LAND RULES AND REGULATIONS

OF

THE BOARD OF SURVEY AND PLANNING

OF

THE CITY OF WALTHAM

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Waltham, Massachusetts 02154
Phone (781) 314-3800 Fax (781) 314-3808

Adopted June 4, 1997
in accordance with the General Laws of the Commonwealth of Massachusetts, Chapter 41, Section 81-Q, as amended

WALTHAM BOARD OF SURVEY AND PLANNING

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CLERK	John Tashjian Director of Consolidated Public Works
Recording Secretary	Janice E. Deveney

PREFACE

(Historical Reference)

1909	Board of Survey established by an Act of State Legislature. A three-member board to exercise authority over the planning and design of streets, including the alignment and grade of the street and also the drainage of the contiguous areas.
1910	Board of Survey establishes specifications for street layouts.
1913	Five member Planning Board formed to make studies of resource possibilities and needs of the city.
1914	Membership of Planning Board resigns.
1915	Planning Board reconstructed with five new members.
1921	By City Council Ordinance, the Board of Survey is combined with the Planning Board to form the Board of Survey and Planning consisting of three members and a clerk. The Clerk is to be a city engineer.
1923	By an act of the State Legislature, the Board of Survey is combined with the Planning Board to form the Board of Survey and Planning with a five-member board. The first task is to zone the City.
1924	Board of Survey and Planning officially organized on February 12, 1924.
1933	Board of Survey and Planning voted to recommend to the Slate Department of Public Works that Route 128 be built between Bear Hill and Prospect Hill.
1934	Overpass at Beaver Brook and Main Street Railroad crossing planned by the Board of Survey and Planning.
1946	By City Ordinance, no development shall be accepted unless the developer provides sewer and drainage.
1950	Board of Survey and Planning studies new zoning for the City.
1953	By City Ordinance, all new subdivisions will be required to have water mains and services installed by the developer in its entirety.
1968	Master Plan of the City approved by the Board of Survey and Planning.
1972	By the Acts of 1972, Chapter 166. a home rule petition which was approved April 13, 1972, authorizes the Director of Public Works to be Clerk of the Board of Survey and Planning.

RULES AND REGULATIONS

OF

THE BOARD OF SURVEY AND PLANNING

Governing the Subdivision of Land in Waltham, Massachusetts

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RULES AND REGULATIONS

of the

BOARD OF SURVEY AND PLANNING
Governing the Subdivision of Land in Waltham, Massachusetts

(Under the provisions of the Massachusetts General Laws, Chapter 41, Sections 81K to 81 GG Inclusive)

SECTION 1 PURPOSE AND AUTHORITY

The following rules and regulations shall be effective on and after June 4, 1997 and so remain until modified or amended by the WAL THAM BOARD OF SURVEY AND PLANNING. No person shall subdivide land in the City of Waltham after such effective date without first obtaining from the Board of Survey and Planning approval of the plan for the proposed subdivisions or endorsement upon such plan "Approval Under Subdivision Control Law Not Required".

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the City of Waltham without the consent of the Board of Survey and Planning, and such consent is conditional upon the providing of adequate ways, furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision. The minimum width of a way is defined in **SECTION 4.2.3 as** being fifty (50) feet wide.

SECTION 1.1 PURPOSE (General Laws. Chapter 41, Section 81M)

"The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which if is adopted, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases, parks and open areas. The powers of a Planning Board and of a Board of 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 to 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 applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage and other requirements, where necessary, in a subdivision: and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in the neighboring subdivisions. It is the intent of the Subdivision Control Law that any subdivision plan filed

with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivisions of land; provided, however, that such board may. when appropriate, waive, as provided for in section 81- R, such portions of the rules and regulations as is deemed advisable," •

SECTION 1.2 AUTHORITY

Under the authority vested in the Board of Survey and Planning of the City of Waltham by section 81 -Q of Chapter 41 of the Massachusetts General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the City of Waltham.

SECTION 1.3 ESTABLISHMENT OF PLANNING BOARD

Establishment of the planning board hereunder shall be in accordance with Section 81 -A and shall consist of seven members each appointed for terms of five years. Such board shall elect annually a chairman and vice-chairman from its own numbers.

SECTION 1.4 VARIATION

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

SECTION 1.5 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 as amended, hereafter referred to as the Subdivision Control Law.

SECTION 1.6 CONFORMITY

These regulations shall be considered as revised to conform with any amendment of the General Laws made after June 4. 1997.

SECTION 1.7 FEES

(1) Approval Not Required plans	$150.00 for first tot
	$100.00 for each additional lot
(2) Existing land plan, sewer, water, drain, curb cut, etc.	$150.00

(3) Preliminary Plan $ 500.00

(4) Definitive Subdivision (with Preliminary Plan) $1,000.00

Definitive Subdivision (without Preliminary Plan) $2.000.00
plus $100.00 for each residential lot
plus $250.00 for each non-residential lot

(5) Special Permit Fee (not referred by City Council) $750.00

Note: Each new street, street extension, or non buildable lot will be considered a lot.

SECTION 1.8 ADVERTISEMENT

Applicant shall present a copy of the Legal Notice together with the Application and Agreement form, a petition, plans and abutters lists. Developers are responsible to notify abutters by mailing a copy of the legal notice and provide proof by submitting to the board a copy of the abutter's list certified by the Assessor's Office. The legal notice should be kept condensed and include all information contained below: (See Section 3.2.5)

(1) Name and address of the Petitioners,

(2) A description of area or premises;

(3) Street address, if any, or of her adequate identification of the location;

(4) Date, time and place of the public hearing:

(5) Subject matter of the hearing, and;

(6) Nature of the action or relief requested.

Note: At the end of the legal notice insert: "Further information and plans concerning this case may be viewed at the Department of Public Works, 165 Lexington Street. Waltham. MA. Also. at the very bottom the page should read: For insertion in the News Tribune on Tuesday (two weeks prior to Wednesday's hearing) and Tuesday (one week prior to Wednesday's hearing). Plans, copies of Deeds, etc. must be on file before advertising in the newspaper

SECTION 2 PROCEDURES FOR THE SUBDIVISION OF LAND

SECTION 2.1 DEFINITIONS

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

City - The City of Waltham

Board - The Board of Survey and Planning of the City of Waltham

Board of Health - The Board of Health of the City of Waltham

Department of Public Works- City of Waltham Department of Public Works

City Engineer - The Engineering Department of the City of Waltham

Subdivision - A division of land into two or more lots in such a manner as to constitute a Subdivision as defined in Section 81- L, Chapter 41 of the General *Laws.*

Applicant - Any person desiring to subdivide said land to open ways for public use in the City of Waltham, Including an owner, or his agent or representative, or his assigns,

SECTION 2.2 PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS BELIEVED NOT TO REQUIRE APPROVAL UNDER THE SUBDIVISION CONTROL LAW

SECTION 2.2.1 SUBMISSION AND NOTICE

Any person who wishes to record a plan of land in the Registry of Deeds or file with the Land Court, and who believes that his plan does not require approval under the Subdivision Control Law shall submit his plan to the Board and shall give written notice to the City Clerk by delivery or by registered mail. postage prepaid, that he has submitted such a plan. Such notice (using Forms A and A-1) shall describe the land to which the plan relates sufficient for identification, and shall state the date when such plan was submitted, and the name and address of the owner, applicant, and surveyor preparing the plan. Such person shall advise the Board as to the particular provision of law under which he believes that his plan does not require approval, and shall submit evidence of such immunity satisfactory to the Board on Form A - 1. The original and one copy of both Form A and Form A-1 are requested.

SECTION 2.2.2 CONTENTS

All plans submitted to the Board, for "Approval Not Required" (ANR) under the Subdivision Control Law, shall be on 17' x 22" on 3 mil mylar with a 3/4" border or 24" *x 36" on 3* mil mylar with a 3/4" border. All plans will be drawn in compatible India ink and shall be mechanically lettered with Leroy equipment or have computer generated lettering. The smallest size lettering shall be one-tenth of an inch in height. The original plan with ten paper copies will be presented for filing with the Board. The original plan will be returned and a copy kept on file in the Engineering Department. Street numbers shall be provided and assigned by the Engineering Department to all subdivided lots and put on the plan(s) by the owner before the plan(s) are recorded at the Registry of Deeds. The scale of the plan shall be one (1) inch = forty (40) feet or one (1) inch = twenty (20) feel. The plan shall also show:

SECTION 2.2.2.1

Name of record owner and surveyor

SECTION 2.2.2.2

Existing lines of boundaries, streets, ways, and easements, with

reference to at least two permanent monuments on or off the land to which the plan relates. All lots that contain over 25.000 sq. ft. shall be tied into the National Geodetic Survey System for horizontal control and have coordinates supplied of at least one point on the plan in the North American Datum of 1983 (NAD 83j. The Building Zone must be stated on the plan. and if there is more than one zone on the property, the zone line must be shown and mathematically tied into the lot with areas shown of the lot in each zone. The Flood Zone and Community Panel Number from the latest F.E.M.A. (Federal Emergency Management Agency) map must be designated on the plan. If any part of the lot(s) is in the 100 year flood area. the flood line must be shown and labeled on the plan. Any part of the lot falling within the River Boundary Act must be indicated.

