RULES AND REGULATIONS

GOVERNING THE SUBDIVISION OF LAND

NAHANT, MASSACHUSETTS

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.

This revision of Subdivision Rules and Regulations was adopted following a Public Hearing on March 20, 1995, with a final vote on April 29, 1995.

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

SECTION 1

PURPOSE AND AUTHORITY

1.01 Purpose

These subdivision regulations are adopted under the provisions of Chapter 41 of the General Laws for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Nahant 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 the Planning Board and the Board of Appeals under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger of life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the Zoning Bylaw; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police and other similar municipal equipment, and street lighting, access for solar energy 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 Town and with the ways in neighboring subdivisions.

1.02 Authority

Under the authority vested in the Planning Board of the Town of Nahant by Chapter 41 of the General Laws, said Board has hereby adopted these rules and regulations governing the subdivision of land in the Town of Nahant. These rules and regulations shall be effective ten days after filing with the Town Clerk.

SECTION 2 GENERAL

2.01 Definitions

Abutters List A list of owners of land directly opposite on any public or private street or way, and abutters to the abutter within three hundred (300) feet of the property line of the petitioner's lot as they appear on the most recent applicable lax list. The Assessors maintaining any applicable tax list shall certify the names and addresses of parties in interest and such certification shall be conclusive for all purposes.

Applicant A person (as hereinafter defined) who applies for the approval of a plan of a subdivision or a person who applies under Section 3. "Applicant" shall include an owner, or agent, or representative, or assigns.

Bench Mark A mark made in a durable object of known position and elevation as a reference point.

Board The Planning Board of the Town of Nahant as established under Section 81 A of Chapter 41 G.L.

Certified By Certified by (or endorsed by) the Planning Board, as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of the Planning Board.

Designer A Registered Professional Civil Engineer or a Registered Land Surveyor in Massachusetts.

Develop To construct a street, install utilities, erect a house or other structure, or in any way to improve a lot substantially.

Developer A person (as hereinafter defined) who develops a subdivision under a plan of a subdivision approved pursuant to Sec. 3 of these Rules and Regulations.

Drainage Runoff of water, whether across the surface of the land or impervious development such as streets, driveways and buildings, and all structures which are designed to carry the flow of water such as storm drains, surface channels and detention areas.

Easement A right acquired by public authority or other person to use or control property for a utility or other designated public purpose.

Fee Schedule All rees are not refundable. The following fees have been adopted:

*Submission of Preliminary Plan	$50.00/Lot
*Submission of Definitive Plan	$100.00/Lot
*Plan Not Requiring Approval	$100.00/Plan
*Cost of Advertising	$ Estimate will be provided
*Consultant, if necessary	$ Estimate will be provided

Foot Paths A pedestrian way of any dimension over which the public has the right of passage but does not qualify as a frontage under the subdivision regulation.

Frontage The continuous horizontal distance measured between the side lot lines at the street line on a way which qualifies for frontage under Chapter 41, Section 81-L, General Laws.

General Laws (Abbreviated G.L.) Ther General Laws of Massachusetts, and as the same may be amended.

Lot An area of land in one (1) ownership with definite boundaries used, or available for use, as the site of one (1) or more buildings. (Sec. 81-L of Chapter 41 G.L.)

Monument A permanent marker to indicate a boundary.

Municipal Services Water drains, sewers, water pipes, gas pipes electrical lines, telephone lines, fire alarm system, similar systems and their respective appurtenances.

Owner As applied to real estate, the person holding the fee simple title to a parcel, tract or lot of land, as shown by the record in the Registry of Deeds or Registry of Probate, or Land Court.

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

Plan: Preliminary A plan of a proposed subdivision or a re-subdivision of land prepared in accord with Section 3 to facilitate proper preparation of a Definitive Plan.

Plan: Definitive The plan of a subdivision as duly 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 preliminary plan.

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

Private Utilities This term shall include telephones, cable television, electric light and power, and gas lines whether installed on, above or beneath the surface of the ground.

Recorded Recorded shall mean recorded in the Registry of Deeds except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court. (Section 81L of Chapter 41 G.L.)

Registered Professional Engineer or Registered Professional Land Surveyor shall mean having registrations in Massachusetts.

Registry of Deeds Registry of Deeds shall mean the Registry of Deeds for the Southern District of Essex County, and when appropriate, shall include the Land Court (Section 81 L of Chapter 41, G.L.).

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

Right of Way With respect to subdivision dimensional and construction standards, the land which contains a subdivision roadway, is bounded by subdivision lot lines and existing rights of way, and provides frontage for subdivision lots. In general application to the Town of Nahant, it also refers to other ways over which the public has the right of passage but do not qualify as frontage under the subdivision regulation.

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

Standard Specifications "The Commonwealth of Massachusetts Department of Public Works, Standard Specifications for Highways and Bridges, " 1988 edition as amended.

Street, Major A street which, in the opinion of the Board, is being used or will be used as a thoroughfare within the Town of Nahant, which will carry a heavy volume of traffic.

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 which will not be used for through traffic.

Street, Secondary A street intercepting one (1) or more minor streets and which, in the opinion of the Board, is used or will be used to carry a substantial volume of traffic from such minor street(s) to a major street or community facility.

Street, Subsidiary A street serving only one lot. See 4.01 A (e).

Subdivider The owner.

Subdivision The division of a tract of land into two (2) or more lots and shall include resubdivision and when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided, provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law, if, at the time when it is made, every lot within the tract so divided has a frontage on (a) a public way, or a way, which the Town Clerk of the Town of Nahant certifies is maintained and

used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town 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 buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning Bylaw. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two (2) or more buildings were standing when the subdivision control law went into effect in the Town 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 G.L.)

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

A plan shall be submitted under this section when delivered at a meeting of the Board or when sent by registered mail to the Planning Board, care of the Town Clerk. If so mailed, the date of mailing shall be the date of submission of the plan.

Town Town of Nahant, Massachusetts

Way A way is synonomous with the terms, road, street, highway, avenue pedestrian path and shall denote any such line or route for passage whether public or private. A way includes the width of the strip of land laid out, designated, acquired and/or dedicated for the use of such way. Such width includes the spaces for vehicular travel and sidewalks.

2.02 Approved Plan Required

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

When in the judgment of a majority of the Planning Board, a preliminary or definitive plan, or elements thereof, is beyond the technical capability of the Planning Board to review, the Planning Board may assess fees sufficient to compensate the Registered Professional Engineer for outside technical review. The Planning Board shall provide the applicant with an estimated outside consulting fee, and the applicant shall deposit such amount with the Town Clerk within seven business days of the day of the estimate. If the fees paid to the consultant are less than the applicant's deposit, then the balance shall be returned to him; and if the fees exceed the deposit, the applicant shall pay the balance prior to endorsement of the plan.

2.03 Application by a Corporation

A certificate signed by the Clerk of the Corporation shall accompany submission of definitive subdivision plans certifying a vote by the Directors authorizing individual(s) to act for the Corporation.

2.04 Ownership of Property

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

SECTION 3

PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

3.01 Plan Believed Not To Require Approval (ANR)

A. 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 the plan does not require approval under the Subdivision Control Law shall submit the plan and four (4) copies thereof and two (2) copies each of properly executed Form A accompanied by the necessary evidence to show that the plan does not require approval of the Planning Board, at a regularly scheduled Planning Board Meeting. Said person shall also file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission to the Board for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefore.

B. Contents

Said plan shall be legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds as amended pertaining to plan size, material, lettering and related requirements, and shall contain all seals and signatures required by the Registry of Deeds prior to the recording of said plan. The plan scale shall preferably be forty feet (40') to the inch or such other scale as the Board way accept, and may contain the following:

1. The statement, "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and the signatures of a majority of the Board.

2. Zoning classification and location of any zoning district boundaries that way lie within the locus of the plan.

3. In the case of the creation of a new lot, all the abutting land area and frontage of the land in the ownership of the applicant shall be shown.

4. Names of abutters from the most recent local tax list unless the applicant has knowledge of any changes subsequent to the latest available Assessors' records.

5. The name and width of the right-of-way providing frontage and access to the lots shown on the plan, and the extent of the paved improvements within the right-of-way.

6. Bearings and distances of all lines of the lot or lots shown on the plan and the distance to the nearest permanent monument.

