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to subdivision of land; provided, however, that such Board may, when appropriate, waive, as provided for in section eighty-one R, such portions of the rules and regulations as is deemed advisable".
(Section 81-M of Chapter 41, G.L.)

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
MELROSE, MASSACHUSETTS

SECTION I. AUTHORITY

A. Statutory

Under the authority vested in the Planning Board of the City of Melrose by Section 81-Q of Chapter 41 of the General Laws as amended from time to time, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of Melrose. These rules and regulations shall be effective on and after July 17, 1958.

B. Basic Requirements

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the City, or proceed with the improvements or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a plan has been endorsed "Planning Board Approval Not Required" or a Definitive Plan of such subdivision has been submitted to and approved by the Board.

SECTION II. DEFINITIONS

The definitions shall be those appearing in General Laws, Chapter 41, Section 81-L as amended from time to time. The following are quoted for information as the definitions most frequently encountered.

"Subdivision" shall mean the division of a tract of land into two or more lots and shall include re-subdivision and when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) 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 or town in which the land lies, 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 zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remain standing, shall not constitute a subdivision.

"Lot" shall mean an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

"Municipal Service" shall mean public utilities furnished by the city or town in which a subdivision is located, such as water, sewerage, gas and electricity.

"Planning Board" shall mean the Planning Board of the City of Melrose, also hereinafter referred to as the Board.

The following definition does not appear in General Laws.

"Engineer or Surveyor" shall mean Registered Professional Engineer or Registered Land Surveyor in the Commonwealth of Massachusetts.

SECTION III. PROCEDURE FOR SUBMISSION OF PLANS BELIEVED NOT TO
REQUIRE APPROVAL

A. How Submitted

1. Any person who wishes to cause to be recorded a plan of land in the Registry of Deeds or to be filed with the Land Court and who believes that his plan does not require approval under the subdivision Control Law, may submit it to the Planning Board at the Planning Board Office prior to noon on the Thursday before a Regular Meeting of said Board. Should someone other than the owner(s) of the land in question make such application, or submit the same to said Board, authority to do so (such as Power of Attorney) must be shown.
2. Applicant should submit an original plan on reproducible mylar and three black and white prints to the Board. Contents of the plan are specified below. The applicant must also submit two copies of Form A properly filled out stating date of submission and giving the answers requested and a filing fee in the amount of \$50 plus \$25 per new lot created. (Form A may be obtained from the Planning Board Office). Date of submission means the next Regular Meeting following the date submitted. The twenty-one (21) day period begins from such Meeting date. The Board will deliver duplicate Form A to the City Clerk when signed.

B. Determination

Within twenty-one (21) days after the submission of the plan to the Board as stated above, the applicant will be informed of its determination either by endorsing the plan or, if the Board fails to take action, applicants will be referred to the provisions of the General Laws, Chapter 41, Section 81P, as amended from time to time. The mylar plan goes to the applicant. The black and white copy is retained for the Planning Board's files. The second black and white copy is transmitted to the Building Commissioner. A third black and white copy is transmitted to the Assessor's office.

C. Contents

The plan shall contain the following information:

1. Title, boundaries, north point, date and scale.
2. Name and address of record owner(s) and engineer or surveyor.
3. Names of all abutters as they appear in the most recent tax list if needed for clarification.

4. Existing lines of streets, ways, lots, easements and public or common areas.
5. Sufficient data to determine location, ways, direction and length of every street and way, lot line and boundary line, and to establish these lines on the ground, with areas of lots and lot numbers.
6. Location of all permanent bounds properly identified as to whether existing or proposed.
7. The entire area in which the division takes place including all lots affected by an increase or decrease. This means that the new parcels and the lots they are to be a part of must be drawn on plan. (If change of lot lines involve different owners all must sign Form A.)
 - a. If a parcel (or parcels) of land be separated from a larger lot, to be conveyed to another person or for the applicant, and such parcel does not have sufficient frontage on a street or way, as required, such parcel must be shown on the plan as being part of adjacent lot having such frontage. The parcel so conveyed or separated should be properly numbered showing area and lot line measurements, with the following notation printed on the plan:
"Lot _____ is not a building lot, and is to become a part of Lot _____."
 - b. If an area or parcel lies in two different zoning districts, notation on the plan should read:

"The signature of an authorized member of the Planning Board does not indicate any change in zoning requirement of said parcel."
 - c. The following should be endorsed on all plans:

"Endorsement of the above plan is not a determination of compliance with the Melrose Zoning Ordinance." (This does not apply to plans for Schedule of betterment assessments by the City.)
8. Location of all buildings or structures must be shown including those underground, whether publicly or privately owned.
9. The Board does not have a stamp to affix on plan for the following legend; it must be printed on said plans:

"Planning Board Approval Not Required

Melrose Planning Board

By _____
Date _____"

If land is in more than one municipality, include a similar legend for each.

10. In cases where registered and non-registered land exists in a plan for one building lot acceptable under requirements, the following notation should be made before plan is endorsed:--

"Providing Lot_____ and Lot_____ are considered as one lot and held in common ownership."