SECTION 2.2.2.3

All plans shall show all existing structures (with offsets to all property lines and street lines), bounds, brooks, fences, walls, etc.. All subdivided lots must comply with current zoning and new lot lines must be labeled as new. Parcels that do not comply with zoning must be combined with another lot and the line between them abandoned to create a legal lot. Existing lots that do no! comply with current zoning must be labeled as an existing lot showing no subdivision. Created lots that do not have the required frontage shall be labeled "Not a building lot, no further building could occur unless further approval by the Waltham Board of Survey and Planning under the Subdivision Control Law is

obtained". All plans will show 100 year Flood Plain and shall comply with the River Boundary Act.

SECTION 2.2.2.4

Name off-street(s) of way(s) and whether public or private together with the width**.**

SECTION 2.2.2.5

North arrow, date of survey and scale.

SECTION 2.2.2.6

Deed reference of record owner by book and page number (with Land Court Certificate number, if applicable). Book(s) and page(s) of the existing land plan(s) that the subdivision is being taken from.

SECTION 2.2.2.7

Names of all abutters as per the most recent tax list.

SECTION 2.2.2.8

The mathematical boundaries of the entire original tract of land, if the particular lot or lots to be recorded has been divided from a larger tract.

SECTION 2.2.2.9

All plans submitted will be accurate representations of recent actual field surveys that conform to the Technical Standards for Property *Surveys as* adopted by the American Congress on Mapping and Surveying and endorsed by the Commonwealth of Massachusetts Board of Registration of Engineers and Land Surveyors, and will be certified by **a Registered** Land **Surveyor.**

SECTION 2.2.3 DETERMINATION THAT APPROVAL IS NOT REQUIRED

Within twenty-one (21) days of submission, the Board shall have a meeting. If the Board determines that the plan does not require approval, it shall, without a public hearing and within twenty-one (21) days of submission, endorse **on** the plan the words "Approval under the Subdivision Control Law Not Required" with the signature of a majority of the members present, or the Clerk of the Board. The original mylar of said plan will be returned to the applicant after completion of the endorsement and upon obtaining a copy of the signed original plan by the Engineering Department.

SECTION 2.2.4 DETERMINATION THAT THE PLAN REQUIRES APPROVAL

If the Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant, return the plan, and notify the City Clerk. The applicant may then submit his plan for approval as provided by taw and these rules and regulations, or he may appeal from such determination to the Superior Court in accordance with the provisions of General Laws, Chapter 41. Section 81-BB.

SECTION 2.2.5 FAILURE OF THE BOARD TO ACT

If the Board fails to have a meeting within twenty one (21) days to act upon an ANR plan after its submission, it shall be deemed to have determined that approval of such plan 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 City Clerk shall issue a certificate to the same effect The plan shall be delivered by the Board, and the certificate by the City Clerk, to the applicant.

SECTION 2.3 GENERAL

SECTION 2.3.1 APPROVAL OF SUBDIVISION PLAN REQUIRED

Any person(s) desiring to make a subdivision within the City shall, before proceeding with the improvement or sale of lots in the subdivision, or in the-construction of ways, or in the installation of services therein, submit to the Board a plan of the subdivision and secure approval by the Board of a definitive plan **as** hereinafter provided.

Note: Experience has shown that economies of time and materials can be realized if any person desiring to make a subdivision first familiarizes himself with the provisions of the Zoning By-laws and of the rules and regulations governing subdivisions, particularly through use of a preliminary plan.

SECTION 2.3.2 COMPLIANCE WITH THESE RULES AND REGULATIONS

All plans and all procedures relating thereto shall in all respects comply with the provisions of these rules and regulations, unless the Board authorizes a written variation there from in specified instances.

SECTION 2.3.3 COMPLIANCE WITH THE ZONING BY-LAWS

The Board of Survey and Planning will not approve or modify and approve any plan of a subdivision of land unless ail buildings, structures and lots shown on said plan comply with the current zoning by-law of the City of Waltham, or **unless** a written waiver has been granted by the Board and the waiver **is** slated upon the plan to be recorded at the Registry of Deeds.

SECTION 2.3.4 CRITERIA FOR BOARD ACTION

In approving subdivisions, the Board requires that the land shall be suitable for building without danger to health, safety, and welfare and that the layout of proposed streets and walkways shall compose a convenient system. There shall be adequate street and walkway connections to ensure free circulation of traffic (including pedestrian), and access for future street extensions shall be made, together with such provisions of street development and utilities, if in the Board's opinion, will adequately serve the subdivision. The layout of proposed streets shall be consistent with the most recent issue of the Master Plan of the City of Waltham for water, sewer, and drain as far as practicable.

SECTION 2.4 RECOMMENDED STEPS IN SECURING APPROVAL, COMPLETION AND ACCEPTANCE OF SUBDIVISION

(1) Secure information on zoning and application forms.

(2) File preliminary plan with The Board of Survey and Planning with notice thereof to the City Clerk and additional copies of such plan with the Board of Survey and Planning and the Board of Health.

(3) Within forty five (45) days the Board of Survey and Planning shall at its • discretion hold a public hearing and decide upon approval, disapproval, or modification of the preliminary plan.

(4) File definitive plans and copies for reference to other City boards, together with application, fee, etc.. with the Board of Survey and Planning and give notice to the City Clerk.

(5) Review by {the Board of Health within forty five (45) days after filing of the definitive plan.

(6) Public hearing fourteen (14) days after the published notice, excluding date of hearing.

(7) Prepare and submit estimate (to be checked by Engineering) with bonds or other performance guarantees for improvements.

(8) Board of Survey and Planning shall act within one hundred thirty five (135) days of original submission of definitive plans **or** ninety (90) days where a preliminary plan is filled.

(9) Certification and recording of Definitive Plan in the Registry of Deeds with all waivers and variances granted listed on the plan.

(10) Partial release of covenant

A. Submit bond estimate to Board of Survey and Planning.

B. Submit bond.

C. Provide completed partial release of Covenant Form E (certificate of performance).

(11) Completion of improvements and release of bonds.

SECTION 2.5 SUBDIVISION STANDARDS FOR FLOOD PLAIN DISTRICTS AND WATER RESOURCE AREAS:

All subdivision proposals and other proposed new development shall **be** reviewed to determine whether such proposals will be reasonably safe from flooding and implementation of the Stormwater Management Policy. If any part of a subdivision proposal or other new development is located within a Flood Plain District or Water Resource Area established under the Zoning Ordinances, Wetlands Protection **Act or** River Boundary Act, it shall be reviewed to assure that:

(1) The proposal is designed consistent with the need **to** minimize **flood or** stormwater damage, and

(2) All public utilities and facilities, such as sewer, gas. electrical and water systems shall be located and constructed to minimize or eliminate flood damage, and

(3) Adequate drainage systems shall be provided to reduce exposure to flood or storm water hazards based upon a one hundred year storm. and

(4) The line of the base flood elevation (100 year flood contour) from the latest Federal Emergency Management Agency (F.E.M.A.) Map shall be shown on the plan with the Community Panel Number and the effective date for that portion within a Flood Plain District.

SECTION 3 SUBMISSION AND ACTION

SECTION 3.1 PRELIMINARY PLAN

SECTION 3.1.1 SUBMISSION

A preliminary plan of a subdivision may be submitted by the applicant to •• the Board of Survey and Planning and the Board of Health for discussion and approval, modification, or disapproval. The submission of such a preliminary plan will enable the applicant, the Board of Survey and Planning, and the Board of Health, or other City agencies and owners of property abutting the subdivision to discuss and clarify the problems of the subdivision before a definitive plan is made. The applicant shall give notice to the City Clerk by delivery or by registered mail that he had submitted a preliminary plan, stating the date of such submission. Twenty (20) prints of the preliminary plan should be submitted with the original mylar for examination by the Board of Survey and Planning and other appropriate City officials.