7. Accurate location of all existing buildings, and building setback, side yard and rear yard designations.

8. Location of all bounds, right of way, easements and/or encumbrances, location of wetland areas, as delineated by a professional according to the provisions of 310 CMR 10.00, the Massachusetts Wetland Protection Regulations, Section 404 of the Clean Water Act, and the Army Corps of Engineers Wetland Delineation Manual Technical Report Y-87-1 or later.

9. Plan shall contain a statement that the plan is based on an actual survey, and the date thereof.

C. Endorsement of Plan Not Requiring Approval

If the Board determines that the plan does not require approval, it shall, without a public hearing, and within the time specified by G.L. Ch. 41, Sec. 81-P, after submission, endorse the plan. The Board may add to such endorsement a statement of the reason approval is not required. The original plan shall be returned to the applicant, with a statement of the Board's decision, and the Board shall also notify the Town Clerk in writing of its action. If said plan is not filed within ninety (90) days from the date of the endorsement, it is null and void.

D. Determination that Plan Requires Approval.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within the time specified by G.L. Ch. 41, Sec. 81-P (21 days) after submission of the plan so inform the applicant in writing and return the plan. The Board shall also notify the Town Clerk in writing of its action.

E. Failure of Board to Act

If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the persons submitting the plan of its action within the time specified by G.L. Ch. 41, Sec. 81-P (21 days) after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith, make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

3.02 Preliminary Plan

A. Submission of a Preliminary Plan

A Preliminary Plan of a subdivision is mandatory for non-residential property, and is encouraged for residential property . The Preliminary Plan, eight (8) prints of it and the minimum filing fee (see Section 2.03) shall be filed with the Planning Board together with two (2) copies each of properly executed application Form B at a regularly scheduled meeting of the Board. The applicant may also file by delivery or registered mail a notice with the Town Clerk stating the date of submission of a Preliminary Plan to the Board for such approval accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

The submission of such a Preliminary Plan will enable the subdivider the Planning Board, the Board of Health, the Conservation Commission, the Department of Public Works, the Police Department, the Fire Department, and other Town agencies and the 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.

B. Contents

The Preliminary Plan shall be drawn on mylar at a suitable scale, preferably forty feet (40') to the inch or such other scale as the Board may accept. The plan shall be designated as a "Preliminary Plan" and 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:

1. The subdivision name, if any, boundaries, north point, date, scale, legend and title "Preliminary Plan".

2. The names and addresses of the record owner of the land and the subdivider and the name, seal, and address of the designer, engineer and surveyor who made the plan, which shall appear in the lower right-hand corner.

3. The names of all abutters, as determined from the most recent local tax list, unless the applicant shall have more recent knowledge of such abutters.

4. The existing and proposed lines of streets, ways, easements, and any public or common areas within the subdivision, in a general manner.

5. Major features of the land such as existing walls, fences, monuments, buildings, wooded areas, outcroppings, ditches, swamps, water bodies, natural waterways, springs, and soil types according to the most recent edition of "Soil Survey of Massachusetts", prepared by the U.S. Dept. of Agriculture, Soil Conservation Service.

6. The proposed system of sewage disposal, water installation and of drainage, including adjacent existing natural waterways.

7. The approximate boundary lines of proposed lots, with lot numbers, approximate areas and dimensions.

8. The names, approximate location and widths of adjacent streets, and of streets approaching or within reasonable proximity of the subdivision.

9. The existing and proposed topography of the land with a minimum two-foot (2') contour interval based on the Town Datum (U.S. Coast and Geodetic Survey). Water bodies and their elevations shall be shown with the date of measurement

10. The proposed names of the proposed streets and a number on each lot on each proposed street.

11. The profiles of existing grades and proposed finished grades of the roadways, and drain and sewer utilities, together with a cross section of any open channel streams.

12. The zoning classification of land shown on the plan and its abutting properties.

13. Easements and rights-of-way applicable to the area shown on the plan.

14. Necessary engineering calculations to provide information to the Nahant Planning Board that fire protection, vehicular traffic flow, and all other safety precautions are being provided.

15. If wetlands are present on the site, as determined by the Conservation Commission, then the applicant shall have such wetland area staked by a qualified professional, surveyed and drawn on to the plans. If no wetlands are present, the the Civil Engineer or Land Surveyor shall certify to the absence of wetlands on the site.

C. Approval of a Preliminary Plan

The Board may give such Preliminary Plan approval in accordance with G.L. Ch. 41, Sec. 81 S, with or without modification or suggestion, after the Board's review, and at the Board's option, review with the Board of Health, the Conservation Commission, the Department of Public Works, Police Department, Fire Department andother Town agencies. Such approval does not constitute approval of the subdivision, but facilitates the preparation of the Definitive Plan and securing approval thereof. The original of the Preliminary Plan will be returned to the applicant. Approval shall be

effective for six (6) months or until a Definitive Plan evolving from the Preliminary Plan is filed, whichever comes first. During the discussion of the Preliminary Plan, the complete information required for the Definitive Plan and the financial arrangements will be developed.

D. Disapproval of a Preliminary Plan

In the event of disapproval of a Preliminary Plan, the Board shall state the reasons for its disapproval in accordance with Section 81 S of Chapter 41, G.L.

3.03 Definitive Plan

A. Submission of a Definitive Plan

Any person who submits a Definitive Plan of a subdivision to the Board for approval shall file with the Board all items required in sub-sections A and B of this Section and the minimum filing fee (see Section 2.03) for a Definitive Plan to be duly submitted in accordance with these Rules and Regulations and the General Laws of Massachusetts. Such submission shall be made to the Planning Board at a regularly scheduled meeting of the Board, and shall include and conform with the following:

1. Two (2) original drawings of the Definitive Plan, and fifteen (15) contact prints thereof, dark line on white background. One (1) original drawing will be returned after approval or disapproval. One (1) set of original mylar drawings suitable for recording, and one (1) set of reproducible stable base plans shall be submitted for signatures upon approval of the subdivision.

2. Properly executed Form C "Application for Approval of a Definitive Plan". 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.

3. The Definitive Plan shall be prepared by a Registered Professional Engineer or a Land Surveyor registered in Massachusetts, all pages shall be recordable and shall be clearly and legibly drawn in accordance

with the rules and regulations of the Registry of Deeds as amended pertaining to plan size, material, lettering and related requirements. In addition, it shall contain the following:

a. The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instruction, Commonwealth of Massachusetts. It is recommended that all other survey and Definitive Plan preparations, where not herein specified, be guided by the Manual of Instruction. A letter of certification by the Registered Professional Land Surveyor shall be submitted stating that the survey was actually made and that it is in conformance to the above, and listing the error closure, along with any calculations that may be deemed necessary by theBoard.

b. The plan shall be at a scale of one inch (1) equals forty feet (40'), or such other scale as the Board may accept to show details clearly and adequately, including graphic scale.

c. Sheet sizes shall be twenty-four by thirty-six inches (24" x 36") including a three-quarter inch (3/4") border.

4. The applicant shall also file by delivery or registered mail a notice with the Town Clerk stating the date of submission to the Board for such approval accompanied by a copy of the completed Form C "Application for Approval of a Definitive Plan".

5. As required by Section 81-U, Chapter 41 G.L., a copy shall also be filed with the Board of Health, which shall, within 45 days after such filing, report to the Planning Board in writing as specified in said Section 81-U; failure to report shall be deemed approval.

B. Contents

The Definitive Plan shall contain the following information:

1. A title, appearing in the lower right-hand corner of each sheet showing the name of the subdivision if any, the date, scale, graphical scale, north arrow, the name and seal of a Massachusetts Registered Professional Engineer or Land Surveyor who made the plan, and provisions

to show the dates of all revisions to the plan.

2. North point, whether true, magnetic, or grid benchmark and so indicated, and the boundaries of the subdivision.

3. Location and ownership of abutting property as determined from the most recent local tax list, unless the applicant shall have more recent knowledge of such abutters, so indicated, including all abutting land owned by the applicant not presently being subdivided, and all other land within one-hundred feet (100') of the boundaries of the land shown in the subdivision.

4. Major features of the land, such as existing waterways, wet lands, swamps and water bodies, natural drainage courses, walls, fences, buildings, wooded areas, outcroppings and ditches which exist on or near the site at the time of survey.

5. Lines of existing and proposed streets, ways, lots, lot numbers, easements, and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board. If the subdivision consists of more than one section, all lot numbers shall be consecutive. One copy of plan shall be given to the Assessors Office for house numbering.