11. When part of land is in adjoining town or city, approval will indicate that only the Melrose portion has been approved or endorsed; other portion in next town or city should be approved by it.

Revised April 1974
Revised November 23, 1992

SECTION IV. PROCEDURE FOR THE SUBMISSION OF PLANS REQUIRING
APPROVAL

A. Procedure For Submitting Preliminary Plan To The Planning
Board For Approval

1. BEFORE HEARING

- a. The applicant may discuss a contemplated subdivision plan without detailed drawing at any Regular Meeting of the Planning Board and explain what he is planning to do.
- b. When ready for a preliminary hearing and a discussion with the Board and other municipal agencies he must make a written request to the Board asking that a date be set for the submission of his preliminary plan (Date would be at a Regular Meeting of the Board).

The applicant should submit Form B completely filled out as required along with a fee of \$50.00 plus \$25 per lot in cash or certified check payable to the City of Melrose, together with an original print of the plan and three black and white copies of said preliminary plan drawn in compliance with subsection c.

- c. Contents of the preliminary plan: The preliminary plan may be drawn with either ink or pencil on a horizontal scale of one inch to each forty (40) feet and shall contain the following information:
 - (1) Subdivision name, boundaries, north point, date, scale and a block for approval.
 - (2) Name and address of record owner or owners, subdivider, engineer or surveyor.
 - (3) Names of all abutters as they appear in most recent tax list.
 - (4) Existing or proposed lines of streets, sidewalks, ways, lots, easements and public or common areas.
 - (5) Location of all permanent bounds properly identified as to whether existing or proposed.

- (6) Location of all existing structures and buildings.
 - (7) Size and location of existing storm drains, sewers and water mains and their appurtenances, or any other underground structures, publicly or privately owned.
 - (8) Boundary lines of all proposed lots or divisions of land, their approximate areas and dimensions. Lots to be numbered in sequence.
 - (9) The natural surface and elevation of the ground, with contour lines at five (5) foot intervals and at the location of natural watercourses and marshes together with proposed changes within and adjacent to the subdivision.
 - (10) Profiles on the exterior lines of proposed streets at a horizontal scale of one inch equals forty (40) feet and vertical scale of one inch equals four (4) feet, or such other scales acceptable to the Board. All elevations shall refer to the city datum.
 - (11) Where owner or subdivider also owns or controls un-subdivided land adjacent to that shown on the preliminary plan, the applicant shall submit a sketch plan showing a possible or prospective street layout for such adjacent land.
- d. The applicant will receive a letter from the Planning Board, upon receipt of his written request, notifying him of the date that has been set for his preliminary hearing. He should have his certified survey engineer with him.
 - e. The Planning Board will deliver a copy of the preliminary plan to the Board of Health and the Public Works Department with a letter notifying each department of the date of said hearing.
2. AT THE HEARING
- a. The applicant should inform the Board and City Engineer and Supt. of the Public Works Department, what financial arrangement he intends to make in regard to a performance bond, type of deposit, bond or security. (The amount of said bond must be estimated before the definitive plan is submitted to the Board).

- b. The applicant and the certified survey engineer will have an opportunity to ask questions of the municipal agencies represented at this hearing and discuss with them the requirements pertaining to each department relative to subdivisions.
- c. The Board of Health and the Public Works Department will keep their copies of said plan for further study and determination.

3. AFTER HEARING

- a. The applicant should notify the City Clerk in writing, by delivery or certified mail, that he has submitted a preliminary plan, on a certain date (date of the hearing) to the Planning Board and that a plan has been received by the Board of Health.
- b. The applicant will be notified by the City Engineer and Supt. of the Public Works Department of its determination and findings relative to the subdivision plan. Such notification from the Public Works Department shall include the following;
 - (1) Written verification of the location, sizes and grades of existing streets, rights of way, easements, water mains, sewer mains and storm drainage facilities as shown on the preliminary plan.
 - (2) Approval of proposed locations, sizes and grades of streets, rights of way, easements, water mains, sewer mains and storm drainage facilities as shown on the preliminary plan.
 - (3) Approval for any deviation from the design and work requirements specified in these rules and regulations, together with detailed specifications for performing the required work and all special construction requirements, if any, applicable to the subdivision.
 - (4) Written verification of estimates, secured by the applicant, of the cost of performing the various items of work as estimated by an engineer or contractor satisfactory to the Board. These estimates, as approved, will be for consideration in determining the amount of bond to be furnished if a performance bond is to be filed, and whether he has complied with the requirements of Section IV. A-5-c-d-e-f.

- c. The applicant will be notified by the Board of Health of its determination and findings relative to the subdivision plan and its sewage disposal works or water system(s), as herein defined.
- d. The applicant will receive notification from the Chief of the Fire Department whether the location in question has proper fire protection, and for any requirements for special water supply facilities where there is no public hydrant system.
- e. The applicant will receive notification from the Building Commissioner whether he has met the requirements of the department codes.
- f. The Planning Board will return the original plan to the applicant.
- g. The applicant and the City Clerk will receive a letter from the Planning Board within sixty days after submission of the plan, giving the Board's approval, disapproval or with modifications, noting therein its action and any changes which should be made, including reference to the Board of Health.