SECTION 3.1.2 CONTENTS

A preliminary plan shall be submitted on 24" x 36" mylar with **a ¾"** border. The plan shall be drawn in compatible pencil or compatible ink at a scale of one (1) inch = forty (40) feet or one (1) inch = twenty (20) feet showing:

(1) the subdivision name, boundaries, north arrow, date, scale, legend and title "Preliminary Plan": the entire limits of the remaining contiguous land owned by the applicant (on more than one sheet if necessary),

(2) the names of the record owner, applicant, civil engineer, and surveyor;

(3) the names of all **abutters**. as determined from the most recent local tax list:

(4) the existing and proposed lines of streets, ways, easements and *any* public areas within the subdivision in a general manner;

(5) the proposed *system* of surface water drainage both within and adjacent to the subdivision including adjacent existing natural waterways in a general manner:

(6) the approximate boundary lines of existing and proposed lots, with approximate areas and dimensions;

(7) the names, location, and width of adjacent streets;

(8) existing and proposed contours will be submitted on a separate plan (same size and scale *as* the preliminary) with contours shown at ten (10) foot intervals or less;

(9) major site features may be submitted such as existing stone walls, fences**,** buildings, large trees **(12'),** local rare vegetation, rock ridges and outcroppings, swamps and wafer bodies, existing paths or roads;

(10) a profile of all proposed streets, ways. roads, drains, and sewers together with a cross section of any open channel streams and other information as the Board shall deem necessary and essential may be included;

(11) zoning classification will be included in the legend (if more than one zone the approximate zone lines will be shown);

(12) title reference, copy of deed with Registry Stamp showing the date, book and page number of the deed of the existing plan. Copy of existing land plan with Registry Stamp showing date, book and page number of the plan. Registered Land will require the Land Court Certificate Number, Land Court Case Number, and Land Court Plan Number, and copy of existing land plan with Registry stamp date, book and page number of plan;

(13) where the owner or subdivider also owns or controls unsubdivided land adjacent to that shown on the preliminary plan, the applicant shall show a feasible future street layout for such adjacent land on the preliminary plan;

(14) show. if possible, soil conditions in a general way, using, if desired, U. S. Department of Agriculture Soil Conservation Study of May 1966 to *describe;*

(a) relationship of soils So *surface* runoff

(b) relationship of soils to seasonal high water table

(c) soil limitations for intensive play areas

(d) soil limitations for roads

(e) soil limitations for home sites

PLAN

During discussion of the preliminary plan the complete information required for the definitive plan and the financial arrangements will be developed.

SECTION 3.1.4 APPROVAL

The Board of Survey and Planning may give such preliminary plan its approval, disapproval or approval with modifications. One copy of the preliminary plan will be returned to the subdivider. Such approval does not constitute approval of a subdivision but does facilitate the procedure in securing approval of the definitive plan. The submission of the preliminary plan for examination by the Board shall not be deemed a submission of a definitive plan of a subdivision of land for approval by the Board under Section 81 - of Chapter 41 of the General Laws. and the action of the Board on such preliminary plan shall not prejudice its action on the definitive plan.

SECTION 3.2 DEFINITIVE PLAN

SECTION 3.2.1 SUBMISSION

Any person who submits a Definitive Plan of a subdivision to the Board of Survey and Planning for approval shall file with the Board the following:

(1) AH Definitive Plans shall be drawn on 3 mil mylar (or linen) in a compatible ink and mechanically lettered with Leroy equipment or computer generated lettering. The smallest size lettering shall be one-tenth of an inch. The plan size shall be 24" x 36" with a *3/4"*border. The Subdivision Plan(s) shall be submitted on 3 mil mylar (or linen) and the original (lotting plan only) will be returned for recording after signatures by all parties and a copy is made by the Engineering Department. The original street layout plans, contour plan(s). etc. will be kept on file in the Engineering Department. Ten (10) copies of the plan set shall be submitted to the Board for review. One copy of the plan set will also be submitted to the following departments for their review: Building Department, Conservation Commission, Engineering Department, Fire Department. Health Department, Police Department, School Department. Traffic Engineering Department, and Wires Department. A letter with [he results of the plan reviewed by these nine departments/commissions must be forwarded to the Board of

Survey and Planning by the respective departments before the meeting is advertised. One copy of the lotting plan must also be forwarded to The Waltham City Council by the developer with the street names for approval of the proposed street names as required by city ordinance. In the case of disapproval all original plans of the subdivision will be returned,

(2) plan and profile of each street in the subdivision and ten (10) prints thereof:

(3) accompanying statements regarding zoning, easements, etc., data on percolation tests and plans, specifications and profiles, etc., for water supply, sewerage, and drainage as required in section 3.S.2 below**.** All statements shall be originals and will be stamped and signed by the appropriate engineer;

(4) a statement giving the Building Zone will be placed on the said plan and (if more than one zone) zone lines will be shown on the plotting plan. In the case where one lot is in more than one zone the total lot area will be shown as well as the area in each zone;

(5) a properly executed application and agreement (see Form B in appendix), copies of the existing property deed(s), copies of the existing land plans with a Registry Stamp:

(6) mathematical location, names and present widths of all streets bounding, approaching, or within reasonable proximity of the subdivision:

(7) a list of all owners of land abutting the subdivision as shown on the definitive plan and any others within three hundred (300) feet as determined from the most recent local tax list, certified by the Board of Assessors on Form A-2:

(8) sufficient mathematical data to readily determine the location. direction, and length of every street and way line. lot tine. boundary line, town line, and zone line and to establish these on the ground:

(9) location of all permanent monuments properly identified as whether existing or proposed. Location of all utilities including but not limited to: hydrants, water lines, sewer lines, drain lines, telephone lines.

electric lines and wells within the subdivision whether existing or proposed:

(10) boundary lines, areas, and dimensions of all proposed tots (including streets), and with all lots designated numerically in sequence, insofar as possible to correspond to the lot numbers shown on the preliminary plan:

(11) All definite plans will be tied into the North American Datum of 1983 (NAD 83) for horizontal control and coordinates supplied of at least three (3) permanent monuments on or off the subdivision. A statement must be supplied stating how the coordinates were established and by whom:

(12) locations and offsets to all property and street lines of all existing buildings. Location of all site features such as stone walls, fences, large trees (12") and up, or wooded areas, rock ridges and outcroppings. swamps and water bodies within or adjacent to **the** proposed subdivision;

(13) park or open areas suitably located for playground or recreation purposes within the subdivision, if any;

(14) proposed storm drainage of land. including existing natural waterways and the proposed disposition of wafer from the proposed subdivision to adequate natural drainage channels or to artificial means of disposal thereof;

(15) easements at least twenty (20) feet wide over adjoining property for the maintenance of street drains and sewers where necessary

(16) proposed system of stream drainage, sanitary sewer system and water supply including alt appurtenances;

(17) locations and species of proposed trees and/or individual trees or wooded areas to be retained within the sidelines of each street;

(18) locations and logs of soil test pits as required by the Board under paragraph 3.2.3.1;

(19) existing and proposed topography at two foot contour intervals. Existing topography shall be the result of an actual survey on the ground and the plans shall contain a statement to this effect signed by a Registered Land Surveyor;

(20) a layout plan on a separate sheet showing sidelines, centerlines, points of tangency, length of curves, intersection (delta angles)

angles, and radii of curves for each street in the subdivision, together with all buildings, walks, drives and other existing fixtures within forty (40) feet of the sidelines of each street;

(21) the layout plan shall also show the size, location of all storm drains, sanitary sewers and water mains and their appurtenances existing in or proposed for each street, including natural waterways;

(22) directly above the layout plan of each street, a profile showing existing and proposed grades along the centerline of that street, together with figures of elevation at fifty (50) foot stations of all uniform grades and at twenty five (25) foot stations along all vertical curves. All proposed drains and sanitary *sewers* complete with appurtenances shall be shown on the profile complete with invert elevations and drain line and sewer line gradients. If the horizontal scale of the layout plan is forty (40) feet then the vertical scale will be four (4) feet to the inch: if the horizontal scale is twenty (20) feet then the vertical scale will be two (2) feet to the inch:

(23) all elevations *shown* on the plans will be based upon the North American Vertical Datum of 1988 (NAVD 88). A Bench Mark with a description *must be* given on each street layout plan and on the contour plan. A statement must also be provided showing how this Bench Mark was established and by whom:

(24) all plans must certify the flood zone designation from the latest Federal Emergency Management Act (F.E.M.A.) Map. If any part of any lot is in the one hundred (100) year flood plain the contour line representing this elevation must be shown on the plan and labeled. The line must be designated and labeled on the tot layout plan, the contour plan, and on the street layout plan if it is within the street layout or within forty (40) feet of any street line:

(25) any other information listed under the preliminary plan requirements not previously submitted;

(26) the fire alarm system shall be shown on the plan:

(27) a locus map showing the proposed subdivision, scale 1"= 1000' ,or other suitable scale, shall be shown on the title sheet;

(28) a statement that the applicant will provide at no cost to the City. all facilities shown on the plan including; but. not limited to roadways. curbs, bounds, drainage systems, sanitary sewer *systems*, water utilities, streetlights, and earthworks:

(29) properly executed easements to the City of Waltham in all ways shown on the definitive plan for all purposes for which ways are

commonly used in the City, and properly executed easements to the City of Waltham in and over all lands not included within the ways which are shown on the plan to be devoted to drainage or other common use. Wherever a drainage easement is shown there shall also be an easement to discharge and dispose of said drainage whether within or without the subdivision. A sum of money sufficient to pay recording tees shall accompany the easements. All easements other than the ways shall be labeled "Easement to be conveyed to the City of Waltham" on the lot layout plan;

SECTION 3.2.1.1 NOTICE

The applicant shall file by delivery or registered mail a notice with the City Clerk stating the date of submission for such approval.