6. 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 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, areas of lots with lot numbers and the area and frontage on public ways as set forth in Section 81-L of Chapter 41 G.L. of adjoining lands of the applicant not included in the subdivision shall be shown. The engineer or surveyor shall have the mathematical computations available to present to the Planning Board, for a matter of record. It is recommended that traverse computations be placed on a separate or subsequent sheet.

7. Location of all permanent monuments properly identified as to whether existing or proposed.

8. Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the subdivision, showing both pavement widths and right-of-way widths.

9. The zoning district classification of land shown on the plan and the location of any zoning district boundaries that lie within the locus of the plan and the applicable minimum front, side and rear yard depths for each lot as is required by the Zoning By laws. All lots shown shall comply with the applicable zoning district requirements for the proposed land utilization.

10. Indication of all existing and proposed easements and rights-of-way applying to the land and their purposes, whether or not within the subdivision, and any decision on appeal or any variances or special permits granted by the Zoning Board of Appeals applicable to the subdivision of the land or any buildings thereon.

11. 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.

12. Suitable space to record the action of the Board and the signatures of a majority of the Board, including where appropriate the words "Deeds of Easements to be recorded herewith", or the words "Covenants to be recorded herewith", at the same location on all pages of the subdivision submission.

Items 13 through 18 (as follows) may be submitted on separate sheets of the same size and material as the plan sheet or on the same sheet as the Definitive Plan. Each sheet shall bear title block and signature block as required in paragraphs 1 and 12 above.

13. Plan and Profile

Existing profiles of the exterior lines and center line drawn in fine black line, dot dash for left, dot dot dash for right side, and dash for center line, and proposed profile on the finished center line drawn in fine black solid line of proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'), or such other scales acceptable to the Board. At least two (2) benchmarks, one at each 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, and walkways shall be shown with all proposed grade elevations calculated. Elevations are to be referred to the Town Datum (United States Coast and Geodetic Survey). Gradients shall be shown by figures expressed in per cent.

14. Contour Plan

Existing and proposed topography at two feet (2') contour intervals and by symbols the highest known high water mark to the last one hundred (100) year flood plain as determined using the same standard given under section 3.03D.

15. Utility Plan

Whenever possible, for the purpose of clarity, the utility plan should be on separate pages.
Size and location of existing and proposed water mains and their appurtenances, hydrants, sewer pipes and their appurtenances, storm drains and their appurtenances and/or sewage disposal systems, storm drains and their appurtenances, easements pertinent thereto, including data on borings and soil test pits, and easements for drainage as needed. If drainage water is to be discharged into adjacent existing street drainage, the developer shall clearly indicate what course the discharge will take. The subdivision cannot increase the rate of runoff from the land in any direction and that natural runoff into adjacent properties shall not be increased in either rate or quantity of runoff. The engineer shall provide drainage calculations to support the above design criteria and certify under his stamp that the criteria are met. All other utilities shall be shown on this plan.

16. Drainage Calculations

Hydraulic calculations, prepared by a Registered Engineer, shall be submitted to substantiate all design features of any proposed drainage system. Computations for run-off shall be made in accordance with standard engineering practice, acceptable to the Planning Board, and the method of calculation shall be noted. Calculations shall be for one (1) year, ten (10) year, twenty-five (25) year and hundred (100) year storm events.

17. Tree Plan

Plan shall show existing and proposed location and species of street trees, as well as any proposed landscaped or planting areas, including but not limited to, screening, buffer areas, entrance areas, wall coverings etc., and shall indicate size, spacing and species of plantings, and existing trees over eight inches (8") in diameter. Individual lot landscaping need not be shown. Reference is made to Section 4.18 of these regulations, relating to 'Protection of Natural Features".

18. Cross-Sections

Typical cross-sections of each street, roadway, drainage ditch and sidewalk to be constructed.

19. Environmental Assessment

A statement in writing concerning the status of the proposed project in relationship to the removal, fill or dredge of any bank, flat marsh, meadow or wetlands bordering on any inland water. (Wetlands Protection Act, Mass. G.L. Chapter 131, Section 40). The applicant shall submit a phase one site assessment as defined by Ch 21-E, G.L.

20. Excavation Impact Report

For land within 1,000 feet of existing dwellings, structures, or roadways, the applicant shall be required to submit an Excavation Impact Report, prepared by a Geotechnical Consultant. In lieu of submission of an

Excavation Impact Report, the applicant shall accept a no-blasting restriction on the subdivision, which will be made a condition of subdivision approval.

21. Open Space

The location of all open spaces as defined by Paragraph 4.16.

22. Petitioner should submit a list of any other permits required for completion of the subdivision, special permits, Conservation Commission filings, and the status of each.

C. Staking

To facilitate review of the Definitive Plan by the appropriate authorities, at the time of filing of the Definitive Plan, the applicant may be required to stake the center line of all proposed streets at a minimum of every one-hundred feet (100') with the center line stations and the cut or fill dimensions to finish grade marked on the stakes.

D. Soil Survey

The Planning Board may require soil surveys and/or test pits or borings which are to be prepared at the expense of the applicant to establish the suitability of the land for the proposed storm drainage system and proposed street construction.

1. Test pits, borings or soundings may be required to be taken along the center line of each street shown on the plan at intervals of at least every one-hundred feet (100') and at locations such as cut sections and areas of questionable foundation material where the subsurface conditions may be, in the opinion of the Planning Board or its Agent, factors affecting the quality and service life of the street. Test pits shall not be back filled until the applicant has been notified by the Planning Board or its Agent that all necessary inspection and sampling has been completed. Where borings are used, samples shall be taken at five foot (5') intervals and at each change in strata. Soundings shall be taken in areas of unsuitablematerial for the purpose of determining the hard bottom contours. Test pits and borings, where required, shall extend to a

minimum depth of five feet (5') below the street profile grade or to bedrock, whichever is greater. The applicant shall indicate on the plan a proposed layout of the subsurface exploration program complete with location, spacing, and type of exploration proposed.

2. All information concerning the test pits, borings or soundings (location, depth, soil stratas, depth of water table) shall be submitted to the Planning Board in a written report to be made, evaluated and stamped by a Registered Professional Engineer.

3. Land Within the 100-Year Flood Plain

If any portion of the land shown in a subdivision is located within the One Hundred (100) Year Flood Plain, as defined in the following section, the following additional requlations shall apply.

The One Hundred (100) Year Flood Plain shall include all areas designated A, AO and Al through A30 on maps entitled "Flood Insurance Rate Maps (FIRM)" Latest edition.

E. Additional Submission Requirements

1. Submitted Subdivision Plans, both Preliminary and Definitive, must show the following:

a. The portion of the land proposed for subdivision that is located within the One Hundred (100) Year Flood Plain.

b. The elevation of the One Hundred (100) Year Flood.

2. For any proposed lot that lies partially or wholly within the One Hundred (100) Year Flood Plain, the submitted Subdivision Plans, both Preliminary and Definitive, shall show a potential building site and how a building located on that site would be protected from flooding.

3. For any public utilities, particularly water, sewer, gas and electrical, located within the One Hundred (100) Year Flood Plain, the applicant shall indicate what location and construction design measures are proposed to ensure that the potential for flood damage has been eliminated or

minimized. The applicant shall submit proof that his construction design measures are acceptable to the gas, electrical and telephone utilities, since these parties are not in the normal review procedure.

F. Procedure

1. Review by Other Town Officials

The Planning Board will transmit copies of the Definitive Plan to Town Officials (and others), other than the Board of Health, as follows:

a. Conservation Commission
b. Department of Public Works
c. Fire Department
d. Police Department
e. Building Inspector

Before the Definitive Plan is approved, the Board will request written statements from the above officials with regard to the proposed improvements in the following respects:

i. Conservation Commission as to potential involvement with Chapter 131, Section 40, G.L. and the effects of the subdivision on streams,wildlife and similar considerations within the scope of the Conservation Commission.

ii. The Public Works Department as to the design of the street system, location of easements, monuments, drainage system, water system, sewage system, and their appurtenances, and relationship to existing water and drainage systems. Also that the materials proposoed conform with those being used by the Town.

iii. The Fire Department as to location of hydrants and installation of the alarm system and emergency access.

iv. the Police Department as to street safety, both vehicular and pedestrian, and access to emergency vehicles.

2. Public Hearing

Before taking any action to approve, modify and approve or disapprove a Definitive Plan, the 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 Town of Nahant 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 within three-hundred feet (300') of the property line of the land shown on the plan as shown on the most recent tax list, at the expense of the applicant, as covered by Section 2.03.