(See Chapter 41, Section 81S)

Revised August 1, 1969

Revised April 28, 1986

Revised November 23, 1992

B. Procedure For Submitting Definitive Plan To The Planning Board At A Regular Meeting Of Said Board (provided that the definitive plan is duly submitted within seven months from the date on which the preliminary plan was submitted)

1. FILING DEFINITIVE PLAN

- a. Applicant may file definitive plan if said plan complies with all rules and regulations governing subdivision of land in the City of Melrose, as required in Section IV.
- b. Applicant must present written statements from City Engineer, Board of Health, Fire Department and Building Commissioner in a form satisfactory to the Board. Said statement must have reference contained therein to name of subdivision, name and address of owner or subdivider.
- c. Contents of the definitive plan:

The definitive plan shall be prepared by an engineer or surveyor and shall be clearly and legibly drawn in waterproof ink upon reproducible mylar. The existing (indicated by a ---- line) or proposed (indicated by a _____ line) contour lines on the plans are to be shown in bold. The proposed center line of the profile to be shown in bold black line with the proposed grade, elevation figures in bold. All other lines and figures to be in black. The plan shall be at a scale of one inch equals forty (40) feet or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall be 24 inches by 36 inches. A margin of one-half inch shall be allowed on all four sides. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- (1) Subdivision name, location, boundaries, north point, date and scale.
- (2) Name and address of record owner, subdivider, engineer or surveyor.
- (3) Names of all abutters as they appear in the most recent tax list.
- (4) Existing and proposed lines of streets, ways, lots, easements and public or common areas within the subdivision. Indication of purpose of easements shall be shown. The proposed names of streets shall be shown in pencil until

they have been approved by the Board and accepted by the Board of Aldermen.

- (5) 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 with areas of lots and lot numbers.
- (6) Location of all permanent bounds properly identified as to whether existing or proposed. Any monuments, fences, water courses, walls or existing buildings shall be shown on the subdivided land as well as on the abutters land. The entire area of all lots affected must be shown.
- (7) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision as required by the Board.
- (8) Existing and proposed topography with contour lines at five (5) foot intervals.
- (9) Profiles of the exterior lines of proposed streets at a horizontal scale of one inch equals forty (40) feet and vertical scale of one inch equals four (4) feet or such other scales acceptable to the Board. All elevations shall refer to the City datum.
- (10) Proposed layout of storm drainage.
- (11) Each plan which is submitted shall have a six (6) inch wide by four (4) inch high title block in the lower right-hand corner. This title block shall be in the same form and contain the same information as shown by the specimen plan in the Public Works Department.
- (12) The traverse calculations shall occupy a block six (6) inches wide in the upper right hand corner.
- (13) Plans shall be lettered so as to read from the bottom and right side only, with the small dimension of the plan size on the bottom.
- (14) All proposed lots will have proposed grades shown in each of the four corners of the lots.
- (15) Designer's Certificate, Form D, should be completed or the information supplied on the

plan, in the latter case the Registration Number and Seal of the Engineer or Surveyor must appear on the plan.

- d. Above specifications must be complied with otherwise no date and time shall be set for a Public Hearing.
- e. An original of the Definitive Plan drawn on reproducible mylar with waterproof ink and accompanied by duplicate on reproducible mylar and five black and white prints on paper must be submitted to the Planning Board plus a computer disk which contains a digitized version of the definitive plan that is compatible with Autocad using MS-DOS.

(1) Two properly executed Form C applications

- (a) One to be filed with Planning Board to be attached to plan, properly endorsed by member* of Board.
- (b) One to be filed with the City Clerk, properly endorsed by member* of Board.

*authorized member of Board

- (2) Applicant shall submit a fee of \$300 plus \$100 for each lot in the subdivision in cash or certified check payable to the City of Melrose to the Planning Board along with Form C. In addition, the applicant shall publish at his or her own expense notice of public hearing in a newspaper of general circulation in Melrose, as required by law.

- (3) Names of all abutting owners as they appear in the most recent tax list. The Planning Board is required by law to notify all abutters. (Notification sent by certified mail.)

- f. Applicant may request a date to be set for a Public Hearing. He will be notified of date by certified mail. (Said Public Hearing notice must be published in a newspaper of general circulation in Melrose, two successive weeks and at least fourteen (14) days prior to hearing by the Planning Board).

2. AFTER PUBLIC HEARING

- a. Planning Board will vote on plan and it may approve, approve with conditions, or disapprove. If the Board modifies or disapproves such plan, it shall state in its vote the reason for its action.