SECTION 3.2.2 CONTENTS

The definitive plan, consisting of a title sheet, a key plan, lot layout plan(s). street layout and profile plan(s), and a contour plan shall be prepared by a Registered Land Surveyor and a Registered Civil Engineer. All plans will be clearly and legibly prepared with black India Ink on 24" x 36" mylar for linen) sheets with a 3/4" border. The originals and ten (10) dark line on white copies of the originals must be submitted. The Board will require reviews from other departments. Building Department. Conservation Commission, Engineering Department, Fire Department. Health Department, Police Department. School Department. Traffic Engineering Department, and Wires Department (see 3.2.1 (1)). A statement from the Waltham City Council as to She street name approvals will also be required. If approved the original lotting plan(s) will be returned to the applicant for recording at the Registry of Deeds and all other plans shall be retained by the Engineering Department. If disapproved all originals shall be returned. Each sheet, except the title sheet, will incorporate a title block as shown in the appendix. The definitive plans shall contain the following information presented in the manner described: Each sheet, except the title sheet, wilt be prepared for signatures by the Board of Survey and Planning. The lot layout will also be set up for signatures by the Board of Health. The proper notations for this purpose are in appendix (D2).

SECTION 3.2.2.1 TITLE SHEET

The title sheet shall show the subdivision name. name of the owner and developer, name of the engineer and surveyor and the date of the preparation of the plans (see appendix D 1). A location plan, drawn to a proper scale, shall be imposed on the upper left hand corner of the title sheet.

SECTION 3.2.2.2 KEY PLAN

In the event that the lot layout plan requires more than one sheet, a key plan of the subdivision shall be prepared to a scale that will fit on one sheet indicating the area covered by each sheet of the lot layout. The key plan shall show the names of all abutters. as determined from the most recent lax list, in their proper relative locations, the existing and proposed lines of streets, ways. easements, public or common areas and building lots and the north arrow, zoning classification, flood plain zone, and deed reference will be indicated. The proposed names of new streets as approved on the preliminary will be shown. Ail perimeter data on this plan shall be an accurate representation of recent field survey that conforms to the "Technical Standards for Property Surveys" as adopted by the American Congress on Mapping and Surveying and endorsed by the Commonwealth of Massachusetts Board of Registration of Engineers and Land Surveyors and shall be certified by a Registered Land Surveyor. The information shown on the plan shall be on the North American Datum of 1983 (NAD 83).

SECTION 3.2.2.3 LOT LAYOUT PLAN

The Lot Layout Plan shall show the direction and dimension of all boundary lines, the areas, the arcs. central angles and radii of all curves in a lot (as well as the total central angle and total arc on the street line) with all lots designated numerically and in sequence, insofar *as* possible, to correspond to lot numbers shown on the preliminary plan. The Lot Layout Plan shall also show the mathematical dimensions of the perimeter of each street and label the area of the street immediately after the name is listed. The Building Zone shall be placed on the plan and any lots that are in more than one building zone shall show the zone lines, mathematically tie them into the lot(s), and have the area of the lot

in each zone as well as the total area. Any lots that have an easement over a portion of the lot shall have the area of the tot in the easement. each easement to be listed separately. The plan shall have on it the Flood Zone as designated by the latest F.E.M.A. (Federal Emergency Management Act) map. If any portion of the property lies in the one hundred year flood plain, the line of the one hundred year flood and its elevation must be indicated and labeled on the plan. The flood plain designation must be stated on the plan whether or not it is in g flood plain. The plan shall be drawn to a scale of one (1) inch = forty (40) feet or one (1) inch = twenty (20) feet and shall show all streets, ways. easements, public or common areas, north arrow, existing and proposed permanent monuments, location, name and present width of streets bounding, approaching or within reasonable proximity of the subdivision and the location of all soil test pits as required by the Board under paragraph 3.2.3.1. in the event that a key plan is not used, all the information and data required in paragraph 3.2.2.2 will be shown on the lot layout plan. Immediate abutters as shown on the key plan will be shown on the lot plan. If approved by the Board, all variances and waivers granted by the Board for this subdivision must be listed on the Lot Plan before its' filing at the Registry of Deeds (this may be done after approval but before the signatures of the Board members). This plan will, in all cases, be certified by a Professional Land Surveyor.

SECTION 3.2.2.4 PLAN AND PROFILE OF EACH STREET

to *a* horizontal scale of one (1) inch =• forty (40) feet and a vertical scale of one (1) inch = four (4) feet or a horizontal scale of one (1) inch = twenty (20) feet and a vertical scale of one (1) inch = *(two* (2) feet. The plan and profile of each street or section of a street will be shown on the same sheet with the street layout on the bottom and the profile above if and will provide the following information:

(1) Sufficient information to determine readily the location,. direction, length and width of each street, way. and easement and to establish these on the ground.

(2) All existing and proposed utilities (water, sewer, drainage, telephone, electric, gas and oil)

(3) Ail permanent monuments, existing or proposed

(4) All curbing, property identified as to type

(5) The fire alarm system

(6) Graphical and mathematical ties **to** the nearest accepted street stating whether it is a city. county or state layout and using at least two (2) permanent monuments

(7) The existing ground profile along the proposed centerline and both sidelines of the street. All elevations shall be on the North American Vertical Datum of 1988 (NAVD 88).

(8) The proposed centerline profile showing gradients and vertical curves. All vertical curves will be labeled as to length and design sight distance. All elevations will be on the North American Vertical Datum of 1988 (NAVD 88).

(9) Existing and proposed centerline grades on fifty (50) foot stations and on twenty five (25) foot stations in vertical curves**.** All elevations to be on the North American Vertical Datum of 1988 (NAVD 88).

(10) All equation stations will be shown in both the plan and profile

(11) Drainage and sewer lines will be shown on the profile (as well as on the plan) showing gradients and manhole inverts. Catch basin inverts will be shown on the plan only.

(12) All elevations will be on (he North American Vertical Datum of 1988 (NAVD 88) and the Bench Mark with a description will be placed on the plan.

(13) All proposed street names (must be approved by the Waltham City Council) as approved on the preliminary plan.

(14) Lot corners and sideline extensions.

(15) Curve Data, (central angle, radius, and arc) will be shown for both sidelines and centerline.

(16) North Arrow.

(17) All buildings, walks, drives, and other existing fixtures within forty (40) feel of the sidelines of {the proposed street.

(18) The flood plain area must be shown, if within the street, or within forty (40) feet of the sideline of such street.

(19) Certification by a registered professional civil engineer and a registered land surveyor. After approval all waivers will be

listed on the Plan and Profile sheet for each street (if more than one sheet for each street, only the first sheet shall list the waivers.)

SECTION 3.2.2.5 CONTOUR PLAN

A contour plan, drawn to a scale of one (1) inch = forty (40) feet or one (1) inch = twenty (20) feet. Each sheet covering the same area as a corresponding lot layout sheet, will portray existing and proposed topography at a two (2) foot contour interval, unless permission is otherwise granted by the Board. Existing topography will be an accurate representation of recent actual field surveys. The contour plan will accurately locate and portray all existing bodies of standing water, water courses, flood plain elevation, walls, fences, buildings, foundations, large isolated trees, wooded areas (with indication as to type and size of frees), and open fields. Any roads, ways. or paths traversing the locus will be shown with a note indicating the condition and status of same. Alt elevations used will be on the North American Vertical Datum of 1988 (NAVD 88) and the Bench Mark with a description will be noted on the plan (bench mark established from NA VD 88 and used for this subdivision). The surveyor shall provide a statement listing the method of establishing the Bench Mark and by whom. The plan shall be certified by **a** Registered Land Surveyor.

SECTION 3.2.3.1 SOIL SURVEYS

The Board shall require soil surveys to establish the suitability of the land for the proposed storm and sanitary drainage installations. Such surveys shall include a test excavation not less than seven (7) feet below finished grade at a frequency of one (1) per lot. location of which must be shown on a plan, and a report thereon: a percolation lest at a frequency of one (1) per lot**,** location of which must be shown on the plan, and a report thereon. Percolation tests shall be in accordance with Article XI of the Commonwealth of Massachusetts Sanitary Code.