3. Planning Board Procedure

The procedure that the Planning Board will follow with regard to approval, disapproval, or modification of the Definitive Plan submitted by the applicant will be that as set forth in Chapter 41, Section 81-U of the General Law, as amended. In summary, the Planning Board, after receiving the Plan and profiles, will review the same to determine whether they are in compliance with its adopted Rules and Regulation.

The Planning Board shall review the street pattern for safety and convenience, that proper provision is made for street extension, and that all other purposes of the General Laws are met. The Planning Board may, as a condition of granting a building 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 Town. In such event, the Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which shall for the purpose of the subdivision control law be deemed to be part of the plan.

G. Performance Guarantee

Before endorsement of the Board's approval of any Definitive Subdivision Plan, the applicant shall agree to (i) complete (except in the case of any portion of the subdivision for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.03.,F.a.) the required improvements for the subdivision, specified in Section 4.0. within three (3) years of the date of such approval, (ii) to complete the required improvements for any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.03.F.a., within two (2) years of the date of the Board's approval of the Definitive Plan, whichever date shall occur the earlier, and (iii) that no structure will be occupied until at least the basic course of the bituminous concrete, as specified in Section 5.0., has been applied to the streets which serve those structures. Such construction and installation shall be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant with the written consent of the Board.

(a) Approval With Bonds or Surety

The applicant shall either file a duly executed surety company performance bond on Form F or on such other form as the Board requires or a duly executed performance bond secured by a deposit of money or negotiable securities on Form G or such other form as the Board requires, in an amount determined by the Board to be sufficient to cover the cost of all of the improvements specified in Section 5.0 not covered by a Covenant under 3.03, F.b. hereof. Such surety company performance bond or performance bond secured by a deposit of money or negotiable securities shall be approved as to form, manner of execution and, in the case of a surety company performance bond secured by negotiable securities, as to the negotiable securities by the Town Treasurer; and shall be conditioned on the completion of such improvements within two (2) years of the date of the performance bond.

(b) Approval with covenant

The applicant shall file a duly executed covenant on Form H or on such other form of covenant as the Board requires, which provides that no lot may be built upon or sold until the ways and municipal services necessary to serve adequately such lot have been constructed and installed. Such covenant shall be approved as to form and manner of execution by Town Counsel and shall be recorded in the Registry of Deeds by the owner of record and shall run with the land.

H. Approval or disapproval

The action of the Board in respect to such plan shall be by vote, copies of which shall be filed with the Town Clerk and sent to the applicant. If the Board modifies or disapproves such a 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 of the Board, and to the recommendations of the Board of Health. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Planning Board but not until the statutory twenty (20) day appeal period has elapsed following the filing of the Board's certificate of approval or disapproval, as the case may be with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal has been made, said endorsement shall be subject to the construction specifications contained herein and to the rules and regulations of all Town Boards and the Board of Health. After the Definitive Plan has been approved and endorsed, the Board shall return the original to the Applicant.

The Board may extend the time permitted by Ch.41, Sec.81-U between submission of a Definitive Plan and action thereon, upon written request of the applicant.

Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the plan.

(a) Time of Completion

If the ways in any subdivision are not completed and/or the utilities

aforesaid are not installed within the time so agreed to by the applicant, or so required by the Board, any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town. Ways or portions thereof not completed within the time required shall thereafter be completed in accordance with the design and construction standards of the Board in effect upon the expiration of such time, unless an extention of time is granted.

(b) Endorsement

The endorsement of the plan approval by the Board shall be valid for a period of three (3) years from the date of said endorsement. Prior to the expiration of the three (3) year approval period, the developer and/or owner shall request in writing to the Board an extension of time, if necessary. Failure to request an extension of time prior to the expiration of the three (3) year approval period shall result in the Board's notifying the Building Inspector that no additional request for an extension shall be issued in said development. The request for an extension shall state the reasons for the requested extension and also the length of time requested. The first extension shall not exceed two (2) years. Additional extensions after the first may be applied for but shall not exceed (1) year.

Before granting an extension, the Planning Board shall evaluate the current adequacy of existing bonds or surety. If the Planning Board determines that existing bonds or surety are not sufficient to protect the Town in the case of uncompleted improvements, then the board may increase the amount of bond or surety as a condition of extension.

I. Recording

The applicant shall file all pages of the approved Definitive Plan and Covenant, if any, at the Registry of Deeds within ninety (90) days, and shall notify the Board in writing presenting evidence of the recording of the plan and the covenant. The applicant shall deliver to the Board one (1) copy of the approved and recorded Definitive Plans, a copy of an affidavit filed by the owner stating that the title to the premises shown on said plan and appurtenances thereto are in the name of the applicant, and are free of all encumbrances or with encumbrances as set forth, before any building permits in the subdivision may be issued.

J. Conveyance of Utilities and Easements to the Town

Prior to the release by the Board of a surety bond or deposit, or, in the case of a convenant, the issuance of a Release Form, the applicant shall execute an instrument on a form approved by the Board, transferring to the Town, without cost, valid unencumbered title to the electric power system and street light, and to all storm drains, sewer mains and water mains, and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveying to the Town without cost and free of all liens and encumberanced perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain the aforesaid above ground and underground utilities, with any poles, manholes, pipes, conduits and other appurtenances, 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 utilities have been constructed and installed in land not within such streets, then in through, and under an easement as shown on the Definitive Plan.

K. Inspection For Release of Performance Guarantee

Prior to inspection for release of security for performance which was given by bond, tripartite agreement, depositor 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 <u>built in conformity</u>, with the Rules and Regulations and the approved Subdivision plan and the Standards of the DPW and the Order of Conditions of the Conservation Commission. If the As-Built Certification of (a) or (b) 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 and the approved Subdivision Plan and the Standards of the DPW and the order of Conditions of the Conservation Commission.

1. Underground Utilities and Drainage:
Prior to any back filling 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 drainiage system including drainage easements, swales, retention/detention areas and all visual drainage appurtenances are in conformity with the Rules and Regulations and 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 "redlined, 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 finder 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 certerline of the street right-of-way and that the proceeding items conform to the rules and Regulations and the approved Subdivision plan.

L. Reduction or Release of Performance Guarantee

1. Reduction of Bond Surety
The penal sum of any such bond or the amount of any deposit held under clause paragraph 3.03 F.a. may from time to time be reduced by the Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of a covenant, a new plan of the portion to be subject to the convenant may be required by the Board.

2. Final Release of Performance Guarantee

Upon completion of improvements required under Section 4, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any convenant with respect to any lot, the developer or owner at his expense will cause to be published in a newspaper of general circulation in the Town of Nahant at least seven (7) days prior to the releasing of the performance bond or surety, an announcement that such release is contemplatled. He shall also send by registered mail to the Town Clerk and the Planning Board a written statement that the said construction or installation in connection with which such bond, deposit or covenant has been secured, had been completled in accordance with the requirements contatined under section IV; such statement to contain:

a. Name and address of the applicant.
b. A compliance certificate signed under oath by the developer and his Engineer that the develop;ment has been conpleted according to the Rules and Regulations of the Planning goard and the Town of Nahant Zoning Bylaw
c. Written Evidence from the following:

i. Superintendent of Public works as to construction of all ways and sidewalks, installation of monuments, street signs, pavement, gutters and curbs, required grading and drainage, lot drainage, planting and seeding.

ii Written evidence from the Board of Health as to the installation of sewage disposal facilities.

iii Written evidence from the Fire Department as to the installation of the fire alarm system, and fire hydrants.

All to be in accordance with the Definitive Plan.

3. Determination of Incompleteness

The Planning Board shall retain a surety in the sum of fifteen percent (15%) of the total cost of improvements which shall be released no later than eighteen (18) months after final completion. If the Board determines

that said construction, installation, or filing of "as-built" plans has not been completed, it shall specify to the Town Clerk and to the developer, in writing by registered mail, the details wherein said construction and instalaltion shall have failed to comply with requirements contained in section 4. Upon failure of the Board to act on such application within the time specified in M.G.L. Ch 41, Sec. 81-U, after the receipt of the application by the Town Clerk and the Board, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any such covenant shall become void.