- b. A letter will be sent to applicant by certified mail stating therein the vote of the Board.
- c. Applicant must provide the Planning Board with performance bond or letter of credit in form satisfactory to the Board and conditioned upon the completion of all required improvements within two (2) years from the date of approval of the definitive plan, unless the Board shall prescribe a different period. Said bond or letter of credit shall be in an amount recommended by the Public Works Department and approved by the Board and of sufficient penal sum in the opinion of the Board to cover the cost of such improvements and so drawn as to insure their satisfactory completion.
- d. Final approval shall be an endorsement on the original drawing of the Definitive Plan by the Superintendent and Engineer of the Public Works Department and by the signatures of a majority of the Board, if
 - (1) Board voted to approve plan, or
 - (2) Board voted to approve plan with conditions and those conditions have been complied with to the satisfaction of the Planning Board and such municipal agencies that may be concerned with the requirement of said conditions and have so stated in a written letter to the Board, and
 - (3) applicant has deposited a satisfactory letter of credit or performance bond with the City Treasurer but not until the statutory appeal period has elapsed (from date of approval referred to in letter sent to City Clerk) as required in Section 81-V of Chapter 41 of the General Laws providing for an appeal of a twenty (20) day period.
- e. The applicant shall file with the Registry of Deeds and/or the Land Court the approved plan bearing the endorsement of the Planning Board and certification by City Clerk that twenty days have elapsed after the Planning Board approval without notice of appeal.
- f. The applicant shall notify the Planning Board stating date of filing plan with Registry or Land Court and give Book Number, Page Number or Plan Number.

(See Chapter 41, Section 81-T)
Revised August 1, 1969
Revised April 28, 1986
Revised November 23, 1992

SECTION V. DESIGN STANDARDS

A. Streets

1. Location and Alignment

- a. All streets in the subdivision shall be designed so that in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- b. The proposed streets shall conform to any Master or Study Plan adopted in whole or in part by the Board.
- c. All proposed streets shall be continuous and in alignment with existing streets as far as practicable. The layout as developed must insure a convenient traffic pattern with connections adequate to permit a free circulation of vehicular traffic.
- d. Provision satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided. Temporary dead end streets, laid out to permit future projection, shall conform to the provisions of alignment, width and grade that would be applicable to such streets if extended.
- e. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips will be in the public interest.
- f. The minimum center line radii of curved streets shall be one hundred (100) feet. Greater radii may be required for principal streets.
- g. No street shall intersect any other street at less than sixty (60) degrees.
- h. Street lines at intersections shall be cut back and connected with an arc of not less than twenty (20) feet radius. When the intersection of two streets varies more than ten (10) degrees from a right angle, the radius of the curve at the obtuse angle may be less and at the acute angle, greater than the twenty (20) feet, subject to the approval or requirements of the Board.

2. Width

- a. The minimum width of street right-of-way shall

be fifty (50) feet. Greater width may be required by the Board when deemed necessary.

- b. Alleys with a minimum width of twenty (20) feet may be required by the Board at the rear of any lots zoned or designated for business use. (commercial)
- c. In extending an existing street which is not fifty (50) feet in width, the adjustment of alignment shall be subject to approval of the Public Works Department.

3. Grade

- a. Grades of all streets shall be the reasonable minimum but shall not be less than one-half (0.5) percent nor more than six (6) percent for principal streets and ten (10) percent for other streets. Where the grade of a street exceeds six (6) percent at an intersection, especially with a principal street, the subdivider shall reduce the grade for a reasonable distance from such intersection or in accordance with the City Ordinances or Standards of the Public Works Department in effect at the time.

4. Dead End Streets

- a. Dead end streets shall not be longer than five hundred (500) feet 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 at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least one hundred-eighteen (118) feet.

B. Lots

All lots shown on the plan shall comply in area, frontage and other requirements of the Zoning By-Law of the City of Melrose.

C. Easements

- 1. Easements for water mains, sanitary sewers and storm drains across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least fifteen (15) feet wide.
- 2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially

to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes, as required by the Board.

D. Open Spaces

Before approval of a plan the Board may also, in proper cases, require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light or air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval in writing. The subdivider shall have just compensation for any land taken or required for City use. (Chapter 41, G.L., Section 81-Q; Chapter 79, G.L.)

E. Protection of Natural Features

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

SECTION VI. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

A. General

1. No street or way through private property shall be accepted unless the same be previously constructed and completed in accordance with the following specifications:
 - a. All improvements hereinafter specified shall be constructed or installed by the applicant or subdivider or at his expense in accordance with these Rules and Regulations, in conformity with the approved Definitive Plan and under the direction of an authorized representative of the Public Works Department, subject to his approval.
 - b. Unless otherwise specified, all the work done, and materials used in the work to be done, shall conform to the requirements of "The Commonwealth of Massachusetts, Department of Public Works Standard Specifications for Highways and Bridges," 1953 Edition, as amended; in accordance with the then current standard specifications of the Public Works Department of the City of Melrose or subject to special provisions or specifications included hereinafter. In case of conflict between such special provisions or specifications and the above-mentioned "Standard Specifications" as amended or modified, these special provisions and specifications shall take precedence and shall govern.
 - c. In order that the Public Works Department may properly inspect the work as it progresses, the applicant or subdivider shall keep informed at all times of the progress of the work. As each construction operation is completed it shall be approved by an authorized representative of the Public Works Department previous to the start on any succeeding operation. Safe and convenient access shall be provided at all times to all parts of the work being done by the applicant or subdivider so that proper inspection can be made by an authorized representative of the Public Works Department. Actual cost of the inspection shall be paid by the applicant or subdivider.
 - d. The applicant or subdivider shall provide all necessary materials except for such materials, if any, as the City agrees to furnish. Materials furnished by the City shall remain the property of the City at all times. The City will only furnish materials when the applicant or subdivider is required to construct or install improvements which in the opinion of the Public Works Department, have

a capacity substantially greater than is necessary to serve the subdivision alone. In such cases, the value of the materials furnished by the City shall not exceed the extra cost resulting from providing the additional capacity.