Test pits. borings or soundings shall be taken along the center line of each street at intervals shown on the plan and approved by the

Board and at locations such as cut sections and areas of questionable foundation material where the subsurface conditions may be. in the opinion of the Board, 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 Board that all necessary inspection and sampling has been completed. Where borings have been used, samples shall be taken at five f5) foot intervals and at each change in strata. Soundings shall be taken in areas of unsuitable material for the purpose of determining the hard bottom contours. Test pits and borings, where required, shall extend to a minimum depth of five (5) feet below the street profile grade. The applicant shall indicate, on the plan, a proposed layout of the subsurface exploration program complete with location, spacing, and type of exploration proposed.

SECTION 3.2.3.2 ADDITIONAL PROFESSIONAL SERVICES

The Board may at its discretion obtain at the applicant's expense such additional legal and/or technical advice as it deems necessary or desirable in order for it to determine whether to approve, to modify and approve, or to disapprove the Definitive Plan.

SECTION 3.2.4 REVIEW

SECTION 3.2.4.1 BOARD OF HEALTH

At the time of filing of the Definitive Plan, the applicant shall also file with the Board of Health two sets of plans, dark line on white background. The Board of Health shall, within forty five (45) days after filing of the plan, report to the Board of Survey and Planning in writing approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots Shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and reasons thereof in such report, and, where possible, shall make recommendations for the correction thereof. Any tot so located that it can not be served by a connection to a sewer system shall be provided with a septic tank and teaching field, trench or pit satisfactory to the Board of Health.

SECTION 3.2.4.2 OTHER CITY BOARDS

Before approving the Definitive Plan, the Board shall require that *said* ***set*** of plans be sent by the developer no later than twenty-eight (28) days before the hearing to the following boards for their review, and the developer shall have written statements sent to the Board From each no later than fourteen (14) days before the hearing as to the adequacy of the proposed improvements. Copies shall be sent by the Developer to:

(1) The Engineering Department for review of the relationship of the proposed water, sewer and drainage facilities to the water, *sewer* and drainage lines in existing public ways as the design of the street system, location of easements, and design of water, sewer and drainage systems, including appurtenances.

(2) Chief of the Fire Department, for recommendations as *to* spacing of hydrants and turning radius for fire trucks.

(3) Chief of Police Department, for recommendations as to vehicular and pedestrian traffic safety and access for emergency vehicles.

(4) Chairman of the Conservation Commission for review as to effects of the subdivision on flood plain, wetlands, streams, wildlife and similar considerations of a conservation nature.

(5) City Council for street name approvals. (Lotting plan only.)

(6) Superintendent of Fire Alarm for installation of fire alarm *system and* emergency access.

(7) Superintendent of Buildings for zoning issues.

(8) Health Department (See Section 3.2.4.1)

(9) Superintendent of School Department for bus routes.

(10) Traffic Engineering for signage, vehicular flow. turning radii and traffic recommendations.

SECTION 3.2.5 PUBLIC HEARINGS

Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Board. Notice of such hearing shall be given by the Board at least fourteen (14) days prior thereto by publication once in each of two successive weeks in a newspaper of general circulation in the City. The first such advertisement shall be at least fourteen (14) days before the hearing, (excluding the day of the public hearing). Such notice shall describe the subject matter sufficient for identification. A copy of said notice

shall be sent by the Board by registered or certified mail. with return receipt to mortgagees, if any, of the applicant's property and to all owners of property (as appearing in the most recent tax list) any part of which lies within 300 feet of any land of the applicant of which the proposed subdivision forms a part.

SECTION 3.2.6 PERFORMANCE GUARANTEE

SECTION 3.2.6.1 APPROVAL WITH BONDS OR SURETY

Before approval of a Definitive Plan of a subdivision**,** the subdivider shall either file a performance bond or deposit money or, negotiable securities in an amount determined by the Board to be sufficient to cover She cost of all or any part of the improvements specified in Section 4.0 or 5.0, or follow the procedure outlined in 3.2.6.2 below. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the Mayor or City Treasurer. As part of this performance bond, the developer agrees that he will complete either in the portion of the development in which structures are occupied or the development ***as a*** whole all improvements required in section 4.0 or 5.0 and remove all building materials and rubbish from the subdivision and leave the subdivision free from hazardous and or unattractive slopes, excavations and piles of material within six (6) months of the dale of occupancy of any structure within that area. The developer further agrees that he will complete all improvements described above within twenty-four (24) months of the start of construction. If a performance bond is not filed when construction starts, or within twenty-four (24) months of the filing of a performance bond, if such bond is filed at the start of construction, failure to complete construction within the specified time, or failure to begin construction within twenty-four (24) months following date **of** approval, will be considered adequate reason for the Board of Survey and Planning to rescind, modify, or disapprove as specified under Section 81 - W, and or enforcement of the bond. The developer further agrees that no structure will be occupied until, at least the base course of

the bituminous concrete as specified in section 5.0 has been applied to the streets which serve those structures. No extensions of these limitations shall be granted without approval of the Board of Survey and Planning. The City of Waltham is not responsible for snow plowing, trash removal, maintenance, utilities, etc. until the developer turns over to the City of Waltham Final Plans and all easements over the completed ways. Municipal forces are not to be used in private developments until the Board has given a release and the City Council has accepted the easements.

SECTION 3.2.6.2 APPROVAL WITH COVENANT

The subdivider may file a covenant acceptable to the Board of Survey and Planning, executed by the owner of record and duly recorded, running with the land, whereby conditions specified in the certificate of approval are met. and whereby such ways and services as specified in Section 5.0 shall be provided to serve any lot before such lot may be built upon or conveyed other than by mortgage deed. The •Board reserves the right to rescind, modify, or disapprove any subdivision on which a covenant has been filed, if construction of ways has not been started within twenty-four (24) months from date of approval.

SECTION 3.2.7 CERTIFICATE OF APPROVAL

The action of the Board in respect to such plan shall be by vote, copies of which shall be filed with the City Clerk and sent by registered or certified mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board, said endorsement to be made after the expiration of twenty (20) days without notice of appeal to the Superior Court, and the City Clerk has notified the Board that no appeal has been filed. If appeal has been taken, then said endorsement is to be made after the entry of a final decree of the court sustaining the approval of such plan. Approval of the Definitive Plan does not constitute the laying out or acceptance by the City of streets within a subdivision.

SECTION 3.2.8 EVIDENCE OF SATISFACTORY PERFORMANCE

Before the Board will release in whole or in part the interest of the City in a performance bond, deposit or securities (or, in the case of approval with covenant, issue of release of covenant), the applicant shall:

SECTION 3.2.8.1 AS BUILT PLANS

File with the Engineering Department a certified copy of the layout plan of each street as built in the subdivision (or. in the case of approval with covenant, of the street or streets serving the lots for which a release is desired). An accurate (drawn to scale) as built plan shall be prepared by a Registered Professional Engineer or Professional Land Surveyor, and shall bear a statement certifying that streets, storm drains. sanitary sewers, water mains and their appurtenances have been constructed and monuments installed in accordance with these rules and regulations. In all cases this shall be an original plan with statements and signatures placed on the plan and signed by the required person (no ***copies*** of plans or statements will be accepted). All work shall be completed and as built plans must be submitted and approved by the Board of Survey and Planning and all easements (including streets) must be accepted by the Waltham City Council.

SECTION 3.2.8.2 INSPECTION RECORD FORM

Obtain and submit to the Board written evidence in the form of a completed Subdivision Inspection Record Form (see form H) that the required improvements have been fully completed to the satisfaction of the Engineering Department.

SECTION 3.2.8.3 CONVEYING TITLE TO UTILITIES

The applicant shall execute an instrument transferring to the City without costs, valid unencumbered title to all sanitary sewers, storm drains and water mains and appurtenances thereto, constructed and installed in the subdivision or approved portion thereof, and conveying to the City without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, storm drains, and water mains, with any 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 approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through and under a

strip of land extending ten (10) feet in width on each side of the centerline of all such sewers and wafer mains.

SECTION 3.2.9 ADDITIONAL TESTING

Any sampling or testing required shall be provided by the applicant under the direction of the Engineering Department.

SECTION 3.2.10 RELEASE OF PERFORMANCE GUARANTEE

Upon completion of the improvements, submittal of approved as built plans, and approved easements to the City Council, the applicant shall send to the City Clerk and the Board of Survey and Planning by certified mail a written statement in duplicate that the construction or installation in connection with which a bond, deposit or covenant has been given meets the requirements of section 5.0; this statement should contain the address of the applicant. The clerk shall furnish a copy of the statement to the Board forthwith. If the Board determines that the construction or installation has been satisfactorily completed, *it* shall release the interest of the City in the bond. deposit or covenant, and return the bond or the deposit to the person who furnished it, or issue a release of covenant in a form for recording. If the Board determines that the construction or installation has not been completed, it shall specify to the applicant in writing wherein the construction and installation fails to comply with the requirements of Section 5.0, within forty five (45) days of receipt of the statement by the Clerk.