In the event that said time period cited in the paragraph above expires without such specification, or without the release and return of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

M. As-Built Plans

Prior to the Final release, the developer shall file a complete "as-built" plan showing all utility lines, with rim and invert elevations where applicable, hydrant location and type, main water and gas gates, sidewalk gates for water and gas stationing of individual lots on main sewer lines, ties to and depth of ends of sewer and water services at the street line, finished line and grade of streets, and any special drainage structures. Plan should indicate that all required monuments have been set as required and contain a certification as to their accuracy. Plan should be suitable for recording.

SECTION 4

DESIGN AND CONSTRUCTION REQUIREMENTS

4.01 General

A. The materials and construction methods to be utilized in the construction of subdivision streets shall conform with the requirements of the following Massachusetts Department of Public Works standards:

1. "Standard Specifications for Highways and Bridges" (Standard Specifications), Latest Edition.

2. "Construction Standards", Latest Edition.

The above include all amendments in effect on the date of adoption of these rules and regulations.

B. Water system materials, installation, testing and chlorination shall conform to the applicable American Water Works Association (AWWA) standards.

4.02 Street Layout

A. Location

1. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide safe and convenient vehicular and pedestrian travel. Due consideration shall also be given to the aesthetic qualities of the street layout to obtain the maxium livability and amenity of the subdivision.

2. Proposed streets shall conform in location, so far as practicable, to any existing and proposed plans of the Board.

3. Proposed streets shall be continuous and in alignment with existing streets, so far as practicable.

4. If adjoining property is not subdivided but is, in the opinion of the Board, suitable for ultimate development, provision shall be made for the proper extension of streets into such property by continuing appropriate streets within the subdivision to the exterior boundary thereof.

5. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.

B. Alignment

1. Street jogs with center line offsets of less than one hundred twenty five (125) feet will not be permitted.

2. Streets shall be laid out to intersect as nearly as possible at right angles, No street shall intersect any other street at less than sixty (60) degrees.

3. Propery lines at street intersections and at transitions to turnabounds shall be curved. The minimum radius of the curve at turnarounds shall be twenty (20) feet. The minimum radius of the curve at street intersections shall be as follows:

Intersecting Angle (in degrees)	Radius (in feet)
85-90	20
75-85	25
65-75	30
60-65	35

In all cases, the radius of the curve at the obtuse angle shall be twenty (20) feet.

4. The minimum center line radii of curved streets shall be as follows:

Street Type	Radius (in feet)
Major	350
Secondary	250
Minor	100

C. Width

1. Street right-of-way widths shall be as follows:

Street Type	Width (in feet)
Major	50
Secondary	40
Minor	32

Existing dead-end minor streets having a right-of-way width of thirty-three (33) feet or less, may be extended to another street at the width of thirty-three (33) feet , but not less.

2. At turn arounds, the right-of-way width shall be a minimum of ninety (90) feet in diameter, and contain a landscaped island.

D. Grade

1. The center line grade for any street shall be not less than one percent (l.0%), and shall be not more than as follows:

Street type	Maximum Center Line Grade
Major	six percent (6.0%)
Secondary	nine percent (9.0%)
Minor	twelve percent (12.0%)

2. Where changes in grade exceed one-half of one percent (0.5%), vertical curves shall be provided.

3. Roadways shall have a cross slope of three percent (3.0%) or three-eights (3/8) inch per foot.

4. Where a street center line grade is four percent (4.0%) or greater within one hundred fifty (150) feet of the intersection of street right-of-way lines, there shall be provided a levelling area not greater than two percent (2,0%) for a distance of twenty five (25) feet, measured from the nearest right-of-way line of the intersecting street.

E. Dead-End Streets

1. Dead-end streets shall not be longer than five hundred (500) feet unless, in the opinion of the Board, a greater length is necesssitated by topography or other local conditions.

2. Dead-end streets shall be provided at the closed end with a turn around.

4.03 Roadway Construction

A. General

Paved roadways shall be constructed for all streets in the subdivision, except in cases where provision has been made for the future extension of a street to adjoining land. The center line of roadways shall coincide with the centerline of the right-of-way lines unless a deviation is specifically authorized by the Board.

B. Preparation

1. The entire area within the right-of-way lines of all streets in the subdivision shall be cleared of all stumps, brush, roots, boulders, and like material. Trees intended for preservation shall be protected.

2. All loam and other yielding material shall be removed from roadway areas and replaced with suitable bearing material.

C. Gravel Base

All roadways shall have a gravel base of twelve (12) inch thickness after compactions. The sub-base course shall be six (6) inches of gravel borrow with no stone larger than six (6) inches, and the base course shall be six (6) inches of gravel borrow with no stone larger than three(3)inches.

D. Pavement Width

The minimum paved width of roadways between curb lines shall be as follows:

Street type	Paved width (in feet)
Major	32
Secondary	26
Minor	22

The minimum paved width of roadways at turn arounds shall be ninety (90) feet in diameter.

E. Pavement Thickness

Roadways pavement shall be Class I bituminous concrete, laid in two courses, of the following thickness after compaction:

Street type	Pavement thickness
Major and Secondary	Binder course: 2 1/2" Wearing course: 1 1/2"
Minor	Binder course 2" Wearing course: 1 1/2"

F. Materials and construction methods shall comply with Standard Speclification Sections 101, 120, 150, 170, 401, 405, and 460. Dated 1986,as amended.

4.04 Curbs

A. All subdivision roadways shall be continuously bordered by granite curbs except at the intersection of driveways.

B. Granite curbing shall be Type VA, measuring six (6) inches wide at the top by eighteen (18) inches in depth. Curved vertical granite curbing shall be provided for curve radii of fifty (50) feet or less. Vertical granite curb inlets shall be provided at the back of all catchbasins.

C. Curb cuts for driveways shall not exceed the maximum width established in the Nahant Zoning Bylaw. Curb cuts for handicap access shall be provided where and as required by the rules and regulations of the Massachusetts Disabilities Act,

D. Materials and construction methods shall comply with Standard Specification Section 501,dated 1988 as amended.

4.05 Sidewalks

A. Sidewalks shall be constructed on both sides of the subdivision street, and shall be continuous around the perimeter of turnarounds.

1. Minor streets may have a sidewalk on one side only when, in the opinion of the Board, safety will not be compromised by either inadequate sight lines or traffic intensity.

B. The minimum width of sidewalks shall be four (4) feet.

C. A foundation of gravel borrow having no stone larger than three (3) inches shall be placed on the prepared and compacted subgrade. Foundation thickness shall be twelve (12) inches after compaction.

D. The pavement shall be class 1 bituminous concrete having a thickness of two, (2) inches after rolling.

E. The top surface of all sidewalks shall be pitched at a slope of one-quarter (1/4) inch per foot toward the curb to provide drainage. This slope shall not be increased where driveways cross sidewalks (handicap use requirement).

F. Wheel chair ramps shall be provided at curb cuts where and as required by the Massachusetts Architectural Access Board.

G. Materials and construction methods shall comply with Standard Specification Section 701.

4.06 Shoulders

A. All areas between the right-of-way lines of a subdivision street and the curb at the roadway, which are not occupied by sidewalks, shall be graded, loamed and seeded with grass seed. Loam shall have a minimum thickness of six (6) inches after compaction, and shall be graded to provide a pitch of one-quarter (1/4) inch per foot toward the curb line.

B. Where a driveway crosses the shoulder area, the driveway shall be graded to provide a constant slope from the curb edge of the sidewalk to the roadway at the curb line.

C. Materials and construction methods shall comply with Standard Specification Sections 445 and 765.

4.07 Side Slopes

A. Outside the right-of-way lines, the side slopes of a subdivision street shall not exceed a slope of two (2) feet horizontal to one (1) foot vertical, except in a ledge formation.

B. Where in limited areas, the required side slope cannot be reasonably accomplished, or would be destructive to the natural character of the site, the Board may approve the installation of stone masonary retaining walls. Construction details and specifications of such walls shall be included with the Definative Plan for the subdivision.

4.08 Highway Guards, Fences and Walls

A. It is an intent of this regulation that streets be located, and that side slopes be graded, so that guard rails, fences or walls are not required to ensure public safety. Where, in the opinion of the Board, the need for such protective devices cannot be reasonably avoided, they shall be constructed of materials, and in a form that are compatable with the natural character of the neighborhood and Town in general. Granite in the form of post monoliths, or masonry walls will be preferred. Steel guard rails and fences or concrete walls, are not likely to be considered an aesthetic enhancement, and their use is discouraged.