- e. Before the Board will release a surety bond or deposit, or in the case of conditional approval, issue a certificate of performance, the applicant or subdivider shall obtain and submit to the Board written evidence that the required work has been completed to the satisfaction of the Public Works Department.
- f. Before the Board will release a surety bond, or in the case of a conditional approval, issue a certificate of performance, the applicant or subdivider shall execute an instrument in triplicate, substantially in the form of Appendix H, transferring to the city without cost, valid unencumbered title to all water mains and sanitary sewers, surface drains and storm drains with any manholes, pipes, conduits and other appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveying to the city without cost and free of all encumbrances and liens, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain water mains and sanitary sewers, surface drains and storm drains with any manholes, pipes, conduits and other appurtenances thereto and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or portion thereof to be approved, and if any such sewers or water mains have been constructed and installed in land not within such streets, then, in, through and under a strip of land extending seven and one-half (7 1/2) feet in width on each side of the center line of all such sewers and water mains. The Board will file one copy of Form H with the City Clerk and one copy with the Public Works Department.

B. Streets and Roadways

- 1. To be constructed by and at the expense of the applicant or subdivider.
- 2. The entire area within the exterior lines of all streets in the subdivision shall be cleared, excavated or filled as necessary, and graded in accordance with the then current standard specifications of the Public Works Department and the Ordinances of the City.

3. Roadways shall be constructed for the full length of all streets in the subdivision. The center line of such roadways shall coincide with the street rights-of-way unless a variance is specifically authorized by the Public Works Department. The minimum width of roadways between curb lines shall be thirty-two (32) feet unless a greater width is required by the Board in the case of principal streets.
4. Where a temporary dead end street extends one hundred fifty (150) feet or more beyond an intersection, there shall be constructed as part of the roadway, a temporary turn-around in accordance with the requirements of the Board and subject to approval by the Public Works Department.
5. All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan and shall be constructed and provided with an acceptable surface in accordance with the then current standards of the Public Works Department.
6. Curbs shall be provided in accordance with the then current standards of the Public Works Department and the Ordinances of the City to protect the adjacent land from erosion, facilitate cleaning and prevent encroachment by vehicles. Under certain conditions, this requirement may be waived by agreement between the Board and the Public Works Department.
7. All areas between the exterior street lines and the curb lines of the roadways thereon which are not occupied by sidewalks shall be graded, loamed and seeded in accordance the then current standard specifications of the Public Works Department. Where the final grade of the exterior street line is above or below the grade of the adjacent land, walls or slopes shall be constructed, sufficient in the opinion of the Public Works Department to support the street or adjacent land, as the case may be.
8. All roadways, all areas between exterior street lines and curb lines, and all slopes outside exterior street lines, shall be constructed to a finished transverse grade parallel to those shown on the then current standard cross section plan of the Public Works Department for proposed streets with an acceptable surface in accordance with the then current standards of the Public Works Department.
9. Granite stone bounds, 6 inches by 6 inches by (at least) 3 feet, shall be set at locations indicated on the plan on the exterior street lines at all angle points, at the beginning and end of all curves and at all intersections.

Each stone shall be set in bank gravel with the top at the approved grade and the reference point shall be a drill hole in the top surface. No permanent bounds shall be installed until all construction which would destroy or disturb the bounds is completed.

10. Street signs bearing the name of the street as indicated on the Definitive Plan shall be erected at all intersections of streets in the subdivision to conform to the type being then currently used in the City, subject to the approval of the Public Works Department. At all points where a private street within the subdivision intersects with an existing public way, a sign in conformance with the then standard practice in the City regarding private ways, shall be erected, subject to the approval of the Public Works Department.
11. Sidewalks, subject to the then current standard specifications of the Public Works Department and conforming to the city ordinances, shall be constructed by the applicant or subdivider at his expense and are subject to inspection and approval by the Public Works Department.

C. Storm Drainage

1. Storm drains, culverts and related installations, including catch basins, gutters and manholes, shall be installed as necessary to provide adequate disposal of surface water from all streets within the subdivision and adjacent land, by and at the expense of the applicant or subdivider.
2. Proper connections shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the subdivision is not subdivided, provision shall be made for proper projection of the drainage system by continuing appropriate drains to the exterior boundaries of the subdivision at such size and grade as will allow for such projection.
3. The storm drainage system shall conform to the then standard specifications of the Public Works Department and shall be approved by an authorized representative of the Department.

D. Water and Sewer Facilities

1. Under certain conditions, subject to approval of the Public Works Department, this work may be done by the Department, charges therefore to be paid by the applicant or subdivider. Otherwise, it shall be done by the applicant or subdivider at his expense.