SECTION 4 DESIGN STANDARDS

SECTION 4.1 CLASSIFICATION OF STREETS

SECTION 4.1.1 ARTERIAL STREET

A street which by virtue of its strategic location, can be expected to handle a considerable amount of traffic. A thoroughfare, which connects or may eventually connect, two or more subdivisions, two or more neighborhoods, or provide access for industrial areas, and from the City to neighboring communities.

SECTION 4.1.2 RESIDENTIAL COLLECTOR STREET

A street which connects, or may eventually connect, one subdivision with another subdivision, or two groups of residential streets which are within the same subdivision.

SECTION 4.1.3 RESIDENTIAL STREET

A street which generally *serves* only those residents living on that street and which can be considered to permanently serve the exclusive function of being a residential street.

SECTION 4.2 STREET DESIGN

SECTION 4.2.1 DESIGN SPEEDS

Radius of curves and lengths of vertical curves should be selected to provide safe sight distances (either passing or stopping) for She design speed of the road**.** The design speed for secondary inter-community streets shall be forty (40) miles per hour and for residential collector and residential streets thirty (30) miles per hour in accordance with current Massachusetts Department of Public Works specifications.

SECTION 4.2.2 LOCATION AND ALIGNMENT

SECTION 4.2.2.1 COMPREHENSIVE PLAN

The proposed streets shall conform to the most recent issue of the Master Plan *as* adopted or amended in whole or in part by {the Board.

SECTION 4.2.2.2 PROJECTIONS

Provision satisfactory to the Board shall be made for the proper projection of streets, or for *access* to adjoining property which is not yet subdivided.

SECTION 4.2.2.3 RESERVE STRIPS

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.

SECTION 4.2.2.4 AESTHETICS

Due consideration shall be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.

SECTION 4.2.2.5 ALIGNMENT

SECTION 4.2.2.5.1

Street jogs with centerline offsets of less than one hundred and twenty five (125) feet should be avoided.

SECTION 4.2.2.5.2

The minimum centerline radii of curved streets shall be as follows:

Arterial	500 feet
Residential	350 feet

SECTION 4.2.2.5.3

All reverse curves on secondary and inter-community highways and residential collector streets shall be separated by a tangent at least one hundred (100) feet long unless the radius of curvature of both of the curves is in excess of two times the minimum specified in 4.2.2.5.2

SECTION 4.2.2.5.4

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

SECTION 4.2.2.6 STREET LINES AT INTERSECTIONS

SECTION 4.2.2.6.1

At all corners an easement shall be laid out so that the easement line lies outside a triangle formed by the street lines of such a lot and a line drawn between points on such lines at the distances from the intersections thereof specified below:

SECTION 4.2.2.6.2

For a lot having an interior angle of ninety (90) degrees or more at the street corner thereof thirty (30) feel.

SECTION 4.2.2.6.3

For a lot having an interior angle of less than ninety (90) degrees at the street corner thereof; thirty (30) feel plus one (1) foot for every one (1) degree by which such interior angle is less than ninety (90) degrees.

SECTION 4.2.2.6.4

The easement remaining at the comers designed to the specifications above shall contain no fence, other than an open wire fence**,** or wall higher than two (2) feet, nor any obstruction to vision other than a post, column, or trunk (but not branches or foliage) of a tree, none of which exceeds in cross section two feet square or two feet in diameter, between a height of two (2) feet and a height of seven (7) feet above the established grade of either street, or if no grade has been officially established. then above the average elevation of the existing surface of either street at the centerline thereof.

SECTION 4.2.2.7 FILLETS-INTERSECTIONS

The distance between the curb line and the property line at any intersection shall be the same as along the approach portions of the intersecting streets. Street line curb radii shall be the following **minimums:**

FROM		TO		
DESCRIPTION		A	B	C
A	ARTERIAL	CURB = 50 FT.	CURB =*20* FT.	CURB = 15 FT.
B	RESIDENTIAL COLLECTOR	CURB = *20* FT.	CURB = 20 FT.	CURB = 20 FT.
C	RESIDENTIAL	CURB= 15 FT.	CURB = 20 FT.	CURB=15 FT.

SECTION 4.2.2.8 DEAD ENDS (CUL-DE-SAC)

SECTION 4.2.2.8.1

Dead end streets, or streets connected to a throughway at only a single point, whether temporary or permanent, shall not be longer than five hundred (500) feet.

SECTION 4.2.2.8.2

Paved foot paths designed for emergency access of fire, police or snow plowing equipment which reduce the effective length of a cul-de-sac to less than five hundred (500) feet will be considered as alternatives.

SECTION 4.2.2.8.3 TEMPORARY DEAD ENDS (CUL-DE-SAC)

Streets having temporary dead ends shall terminate in circles having a right of way diameter of not less than one hundred twenty (120) feel. Where a future street is projected beyond the circle, the circle shall be designed in such relation to the projection of the right of way that the additional land used for the circle may be relinquished to the adjacent properties at the time the road is constructed over the projected route.

The ownership of the fee in land lying within She projection of any road shall remain with the adjacent properties until the road is constructed over the projected route. Any such fee shall no! be included in determining the conformity of the area of any lot to the minimum requirements under the Zoning Ordinance of the City.

Where a circle is laid out as a permanent termination of the road, the entire area of the circle shall be a permanent par! of the right of way. Where a circle is laid out over a projected right of way. the lot lines shall be laid out to the lines of the future projected route. The additional areas used for the circle may be included in the areas of the adjacent lots for the purpose of determining their conformity to the minimum requirements under the Zoning Ordinance of the City.

SECTION 4.2.2.9 UNDERGROUND UTILITIES

All sewers, surface water drains, water, oil and gas pipes, electric and telephone facilities (exclusive of transformers) and fire and police alarm wires within the limits of a way shall be placed underground and shall be installed after the way has been excavated to subgrade.

All underground electric wiring shall be encased in conduit. All wiring, conduit and appurtenances and the installation thereof shall be in accordance with the requirements of the Wires Department of the City of Waltham. All such installations shall be subject to approval by the Inspector of Wires of the City of Waltham.

SECTION 4.2.2.9.1

Connections for sewer, drain, water, gas. oil. 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 be required.

SECTION 4.2.2.9.2

The developer shall supply street lighting which will be located on a suitable post which may be of concrete, aluminum, or square cross section creosote treated wood having a height of 15 feel or more as approved by the Board. The street lighting shall be designed in accordance with the current edition of She I. E. S. Lighting Handbook, or to design standards deemed acceptable to the Board. Luminaries shall be of the indirect, shielded type.

SECTION 4.2.3 RIGHT-OF-WAY-WIDTHS

The minimum width of street right of ways shall be as follows:

A	ARTERIAL STREETS ——	70 FEET
B	RESIDENTIAL COLLECTOR STREETS	60 FEET
C	RESIDENTIAL STREETS	50 FEET

SECTION 4.2.4 GRADE

SECTION 4.2.4.1 LONGITUDINAL GRADES

The centerline grade for any street shall not be less than eight tenths of one percent (00.80%)

The maximum centerline grades shall be as follows:

A	ARTERIAL STREETS	FIVE PERCENT (5%)
B	RESIDENTIAL COLLECTOR STREETS	SIX PERCENT (6%)
C	RESIDENTIAL STREETS	SEVEN PERCENT (7%)

SECTION 4.2.4.2 SUPER ELEVATION

Where curves and grades combine to create potentially dangerous driving conditions, the Board may require a suitable amount of super elevation of the curves or other protection.

SECTION 4.2.4.3 VERTICAL CURVES

All changes in grade exceeding one half (. 5} percent shall be connected by vertical curves of sufficient length to afford, in the opinion of the Board, adequate sight distances. Sag vertical curves shall have a length greater than **a** of the algebraic sum of the grades times one hundred (100) feet. **L** (ft) =a***((G,*** (%) **- *G;,*** (%)) x 100 ft.)

SECTION 4.2.4.4 INTERSECTIONS

Where streets within a subdivision or at a juncture of a subdivision street with an existing street, a-leveling area shall be provided, the street grade at which shall not exceed two (2) percent for a

distance of one hundred (100) feet from the nearest exterior line of the intersecting street-

SECTION 4.3 EASEMENTS

SECTION 4.3.1 UTILITY EASEMENTS

Easements for utilities across lots or centered on rear side lot lines shall **be** provided where necessary and shall be at least twenty (20) feet wide.

SECTION 4.3.2 DRAINAGE EASEMENTS

Where a subdivision is traversed by a water course, drainage **way,** channel or stream, the Board may require that there be provided a storm water easement or drainage right of way of adequate width to conform substantially to the lines of such watercourses, drainage way, channel or stream, and to provide for construction or other necessary purposes.