B. Construction details of guards, fences or walls shall be included on the Definative Plan for the subdivision.

4.09 Street Trees

A. Street trees, of a species approved by the Board, shall be planted on each side of every roadway in the subdivision wherever, in the opinion of the Board, existing wood lands or suitable individual trees are not retained.

B. Existing trees within the right-of-way lines of the street which, because of their location, species, and condition are suitable for preservation, shall be shown on the subdivision plan, and shall be preserved by the developer.

C. New trees shall be at least three and one-half (3 1/2) inches caliper, and shall be planted within the grass plot between the curb line and sidewalk, at intervals of approximately forty (40) feet, subject to the location of driveways, street intersections, or other subdivision features.

D. Preservation of existing trees, and the planting of new trees, shall be such that they will not interfere with utility services.

E. Planting of new trees shall be in conformance with the written recomendations of a recognized nursery association, details of which shall be included on the subdivision plans.

F. The developer is responsible for maintenance of the trees for a period of two years after acceptance of the subdivision.

4.10 Street Names and Signs

A. Proposed street names shall be approved by the Board, and shall be in keeping with the character of the Town. Proposed street names shall not duplicate nor bear phonetic resemblance to the name of existing public ways, paper streets, or any other way qualified to afford frontage under Section 81-L of Chapter 41 G.L. A proposed street which is in alignment with an existing street shall bear the same name as the existing street.

B. From the time of rough grading until such time as each street is accepted by the Town as a public way, the sign posts at the intersection of such street with any other way shall have affixed thereto a sign designating such street as a private way.

C. A Street sign, conforming in all respects to those used by the Nahant Department of Public Works, shall be provided at each street intersection.

4.11 Monuments and Markers

A. Monuments shall be installed on street right-of-way lines at all points of street intersection, at all points of curvature, and at all points of change in direction.

B. Monuments shall be a standard granite bound of not less than four (4) feet in length, and not less than six (6) inches in width and breadth, and shall have a hole one-half (1/2) inches deep, drilled in the center of the top suface.

C. Monuments shall be installed at the time of final surface grading. The top shall be flush with the final grade surface.

D. Markers shall be installed at the corner of each lot where side lot lines intersect the street right-of-way line. Other markers may be required where, in the opinion of the Board, such are necessary.

E. Markers may be pipe, pins, or granite bounds.

F. The placement and accurate location of these monuments and markers shall be certified by a registered land surveyor, and properly located on the As-Built acceptance plans.

4.12 Lots

A. All the lots shown on subdivision plans shall comply with the area, frontage and other requirements of the Zoning Bylaw of the Town of Nahant.

4.13 Lot Drainage

A. Lots shall be prepared and graded in such a manner that the development of one shall not cause detrimental drainage on another. If provision is necessary to carry drainage to or across a lot, an easement or drainage right-of-way having a minimum width of twenty (20) feet, which encompasses proper side slopes, shall be provided.

4.14 Easements

A. Where utilities cross lots or are centered on rear or side lot lines, easements having a width of at least twenty (20) feet shall be provided.

B. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Board shall require a storm water easement or drainage right-of-way of adequate width and proper side slope, to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes. In no case shall the width be less than twenty (20) feet, or the side slope be steeper than two (2) horizontal to one (1) vertical.

C. Access easements or parcels to adjacent property shall be provided, if required by the Board, for use by emergency vehicles and for the benefit of the Town. They shall be a minimum width of twenty (20) feet.

D. Wherever possible easements along rear lot lines shall be continuous to a street.

4.15 Utilities

All required utilities exclusive of transformers shall be placed underground at the time of initial construction. Required utilities include water, sewer, storm drainage, telephone, electricity, gas, wiring for street lights, fire alarm systems, and cable TV.

Where adjacent property is not subdivided, or where all the property of the applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the

full length of streets and to the exterior limits of the subdivision at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date.

Connections for drain, water, gas, sewer, electric and telephone service from the main structure in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole or in part, in the case of a lot to be used for a park, playground or for any other purpose for which, in the opinion of the Board, such connections shall not be required.

A. Sewerage

The applicant shall connect all lots to the public sewerage system in accordance with the following standards:

1. Public sewers shall be designed according to professional engineering practices and the Town of Nahant Department of Public Works standards and specifications.

2. Public sewers shall not be less than eight inches (8) in diameter, with six inch (6) house laterals.

3. Manholes shall be located at every change in grade or horizontal alignment, but not more than three hundred feet (300) apart. Sewer ejector pumps may be permitted at the discretion of the Board. However, sewer ejection pumps shall not become part of accepted street improvements and the subdivider shall provide for ownership and maintenance of the pumping station to be held in common by the various lots of the subdivision. Such information shall be clearly noted in the agreement.

B. Water

1. Every subdivision shall be connected to the public water system by the developer.

2. Water pipes and related equipment such as hydrants and main shurtoff valves shall be installed within the subdivision as necessary to provide

all lots on each street with adequate water supply for domestic and fire protection use.

3. All house connections shall be installed in accordance with the requirements of the Public Works Department.

C. Gas

The Boston Gas Company shall be notified by the developer upon approval of the Definitive Plan so that installation of gas mains may be completed without undue delay. If excavation is made after the subgrade is completed and inspected, the mains may be put in a trench covered with a poured concrete slab to the the lines, grade and dimesions approved by the Superintendent of the Department of Public Works.

D. Telephone Lines

Shall be installed in underground conduits at the time of initial construction.

E. Electricity

The Board may permit transformers, switches, and other such equipment to be placed on the ground in approved locations, screened from view with evergreen shrubbery. All electrical conduit shall be laid underground at the time of initial construction.

F. Lighting

Street lighting shall be supplied by the developer to provide sufficient light for pedestrian safety and guidance, and guidance for vehicles traveling on the street, with due consideration given for cost of maintenance and electric power.

G. Fire Hydrants

Hydrants shall be provided every three hundred running feet (300) or portion thereof on one (1) side of each street unless a greater distance is approved by the Fire Department in writing. A hydrant shall in all cases

be installed at the terminal end of each water main. They shall be of a type approved by the water department and the American Underwriters Association.

H. Storm Drainage

Storm water run-off shall be disposed of through a combination of storage and controlled release. Drainage systems shall be designed according to the following principles and criteria:

1. Peak Flows: Property shall be developed in such a manner as to maximize storm water recharge on the site and to minimize direct overland run-off into adjoining streets and water courses. Peak flows at the boundaries of the subdivision shall be no higher following development than before development. In addition, all storm water run-off flows at the boundaries of the subdivision shall be no higher following development than before development.

2. Capacity: Drainage systems shall have adequate capacity to handle all storm water run-off presently flowing through the subdivision, as well as to dispose of any additional run-off generated by the proposed development up to and including the run off from a one hundred (100) year storm using the following methods:

a. Drainage facilities designed to carry storm water flows through the subdivision site will be designed to have adequate capacity to handle and dispose of flows generated from a twenty five (25) year frequency storm. Flows shall be conveyed through the site, following natural drainage patterns, wherever possible, in a manner which will maintain the ratio of run-off to infiltration at the same percentage as under natural conditions.

b. Detention facilities shall be provided to handle all run-off which exceeds the percolation capacity of the site, up to and including the run-off generated from a one hundred (100) year storm. All detention facilities which are proposed must be reviewed by the DPW Superintendent prior to submitial of a Definitive Plan. The subdividor shall provide the DPW and the Planning Board with the applicable design standards and capacity information relating to such a facility. The proposed deslign will be stamped by a Registered Professional Engineer at

the same time a Definitive Subdivision Plan is filed.

3. Release Rate: The combination of storage and design release rate shall not result in a storage duration of greater than seventy-two (72) hours. Maximum depth of storm water retention areas shall be four (4) feet. Detention area side slopes shall be kept as close as possible to natural land contours, the percent (10%) or less wherever possible.

4. Outlet structures: Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation.

5. Emergency Overflow: Each storm water detention area shall be provided with a method of emergency overlow in the event of a storm in excess of a one hundred (100) year frequency type.

6. Natural Patterns: Natural drainage patterns shall be used wherever possible. All existing water courses shall be left open unless approval to close them is obtained through the Conservation Commission. All new open watercourses shall be appropriately seeded, sodded, paved or riprapped, as specified by the Conservation Commission.

7. Alteration: Any alteration of land on the site shall be such that changes in existing patterns of drainage shall not adversely affect properties outside the subdivision by increasing the amount of flow or rate of peak flow.