2. Water mains, with hydrant, valves and other fittings and sanitary sewers with manholes and other appurtenances, shall be constructed and installed within the subdivision as necessary to provide all lots therein, adequate water supply and sewage disposal, including sufficient water supply properly located for fire protection.
3. Proper connections shall be made with existing public water and sewer systems. Where property adjacent to the subdivision is not subdivided, provision shall be made for proper projections of the systems by continuing appropriate water and sewer mains to the exterior boundaries of the subdivision at such size and grade as will allow for the projections. (See SECTION VI A, 1-d.)
4. Service connections for water and sewer from the main structures in the street to the exterior lines thereof, shall be installed for each lot shown on the plan, whether or not there is a building thereon. Any deviation of the requirement necessitated by unusual topographic or technical difficulties, shall be only with the specific approval of the Public Works Department.
5. The installation of water and sewer systems, including methods of construction and quality of materials used, shall conform to the then standard specifications of the Public Works Department and are subject to the approval of an authorized representative of the Public Works Department.
6. In the event public sewers are not or will not be available for a considerable period of time, the Board may waive the requirements of the construction of sewers.

E. EXCEPTION

However, nothing in the foregoing shall prevent the developer, at his election from making an agreement with the Public Works Department to perform the foregoing improvements.

SECTION VII. ADMINISTRATION

A. Variation

These rules may be varied or waived when in the opinion of the Board, such action is in the public interest and is not inconsistent with the Subdivision Control Law.

B. Reference

For any points not specifically covered in these Rules and Regulations, reference is made to the General Laws, Chapter 41, Sections 81-A to 81-GG, as amended from time to time.

FORM A

APPLICATION FOR A DETERMINATION OF PLANNING BOARD JURISDICTION

Submit two completed application forms for signature of Planning Board member, one to be retained by the Board and the other to be filed with the City Clerk in accordance with the requirements of Section III of the Revised Rules and Regulations Governing the Subdivision of Land in Melrose, Massachusetts, Adopted March 24, 1958, by the Planning Board. Separate paragraphs are used to indicate alternative provisions. (The applicant(s) should select and complete the paragraphs pertinent to his case).

Please give location and description of lot(s), including frontage, area, and depth. Explain what is being done and purpose to which property will be put: _____

To the Planning Board of the City of Melrose:

The undersigned owner(s) of the property herein described wishes to record the accompanying plan and requests a determination by said Board that approval by it is not required under Subdivision Control Law. The undersigned believes that such approval is not required for the following reasons:

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount frontage required by the Melrose Zoning Ordinance, and is on _____ which is a Private/ Public Way.
(Circle One)

Approved under subdivision plan entitled _____

2. The division of land shown on the accompanying plan is not a subdivision for the following reasons: _____
- _____
- _____

3. The division of land shown on the accompanying plan is not a subdivision because _____ buildings were standing on the land on November 5, 1917 when the Subdivision Control Law went into effect through the acceptance by the City of the statute authorizing boards of survey, and one of such buildings remains

standing on each of the proposed lots shown on said plan. The location of such buildings is shown _____ and evidence of their existence prior to said date is submitted herewith as follows: _____

4. The division has the same validity as an approved subdivision because it is in accordance with a plan registered or confirmed by the Land Court prior to February 1, 1952, namely, on _____, 19____. Evidence of such registration or confirmation is submitted herewith as follows: _____

5. Is each lot served by city sewers? Yes _____ No _____

6. Deed of property is recorded in Southern Middlesex Registry Book _____ Page _____ Cert. _____

[If more than one owner, all must sign, and if someone other than owner presents application, authority (such as power of attorney) must be shown.]

Signature of Owner

Address

Signature of Engineer
or Surveyor

Signature of Owner

Address

Address

Accepted this _____ day of _____, 19____, as
duly submitted under the Rules and Regulations of the Planning Board.

MELROSE PLANNING BOARD

By _____

NOTE: This application is not deemed to have been submitted until signed above by a member of the Planning Board.

Planned signed by _____ under date of _____
19____.

FORM B

APPLICATION FOR TENTATIVE APPROVAL OF PRELIMINARY PLAN

_____, 19____

To the Planning Board of the City of Melrose:

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

_____ and dated _____, 19____, submits such plan as a preliminary plan showing in a general way the proposed subdivision of land, and makes application to the Board for tentative approval thereof.

The owner's title to the land is derived under deed from

_____, dated _____, 19____

and is now recorded in Middlesex South District Registry of Deeds, Book _____, Page _____, or under Certificate of Title No. _____, registered in Middlesex South Land Registry District, Book _____, Page _____.

Applicant

Address

NOTE: This application is not deemed to have been submitted until the following endorsement has been completed by a member of the Planning Board.

Accepted this _____ day of _____, 19____, as duly submitted under the Rules and Regulations of the Planning Board.

MELROSE PLANNING BOARD

By _____

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and one copy with the City Clerk in accordance with the requirements of Section IV-B, 1-c.

(Where alternative paragraphs are provided, applicant is to select and complete the paragraph pertinent to his case).