SECTION 4.3.3 ACCESS EASEMENTS

Access easements and right of ways to park and conservation land or for use by emergency vehicles shall be secured for the benefit of the City and shall be twenty five (25) feet in width.

SECTION 4.3.4 FOOTPATH EASEMENTS

SECTION 4.3.4.1 LOCATION OF FOOTPATHS

When streets in excess of seven hundred and fifty (750) feet in length are incorporated in the subdivision, footpaths shall be laid out and constructed to connect the subdivision street with an adjacent street. public land, or park at a point midway between street intersections or turnarounds.

SECTION 4.3.5 SIGHT OBSTRUCTION LIMITING EASEMENTS

Must be of a size as specified under Section 4.2.2.7 and shall be secured for the benefit of the City.

SECTION 4.4 OPEN SPACES

Before approval of a plan the Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light 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 connect to the street system as described in Section 4.3.3. The Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval for a period of three (3) years, in accordance with the General Laws. Chapter 41, Section 81 - U.

SECTION 4.5 PROTECTION OF NATURAL RESOURCES

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

SECTION 4.5.1 PROTECTION OF TREES DURING CONSTRUCTION

Trees within the subdivision shall be protected from indiscriminate removal during construction. Trees remaining within the subdivision shall **be** protected from mechanical injury during construction and from adverse changes or excavations as recommended in U. S. Department of Agriculture Bulletin 104 (April 1965). Trees falling within the right of ways or easements shall be so protected, and in such other ways which may be recommended by the Tree Warden.

SECTION 5 REQUIRED IMPROVEMENTS

SECTION 5.1 DESIGN AND MATERIALS CONFERENCE

The Engineering Department or the Board of Survey and Planning may call for a design and materials conference in order that the subdivider may be informed as to the acceptability of the materials, methods, and standards of construction to be employed. The subdivider may be accompanied or represented by his engineer or contractor, or both, at the conference.

SECTION 5.2 NOTICE REQUIRED TO BE GIVEN BY THE SUBDIVIDER

Notice shall be given to the Engineering Department and the Board of Survey and Planning at least ten (10) business days before the subdivider first commences construction in any subdivision, in addition to giving the notices called for in paragraph 5.14.

SECTION 5.3 STANDARDS OF CONSTRUCTION

Standards of construction not otherwise specified hereunder shall be according to the standard specifications for highways and bridges of the Massachusetts Department of Public Works (latest edition).

SECTION 5.4 STREET AND ROADWAY

SECTION 5.4.1 CROSS SECTIONS

Street construction shall conform to the Typical Cross Sections as shown in Exhibit D3 included with these rules and regulations.

SECTION 5.4.2 CLEARING

The entire area of each street or way shall be cleared of all stumps. brush, roots, boulders, like material and all trees not intended for preservation**.** If any large boulders or trees remaining within the street lines may in the opinion of the Board of Survey and Planning constitute a future hazard, the Board may require that they be removed. Stumps **mayJiot** be buried on the site without the approval of the Engineering Department.

SECTION 5.4.3 SUBGRADE PREPARATION

The full length and width of the proposed roadway pavement areas shall be excavated or Filled, as necessary, to a depth below the finished surface as shown on the typical section. However, if the soil is soft and spongy, or contains undesirable material, such as clay, sand, pockets, peat. stones over six (6) inches in diameter, or any other material detrimental to the subgrade. such material shall be removed and replaced with suitable well compacted material, Subgrade material must be approved by the Engineering Department.

SECTION 5.4.4 ROADWAYS

Roadways shall be constructed for the full length of all streets within the subdivision shown on the plan. The centerline of such roadways shall coincide with the centerline of the street right of way unless a variance is specifically approved by the Board.

SECTION 5.4.5 WIDTHS OF PAVEMENT

The minimum width of roadway pavements shall be as follows:

A	ARTERIAL STREETS	50 FEET
B	RESIDENTIAL COLLECTOR STREETS	40 FEET
C	RESIDENTIAL STREETS	30 FEET

SECTION 5.4.5.1 WIDTHS OF PAVEMENTS AT CUL-DE-SAC

The minimum outside diameter of roadway pavement areas within turn-arounds on cul-de-sacs shall be one hundred 100) feet with curbing as specified herein for proper turning of health and safety vehicles.

SECTION 5.4.6 GRAVEL FOUNDATION

Roadways shall be provided with a foundation consisting of at least six (6) inches compacted thickness of good binding gravel, which is satisfactory to the Engineering Department and which conforms to Massachusetts Department of Public Works specifications, rolled and compacted to a centerline grade as shown on the typical sections. The gravel shall be thoroughly watered and rolled true to line and grade. Any depressions that appear during and after the rolling shall be filled with additional gravel and re-rolled until the surface is true and even.

SECTION 5.4,7 SURFACE TREATMENT

After completion of the gravel foundation, two (2) binder courses of bituminous concrete. Class I, Type 1, shall be applied, compacted and rolled to the thickness shown on the typical sections- A third course consisting of bituminous concrete lop. Class I, shall then be applied, compacted and rolled to the thickness indicated on the typical sections. Specifications for the composition of material, workmanship, and the method of applying pavement material shall conform to the latest specification of the Massachusetts Department of Public Works.

SECTION 5.4.8 LOAM AND SEED

Loam shall be placed to a depth of nine (9) inches on all shoulders, embankments, and all other areas disturbed by the construction. Grass seed mixture containing not less than 75% of permanent types shall be placed at the rate of four (4) pounds per one thousand (1000) square feet. Other types of ground cover may be employed with the approval of the Board.

SECTION 5.5 UTILITIES

SECTION 5.5.1 STORM DRAINS, CULVERTS AND RELATED INSTALLATIONS

Storm drains, culverts and related installations, including catch basins, gutters and manholes, shall be installed within or without the subdivision as necessary to permit unimpeded flow of all natural wafer courses, to insure adequate drainage of all low points along streets, and to intercept storm water run off along streets at intervals reasonably related to the extent and grade of the area drained. (Generally, catch basins will be required on both sides of the roadway on continuous grade at intervals of not more than three hundred (300) feel.) Storm drains and culverts shall be no less than fifteen (15) inches inside diameter and shall be of greater size when required by the Board (storm design shall be based upon one hundred year storm). All pipe shall be reinforced concrete pipe and three (3) feet of cover shall be provided. Catch basin grates shall be LeBaron type L24-SG8 and the frame shall be LeBaron type LF 246 (3 flange when curbing is used, 4 flange if there is no curbing).

SECTION 5.5.2 WATER PIPES AND RELATED FACILITIES

Water pipes and related facilities such as hydrants and shut off valves shall be installed within the subdivision as necessary, providing all lots on each street with adequate water supply for domestic and fire protection use. Hydrants shall be no further than four hundred (400) feet apart. The costs for materials. labor and installation shall be borne by the subdivides Materials and supplies used in such installations shall conform to City specifications. Water pipes shall consist of cement lined ductile iron. no less than eight (8) inches in diameter and shall be a larger size when required by the Board.

SECTION 5.5.3 UTILITY EXTENSIONS

Where adjacent property is not subdivided, provisions shall be made for extension of the utility systems by continuing appropriate drains, sewer and water mains to any other land at such size and grade as will allow for their proper projection, and with such accessories and appurtenances deemed appropriate by the Engineering Department.

SECTION 5.5.4 APPROVAL, ENGINEERING DEPARTMENT

Drainage (calculations for a one hundred year storm) and water systems within or without the subdivision shall be laid out and constructed to the satisfaction of the Engineering Department.

SECTION 5.5.5 ADEQUATE PROVISION

In all cases adequate provision shall be made for the ultimate disposal of drainage water.

SECTION 5.6 SIDEWALKS

SECTION 5.6.1 WIDTHS

There shall be a sidewalk area having a width often (10) feet on each side of all streets as shown on the typical sections. Loam and turf may be substituted for a sidewalk along one side of a street if, in the opinion of the Board, an off street foot path constructed to sidewalk specifications, will serve as

an equal or superior connection to areas within or beyond the subdivision. If such a foot path serves homes along a second street, the Board may also waive walks along one side of the second street.

SECTION 5.6.2 PREPARATION

All materials shall be removed for the full width of the sidewalk to subgrade eight and one half (8'1/2) inches below the finished grade as shown on the cross section; and all soft spots and other undesirable material below such subgrade shall be replaced with a good binding material and rolled. This excavated area then shall be fitted with six (6) inches of a good quality gravel, and rolled with a pitch toward the curb of not less than '/,"nor greater than 3/8'to the foot.