8. Structured Systems: Where soil conditions or topography make natural drainage systems impractical and where existing drains in adjacent streets or easements are adequate in capacity to accomodate the drainage flow from the subdivision, a structured system shall be used and appropriate connection to the existing Town drainage system shall be made, where possible.

4.16 Open Space

A. Before approval of an plan, the Board may also require the plan to show a park or parks, suitably located for play ground 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, and shall be at least equal to one (1) acre of land for each twenty (20) single family dwelling units or fraction thereof, shown on the plan. The area shall be equal to three (3) times the floor area of all other types of dwelling units. The Board may, by proper endorsement on the plan, require that no building be erected upon such park or parks without its approval. Each area reserved for such purpose shall be of suitable area, dimensions, topography and natural character for the purposes 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 Board. The Board may require that the area or areas reserved be located and laid out so as to be used in conjunction with similar existing or potential areas. Any land so reserved shall be graded to dispose properly of surface water, and shall be left in condition for the purpose intended, as required by the Board. Land acquired by the Town in this manner shall be compensated for as provided in Section 81-Q of Chapter 41 of the General Laws.

4.17 Foot Paths

A. Public footpaths may be required by the Board to provide circulation or access to schools, recreation areas, scenic areas, coastal or shore areas, shops, transportation, community facilities, or for other reasons. The plan shall clearly indicate all pedestrian access ways as shown on the plan of the Planning Board filed with the Town Clerk labeled "Paths and Rights of Way".

4.18 Protection of Natural Features

A. Due regard shall be shown for all natural features, such as trees, wooded areas, water courses, scenic points, shore lines, historic spots, and similar community assets, which if preserved will add attractiveness and value to the subdivision. Any clearance, cutting, thinning, grade change or other disturbance to trees eight (8) inches or over in diameter measured four (4) feet above finished ground level, located within the minimum front yard setback distance, shall be prohibited unless deemed both proper by the Board and not in conflict or contradiction with the lot drainage intent of Section 4.14. Any such proposed clearance shall be shown on the plan and written reasons therefore may be requested by the Board. Tree wells or retaining walls shall be installed where necessary

for suitable grading around trees. Tree wells and retaining walls shall be constructed of stone, and shall be designed to meet standards set forth in the Tree Experts Manual, or such similar publication.

4.19 Wetlands and Flood Plains

A. The attention of the applicant is directed to the provisions of:

1. M.G.L. Chapter 131 Section 40 - Protection Of Wetlands

2. Zoning By-Laws of the Town of Nahant

4.20 Handicap Access

A. The attention of the applicant is directed to the provisions of the 521 CMR 1.00-3.00 rules and regulations of the Architectural Access Board and the requirements of the Americans with Disabilities Act (ADA).

4.21 Cleanup

A. No lot shall be considered complete until all stumps, brush, roots, and the like material and all trees, rocks, and boulders not intended for preservation by the subdivider shall have been removed and disposed of in a manner and place satisfactory to the Planning Board. Any fire hazard shall be removed promptly to the satisfaction of the Fire Chief. No occupancy permit will be issued by the Building Inspector until he has received approval from the Planning Board that the slopes on the lot have been completed to the satisfaction of the Board.

4.22 Maintenance of Improvements

A. For the purpose of protecting the safety, convenience, and welfare of the Town's inhabitants, for the provision of adequate access to all of the lots in a subdivision, and for byways that will be safe and convenient for travel, for reducing the danger of 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 during the period of construction, and for a period of eighteen (18) months after the completion of the construction of said improvements, or until the Town votes to accept such improvements, whichever comes first. Such improvements include roadways, curbing, sidewalks, lighting, gas, telephone, fire alarm, water and sewer, grass and other plantings, and fences where required. Such maintenance shall include snow removal beginning from the time of occupancy of an individual owner or tenant other than the developer.

4.23 Provision of Competent Supervision

A. The applicant shall provide competent supervision during the development of the subdivision. If at any time it becomes apparent that the supervsision is not satisfactory, the Planning Board may order the discontinuance of the development until competent supervision is provided.

SECTION 5

ADMINISTRATION

5.01 Waivers

Strict compliance with the requirements of these Rules and Regulations may be waived when in the judgement of the Board such action is in the public interest and not inconsistent with the Subdivision Control Law. Any such waver must be made in writing by the Board as a part of its approval or amendment thereof; otherwise all requirements contained herein are deemed applicable. The following steps are required to grant waivers:

A. Petitioner shall be asked to state reasons that granting waivers would be in the public interest and not inconsistent with the Subdivision Control Law, as required by M.G.L. Ch. 41, Sec. 81-R.

B. A motion shall be made by a Board member to grant or deny each waiver, restating reasons given by petitioner that each waiver, individually, is in public interest and not inconsistent with the Subdivision Control Law.

C. A roll call vote shall be taken on each waiver requested.

D. If any waiver is denied, all necessary steps shall be taken buy the Board to table, request extensions, allow withdrawals, etc. until a new plan without denied waivers is submitted for vote.

5.02 Reference

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

5.03 Building Permit

A. No building shall be erected on any lot within a subdivision without separate written permission for each lot from the Board, unless final as-built plans of the subdivision have been approved by the Planning Board and properly recorded. This permission is in addition to any other permits required for building, such as a permit from the Building Inspector required by other Town Bylaws.

B. No structure shall be occupied until at least the base course of bituminous concrete as specified in Section 4 has been applied to streets which serve the structure.

5.04 Inspections

A. Inspections shall be arranged by the developer with the Planning Board or its agent for that purpose prior to the construction of streets and the installation of utilities and during construction as specified herein at every stage of construction.

B. Inspection shall be requested of the Board at least forty-eight (48) hours in advance of the inception of any stage of the construction

C. The Board may establish the order of the required inspection and will require satisfactory completion of one (1) step before the subdivider proceeds to the next. It may require tests to be done by the subdivider at

his expense as a condition for approval when in the opinion of the Board it is advisable.

D. Approval for backfilling will not constitute final approval of the utility until such lines are properly tested, e.g., Pressure tested for water main installation, and television inspected in the case of sewer lines and drain lines.

E. It shall be the responsibility of the subdividor to see that all the proper forms are properly filled out and properly signed, and returned to the Planning Board subsequent to each inspection.

F. Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the applicant or recission of the approval of the plan in accord with Chapter 41, Section 81-W, of the General Law of Massachusetts.

5.05 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 that part of such provision which shall be invalid and in all other respects these Rules and Regulations shall not be invalidated, impaired, or affected thereby.

5.06 Effective Date

These regulations become effective after approval by the Board, certification by the Town Clerk, and filing with the Registry of Deeds and the Recorder of the Land Court.

LIST OF FORMS

Form A	Application for Endorsement of Plan Believed not to Require Approval (ANR)
Form B	Application for Approval of a Preliminary Plan
Form C	Application of Approval of a Definitive Plan
Form C-1	Certificate of Approval of a Definitive Plan
Form C-2	Certificate of Disapproval of a Definitive Plan
Form D	Certified List of Abutters*
Form F	Performance Bond - Surety Company
Form G	Performance Bond - Secured by Deposit
Form H	Covenant
Form I	Standard Tri-Party Agreement
Form J	Tri-Party Release of Funds
Form K	Conveyance of Easements and Utilities

* accompanies submission of a Definitive Plan

Town Clerk's Stamp:

FORM A

PLANNING BOARD - TOWN OF NAHANT MASSACHUSETTS

SUBDIVISION NAME _____

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

DATE _____

PLAN # _____

To the Planning Board of the Town of NAHANT

The undersigned wishes to record the accompanying plan and requests a determination by said Board that approval by it under the Subdivision Control Law is not required. 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 of frontage, and area required by the NAHANT Zoning By-Law and is on a public way, namely, _____ or a private way, namely, _____
Assessors' Map # _____ Block # _____ Parcel(s) _____

2. The division of land shown on the accompanying plan is not a subdivision for the following reason(s):

_____

_____

_____

_____

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

_____ dated _____ _____,
Year

and recorded Certificate of Title No. _____, registered in

_____ District Book _____ Page _____.

Applicant's Signature _____

Applicant's Address _____

Owner's Signature and Address if not the Applicant _____

_____

_____

Town Clerk's Stamp:

FORM B

PLANNING BOARD - TOWN OF NAHANT MASSACHUSETTS

SUBDIVISION NAME _____ DATE _____

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN PLAN # _____

To the Planning Board of the Town of NAHANT

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

_____

_____

By _____ Dated _____ _____
Year

being land bounded as follows: _____

_____

_____

Assessors' Map # _____ Block # _____ Parcel(s) _____

hereby submits said plan as a PRELIMINARY subdivision plan in accordance with the Rules and Regulations of the NAHANT Planning Board and makes application to the Board for approval of said plan.