_____, 19__

To the Planning Board of the City of Melrose:

1. The undersigned applicant, being the owner of all land included within a proposed subdivision shown on the accompanying plan, entitled _____ and dated _____, 19__, submits such plan as a definitive plan of the proposed subdivision and makes application to the Board for final approval thereof.
2. The land within the proposed subdivision is subject to the following easements and restrictions: _____

3. There are appurtenant to the land within the proposed subdivision the following easements and restrictions over the land of others: _____

4. A preliminary plan of the proposed subdivision, to which the accompanying plan conforms, was tentatively approved by the Board on _____, 19__, with modifications, which modifications have been incorporated in the accompanying plan.
5. The applicant agrees, if the definitive plan is approved, to construct and install all improvements within the proposed subdivision required by the Rules and Regulations of the Melrose Planning Board as in force on the date of this application, and as modified and supplemented by the work specifications and other requirements of the Public Works Department set forth in the statements attached hereto. (See Sec. IV, A-5 of Regulations)
6. The applicant further agrees to complete all said required improvements within two years from the date of approval of the definitive plan by the Board, unless the Board approves a different period of time.

7. The applicant further agrees, if this application is approved, to cause the definitive plan of the subdivision to be recorded in the Middlesex South Registry of Deeds within thirty (30) days after the return of said plan to the applicant by the Board, and agrees not to sell, or offer to sell, any of the lots within the subdivision until said plan is so recorded.
8. The applicant further agrees that if the definitive plan is approved, applicant will promptly, at any time thereafter when requested so to do by the Board, convey to the City, in form satisfactory to the Board, title to the water mains and sewers and the prescribed easements therefor.
9. The applicant further agrees that within forty-five (45) days after the submission of the definitive plan, the applicant will cause to be filed with the Board, a bond in form satisfactory to the Board and conditioned on the completion of all required improvements in the time and manner prescribed, in a penal sum sufficient, in the opinion of the Board, to cover the cost of such work, and executed by the applicant as principal and a surety company authorized to do business in the Commonwealth and satisfactory to the Board, as surety, or secured by the deposit with the City Treasurer of money or negotiable securities, satisfactory to the Board, in an amount equal to the penal sum of the bond.

OR

(as an alternative to the above agreement) The applicant requests the Board to approve the definitive plan on condition that no lot in the subdivision shall be sold and no building shall be erected or placed on any lot until the required improvements specified are construed and installed so as to serve the lots adequately.

10. The owner's title to the land is derived under deed from _____
 _____, dated _____, 19____

and recorded in Middlesex South District Registry of Deeds, Book _____, Page _____, or under Certificate of Title No. _____, registered in Middlesex South Land Registry District, Book _____, Page _____.

Applicant	Address

NOTE: This application is not deemed to have been submitted until the following endorsement has been completed by a member of the Planning Board.

Revised April 1974

Accepted this _____ day of _____, 19____,
as duly submitted under the Rules and Regulations of the
Planning Board.

MELROSE PLANNING BOARD

By _____

FORM D

DESIGNER'S CERTIFICATE

(This certification can appear on plan)

_____, 19____

To the Planning Board of the City of Melrose:

I hereby certify that the accompanying plan, entitled

and dated _____, 19____, is true and correct to
the accuracy required by the Rules and Regulations of the Melrose
Planning Board.

Engineer or Surveyor

Address

(Registration Number and Seal of Engineer or Surveyor)

FORM E

PERFORMANCE BOND - SURETY COMPANY

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ of _____
in the County of _____, in the Commonwealth of
Massachusetts, as PRINCIPAL, and _____ a corporation
duly organized and existing under the laws of the Commonwealth
(State) of _____ and having an established
place of business in _____ in the County
of _____ in the Commonwealth of Massachusetts, as
SURETY, are hereby holden and stand firmly bound and obliged to the
City of MELROSE, a Municipal Corporation of the Commonwealth of
Massachusetts, in the County of Middlesex, in the full and just sum
of _____ Dollars (\$ _____) to the true
payment whereof we bind ourselves and each of us, our successors and
assigns, and our heirs, executors and administrators, jointly and
severally, by these presents.

This bond is subject only to the condition that if the
above-bounded _____, his (its, our) heirs,
(Principal)

executors, administrators, successors or assigns or its surety shall
in all things stand to and abide by, and fully and satisfactorily
observe, keep and perform within two years from the date and in the
time and in the manner specified, all of the conditions, covenants,
terms, agreements and provisions contained in the application for
the approval of a certain subdivision entitled _____,
signed by _____ and dated _____, and in
(Principal)

the order or orders under which the approval of the Melrose Planning
Board has been granted or is hereafter granted then this obligation
shall become null and void; otherwise it shall remain in full force
and effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals
this _____ day of _____, 19____.

Surety

Principal

FORM F

PERFORMANCE BOND - SECURED BY DEPOSIT

KNOW ALL MEN BY THESE PRESENTS:

That I (we) _____, of _____ in
Applicant
the County of _____, Massachusetts, hereby am (are)
holden and stand firmly bound, and bind(s) and obligate(s) myself
(ourselves), and my our) successors, assigns, executors,
administrators, heirs and devisees to the City of MELROSE, a
Massachusetts Municipal Corporation in the County of Middlesex in
the sum of _____ Dollars (\$_____) and
has secured my (our) compliance with this obligation by the deposit
with the Treasurer of said City of said sum in money, savings bank
deposit books, duly assigned, or negotiable securities, in an amount
satisfactory to the Treasurer.