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

_____

by deed dated _____ and recorded in the Essex County Registry of Deeds Book _____, Page _____, registered in the _____ Registry District of the Land Court, Certificate of Title No. _____.

Applicant's Signature _____

Applicant's Address _____

Owner's Signature and address if not the Applicant _____

Town Clerk's Stamp:

FORM C

PLANNING BOARD - TOWN OF NAHANT · MASSACHUSETTS

SUBDIVISION NAME _____

DATE _____

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN PLAN # _____

To the Planning Board of the Town of NAHANT

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

_____

By _____ Dated _____ _____
Year

being land bounded as follows: _____

_____

_____

Assessors' Map # _____ Block # _____ Parcel(s) _____

hereby submits said plan as a DEFINITIVE plan in accordance with the Rules and Regulations of the NAHANT Planning Board and makes application to the Board for approval of said plan.

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

_____

by deed dated _____ and recorded in the Essex County Registry of Deeds Book _____, Page _____, registered in the _____ Registry District of the Land Court, Certificate of Title No. _____; 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 _____, and approved (with modifications) ( ) (disapproved) ( ) on _____.

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 & Regulations. The undersigned hereby further covenants and agrees with the Town of NAHANT upon the [illegible]

FORM C

PLANNING BOARD - TOWN OF NAHANT MASSACHUSETTS

SUBDIVISION NAME _____

DATE _____

PLAN # _____

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

1. to install utilities in accordance with the Rules and Regulations of Planning Board, the Department of Public Works, the Board of Health, and all general as well as Zoning By-Laws of the Town of NAHANT, as are applicable to the installation of utilities within the limits of ways and streets;

2. to complete and construct the streets or ways shown thereon in accordance with Section of Rules and Regulations of the Planning Board and the approved Definitive plan, profiles and cross sections of the same. Said plan, profiles, 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 or part of said land, and assigns of the undersigned; and

3. (i) to complete (except in the case of any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.03 A the required improvements for the subdivision, specified in Section 3.03 within three (3) years of the date of such approval, (ii) to complete the required improvements for any portion of the subdivision, for which a surety company performance bond or a performance bond secured by a deposit of money or negotiable securities shall have been filed pursuant to 3.03 within two (2) years of the date of the performance bond or within three (3) years of the date of the Board's approval of the Definitive Plan, whichever date shall occur the earlier, and (iii) that no structure will be occupied until at least the basic course of the bituminous concrete, as specified in Section 4.03E has been applied to the streets which serve those structures.

Applicant's Signature _____

Applicant's Address _____

Owner's Signature and Address if not the Applicant _____

_____

_____

Town Clerk's Stamp:

FORM C-1

PLANNING BOARD - TOWN OF NAHANT MASSACHUSETTS

SUBDIVISION NAME _____

DATE _____

PLAN # _____

CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN

It is hereby certified by the Planning Board of the Town of NAHANT Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____ it was voted under the provisions of General Laws, Chapter 41, Section 81-M to approve a Definitive Plan entitled: _____

_____

submitted by: _____

originally filed with the Planning Board on _____

concerning the property located _____

_____

with the following conditions:

A copy of this certificate of approval is to be filed with the Town Clerk and a copy sent to the applicant.

_____

_____

A true copy, attest:

_____

_____

_____

Clerk, NAHANT Planning Board

_____

NAHANT Planning Board

Town Clerk's Stamp:

FORM C-2

PLANNING BOARD - TOWN OF NAHANT MASSACHUSETTS

SUBDIVISION NAME _____

DATE _____

PLAN # _____

CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN

It is hereby certified by the Planning Board of the Town of NAHANT Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____ it was voted under the provisions of General Laws, Chapter 41, Section 81-M to disapprove a Definitive Plan entitled: _____

_____

submitted by: _____

originally filed with the Planning Board on _____,

concerning the property located _____

_____

for the following conditions:

A copy of this certificate of disapproval is to be filed with the Town Clerk and a copy sent to the applicant.

_____

_____

A true copy, attest:

_____

_____

_____

Clerk, NAHANT Planning Board

_____

NAHANT Planning Board

FORM H

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 Town of NAHANT governing the Subdivision of Land before _____ _____ unless an extension of time is granted by the Planning Board. Failure to so complete could result in rescinding approval of the plan.

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

COVENANT

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

_____ _____
Applicant

_____ Owner(s) _____
if not
_____ Applicant _____

Description of Mortgages:

_____

_____

_____

_____

_____

Assents of Mortgagees:

_____

_____

_____

FORM H

COMMONWEALTH OF MASSACHUSETTS

_____, SS _____
Date

Then personally appeared the above named _____

_____

and acknowledged the foregoing instrument to be _____

free act and deed, before me.

_____
Notary Public

_____
My Commission expires

FORM I

STANDARD TRI-PARTY AGREEMENT

PLANNING BOARD - TOWN OF NAHANT MASSACHUSETTS DATE: _____

PROJECT NAME: _____ PLAN NO: _____

ITEM	QUANTITY (see below)	UNIT COST	ESTIMATED COST

(Attach Additional Sheets If Needed)

Prepared by: _____

Signature: _____

Sub Total: _____

15%: _____

Total Amount: _____

STANDARD UNITS OF MEASURE

Item	Unit	Item	Unit
Trees	each	Underground electrical	
Primary duct bank	LF	St. Lighting Conduit	LF
Combined telephone and fire alarm duct bank	LF	Telephone and fire alarm service	LF
Electric MH	each	Transformer pad	each
Pump station (including control panel and alarm hook-up)	each	Head walls	each
Riprap	lump sum	Clearing site	AC
Property bounds	each	Sidewalk (gravel)	CY
Curbing	LF	Sidewalk (finish)	tons
Roadway paving (binder)	tons	Sidewalk (binder)	tons
Drain pipe (installed)	LF	Roadway paving (finish)	tons
Water pipe installed (including fittings)	LF	Drain MH (installed)	each
Sewer main (installed)	LF	Fire Hydrant (installed)	each
Sewer & water to services (each lot)	per lot	Sewer MH (installed)	each
		As-Built Plans	lump sum

FORM J

TRI-PARTY RELEASE OF FUNDS

PLANNING BOARD - TOWN OF NAHANT MASSACHUSETTS DATE:_____

PROJECT NAME: _____ PLAN NO:_____

ITEM	PERCENT COMPLETE	PERCENT REMAINING	AMOUNT TO BE RELEASED

Total to be Released: _____
Total Held: _____
Present Balance: _____

Prepared by: _____

Signature:_____

FORM K

PLANNING BOARD - TOWN OF NAHANT MASSACHUSETTS

SUBDIVISION NAME _____

DATE _____

PLAN # _____

CONVEYANCY OF EASEMENTS AND UTILITIES

_____, of _____,

_____ County, Massachusetts, for good and adequate consideration, grant to the Town of NAHANT a municipal corporation in Essex County, Massachusetts, the perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain, water and sewer mains and and drainage systems with any manholes, pipes, conduits, easements and other appurtenances thereto, and to do all acts incidental thereto, in, through and under the following described land: _____

_____

_____

appearing on a plan entitled: _____.

And, for the consideration aforesaid, the said grantor does hereby give, grant, transfer and deliver unto the Town of NAHANT all water and sewer mains and drainage systems, manholes, pipes, conduits, easements 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.

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

For grantor's title see deed from _____ dated, _____, and recorded in _____ District Registry of Deeds, Book _____, Page _____, or under Certificate and Title No. _____, registered in _____ District of the 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 _____, and recorded in said Deeds, Book _____, Page _____, for consideration paid, hereby releases unto the Town forever from the operation of said mortgage, the rights and easements hereinabove granted and assents thereto.

_____ _____

FORM K

PLANNING BOARD - TOWN OF NAHANT MASSACHUSETTS

SUBDIVISION NAME _____

DATE _____

PLAN # _____

CONVEYANCY OF EASEMENTS AND UTILITIES

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

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____
Date

Then personally appeared the above named _____

and acknowledged the foregoing to be _____

free act and deed, before me.

_____
Notary Public

My Commission Expires: _____