The CONDITION of this obligation is such that if the
undersigned or his (their) successors, assigns, executors,
administrators, heirs or devisees shall have within the time
specified in the order of the Melrose Planning Board fully and
satisfactorily performed in the manner specified all of the
conditions, covenants, terms, agreements and provisions contained in
the application signed by _____ and
dated _____ and in the approval of a definitive plan of a
certain subdivision entitled _____ which has
been granted or is hereafter granted by the Melrose Planning Board,
then this obligation shall be null and void; OTHERWISE it shall
remain in full force and effect, and the aforesaid security for the
payment of said sum shall be and become the sole property of said
City of Melrose as liquidated damages.

IN WITNESS THEREOF the obligor has hereunto set his (its, our)
hand(s) and seal(s) this _____ day of _____, 19____.

FORM G

CONDITIONAL APPROVAL CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

That whereas the undersigned has (have) submitted application signed by _____ and dated _____ to the Melrose Planning Board for approval of a definitive plan of a certain subdivision entitled _____ and dated _____, 19____, and has requested the Melrose Planning Board to approve such plan without requiring the subdivider to furnish a performance bond.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Melrose Planning Board's approving said plan without requiring a performance bond, and in consideration of One Dollar (\$1.00) to the undersigned in hand paid, receipt whereof is hereby acknowledged, the undersigned contracts, covenants, and agrees with the City of Melrose as follows:

1. The undersigned will not sell any lot in the said subdivision or erect, place or maintain thereon any building until the ways and other improvements necessary adequately to serve such lot have been completely constructed and installed in the manner specified in the aforesaid application and in accordance with the covenants, conditions, agreements, terms, and provisions thereof.
2. The undersigned represents and covenants that the undersigned is the owner in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages or encumbrances of record or otherwise on any of said land, except such as are noted below and subordinated to this contract.
3. This agreement shall be binding upon the undersigned as well as upon his (its, their) successors, assigns, executors, administrators, heirs and devisees.

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.

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 Melrose Planning Board and enumerating or identifying the specific lots so released.

IN WITNESS WHEREOF the undersigned has (have) hereunto set his
(its, their) hand(s) and seal(s) this _____ day
of _____, 19____.

_____, the present holder of a mortgage
on the above described land, dated _____ and recorded
with Middlesex South District Registry of Deeds, Book _____,
Page _____, or registered in Middlesex South Land Registry
District as Document No. _____ and noted on Certificate of Title
No. _____ in Registration Book _____, Page _____, for
consideration paid, hereby subordinates said mortgage to the above
contract and agrees that said contract shall have the same status,
force and effect as though it had been made and recorded, or
registered, before the making of said mortgage.

IN WITNESS WHEREOF this instrument has been executed in the
name and on behalf of said mortgagee (and its corporate seal hereto
affixed by _____ its _____
hereunto duly authorized) this _____ day of _____,
19____.

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 19____

Then personally appeared the above named _____
and acknowledged the foregoing instrument to be his free act and deed
(or the free act and deed of said _____) before me.

Notary Public

My Commission expires _____

FORM H

CONVEYANCE OF EASEMENTS AND UTILITIES
(In Triplicate)

_____, of _____,
_____ County, Massachusetts, for consideration paid,
grant to the City of Melrose, a municipal corporation in Middlesex
County, Massachusetts, with quitclaim covenants, the perpetual
rights and easements to construct, inspect, repair, renew, replace,
operate, and forever maintain, water mains and sanitary sewers,
surface drains and storm drains with any manholes, pipes, conduits
and other appurtenances thereto, and to do all acts incidental
thereto, in, through and under the following described land:

And, for the consideration aforesaid, the said grantor does
hereby give, grant, sell, transfer and deliver unto the said grantee
and its successors and assigns forever, all water and sewer pipes,
manholes, conduits and all appurtenances thereto that are now or
hereafter constructed or installed in, through or under the above
described land by the grantor and the grantor's successors and
assigns.

And I, (wife, husband) of said grantor hereby release to said
grantee and its successors and assigns forever, all rights of
dower and homestead/tenancy by the courtesy and other interests
therein.

For grantor's title, see deed from _____,
dated _____, 19____, and recorded with Middlesex South District
Registry of Deeds, Book _____, Page _____, (or noted on
Certificate of Title No. _____ in Registration Book _____,
Page _____.)

And _____, 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 said grantee and its successors and assigns forever from
the operation of said mortgage, the rights and easements hereinabove
granted and assents thereto.

IN WITNESS WHEREOF we have hereunto set our hand(s) and
seal(s) this _____ day of _____, 19____.

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____, 19____
Then personally appeared the above named _____ and
acknowledged the foregoing instrument to be _____ free act and
deed, before me,
My commission expires _____

Notary Public