SECTION 5.6.3 SURFACING FORMS

Surfacing forms shall be set to grade, filled with two and one half (2 & 1/2) inches of compacted bituminous concrete to be applied in two courses (binder and finish courses) except three (3) inches at drive way entrances, provided, however, that if a granolithic concrete surface is desired, specifications of the Massachusetts Department of Public Works shall be complied with.

SECTION 5.7 MONUMENTS

Monuments shall be Installed on both sides at all intersections of streets with each other, at all points of change in direction or curvature of streets, and at all such other points as in the opinion of the Board may be necessary to show the location of the projected streets or easements. Monuments shall be set on a two (2) foot inset to the street line. Monuments shall be of 6" x 6" stone embedded a minimum of four (4) feet below and set flush with the finished grade. Drill holes shall be placed in the top of each bound. No permanent monuments shall be installed until all road construction which would destroy or disturb the monuments is completed. An original letter with an original signature from the Surveyor shall be submitted certifying that the monuments have been installed as indicated on the Definitive Plan.

SECTION 5.8 CURBING

Curbing is required on both sides of all road ways and shall be vertical granite curb. Type VB (5" x 18") as shown on the typical street sections in the appendix. Specifications for curbing, workmanship, and method of setting shall conform to the specifications of the Massachusetts Department of Public Works, All curves having a radius of one hundred (100) feet or less at the street line, and a central angle of forty five (45) degrees or more, and which meet one or more tangents, shall have the gutter line curbed with circular granite curbing cut to fit the curve**.**

SECTION 5.9 SIDE SLOPES

SECTION 5.9.1 SLOPE

The area in back of the sidewalk shall be sloped at the rate of three horizontal to one vertical (maximum) to a point where it precisely coincides with the finished grade of abutting lots.

SECTION 5.9.2 LOAM

Loam shall be applied to a dept of not less than nine (9) inches, rolled and seeded.

SECTION 5.10 STREET SIGNS

The developer shall furnish and erect necessary street signs to designate the name of each street in his development, after recommendation of the Board. Said signs to conform with those used by the City. All proper forms may be obtained at the office of the Engineering Department. Until such time as each street is accepted by the City as a public way, the sign posts at the intersection of such street with any other street shall have fixed thereto a sign designating such street as a private way.

SECTION 5.11 FIRE ALARM SYSTEMS

At least one fire alarm box shall be provided for in each subdivision. Additional fire alarm boxes shall be provided for each one thousand feet of street, or fraction thereof, in all subdivisions. The circuit shall be installed to connect with an existing City owned circuit in a street adjoining the subdivision. The costs for material, labor and installation shall conform to the City specifications.

SECTION 5.12 TREES AND VEGETATION

All reasonable care shall be taken to preserve the trees and local rare vegetation in the subdivision. Structures and ways shall be laid out in such a way to avoid vegetation loss or damage. If any lot has less than three (3) natural trees of at least 5” in diameter within twenty (20) feet of street line after completion of the grading and building thereon, the builder shall plant trees having a minimum diameter of 2” so that the trees on said lot shall number at least three (3) not more than twenty (20) feet from nor less than five (5) feet from street lines and planted in one half (1/2) yard of loam, and trees so planted shall be of a variety specified by and of a quality acceptable to the Director of Forestry and shall be properly wrapped and guyed in a manner to ensure their survival.

SECTION 5.13 CLEANING UP

The entire area must be cleaned up so as to leave a neat and orderly appearance free of debris and other objectionable materials.

SECTION 5.14 INSPECTIONS

Inspections during the work shall be arranged for by the subdivider with the Engineering Department, or other authorized person prior to starting street construction, who will provide the subdivider with a check list covering these inspections (see Form H**).** The Engineering Department will sign the itemized inspections on this list after satisfactory completion of each step by the contractor.

SECTION 5.15 FINAL RELEASE

Prior to final release of the subdivider's bond or delivery of a certificate of performance on the subdivided covenant, the subdivider shall deliver instruments transferring to the City, without cost to it, unencumbered title to all storm drains, sanitary sewers, water mains, manholes, conduits, pipes and other appurtenances installed in the subdivision. In addition, the Board shall withhold final release of the subdivider's bond **or** delivery of a certificate of performance on the subdivider's covenant unfit satisfied as **to:**

(1) pavement integrity intact after one winter;
(2) permanent type grass on all seeded areas;
(3) shoulders and embankments intact;
(4) functional integrity of all parts of the drainage system;
(5) satisfactory installation of utilities as required by the Board;
(6) final plans as required by the Board

SECTION 6 ADMINISTRATION

SECTION 6.1 VARIATION

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

SECTION 6.2 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 Massachusetts General Laws.

SECTION 7 PLANNING FOR PUBLIC BUILDING

SECTION 7.1 PRELIMINARY PLAN

The committee directing the design and planning of a Public Building shall submit the accepted preliminary drawings, plans, plot and site plans including drainage, sewage, water, parking, roadways, walks, population, landscaping, elevation and perspective for all proposed Public Building For the approval and/or comments of the Board.

SECTION 7.2 RECORD DRAWINGS

A complete set of the approved working drawings and specifications shall be filed with both the Board of Survey and Planning and the Engineering Department.

SECTION 8 ZONE CHANGE PLANS

(Zone Change Plans must follow the rules and regulations of the City Clerk's Office, they are summarized here for convenience - the full set of rules from the City Clerk should be
All zone plans wilt be drawn in compatible India Ink on 3 mil mylar (or thicker).

The plan size shall be 24" x 36" with a *3/4"* border and all information shall be mechanically lettered (Leroy type equipment) or be computer generated. The smallest size lettering shall be 1/10 inch in height. The scale of the plan shall be one (1) inch = forty (40) feet (use more than one sheet if necessary). In areas larger than five (5) acres the City Clerk may allow the scale of the plan to be one (1) inch = *one* hundred (100) feet: but. the area being petitioned must be drawn at a scale of one (1) inch = forty (40) feet.

SECTION 8.1 CONTENTS

(1) Bearings (shown in a clockwise direction), distances, radii, arcs, central angles, and area to the nearest square foot.

(2) Street names with their widths and whether "Public" or "Private".

(3) All Building Zone designations within the scope of the plan.

(4) North arrow (pointed toward the top of the page).

(5) Plan must show all existing buildings.

(6) All property lines, including those inside the petitioned area

(7) All abutters within 300 feet of the properly,

(8) A written description that agrees with the plan description.

(9) All lots of 25.000 square feet or more must be tied into the North American Datum of 1983 (NAD 83) for horizontal control and have the coordinates of at least one point, in the North American Datum of 1983 (NAD 83), placed on the plan.

(10) The original plan and written description must be presented to the Engineering Department one week previous to filing with the City Clerk.

(11) Plan title in the lower right hand corner of plan and shall read:

PLAN SHOWING AREA TO BE REZONED FROM

_____ to _____
(Existing Zone) (Proposed Zone)

at

No. _____. Waltham, Mass.
(street name)

by

_____
(Name of Petitioner)

Scale: 1 inch= 40 feet Date: _____

_____ _____
(Name of Surveyor) (Address of Land Surveyor)

City Council Order No. _____ Approved:_____

Disapproved:_____

SECTION 9 SITE PLANS AND SPECIAL PERMIT PLANS

(Site Plans and Special Permit Plans presented to the City Council must follow special rules of the City Council - see their rules before proceeding further.) Site Plan approval or Special Permit Plan approval must be applied for with an existing land plan and a proposed site plan (2 separate plans). Both plans will be drawn in a compatible India Ink on 3 mil mylar (or thicker). All information, including but not limited to; legal description (bearings, distances, radii, arcs, central angles, and area to the nearest square foot), plan title, street names, zoning descriptions, abutter names and elevations will be mechanically drawn (Leroy type lettering) or computer generated to a minimum height of 1/10 inch. The scale shall be one (1) inch = forty (40) feet and the plan size shall be 24" x 36" with a 3/4" border. All lots of 25,000 square feet or more shall be on the NAD 83 (North American Datum of 1983) system for horizontal control and the NAVD 88 (North American Vertical Datum of 1988) for vertical control.

SECTION 9.1 LAND PLAN

The Land Plan shall show the existing buildings (with offsets to street lines and properly lines), legal description (bearings, distances, radii, arcs, central angles, and area to the nearest square foot), plan title in the lower right corner, street names (with widths and whether "Public" or "Private'), building zone designations and abutters within three hundred (300) feet.

SECTION 9.2 SITE PLANS

The site plan will show: but, not be limited to: the lot. proposed buildings (with outside building dimensions), offsets of proposed buildings to properly lines and street lines, existing contours (2 foot), proposed contours (2 foot), drives and curb cuts. parking. all utilities, names of immediate abutters, proposed oil and gasoline storage tanks, etc.

The Commonwealth of Massachusetts

COUNTY OF MIDDLESEX

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

File one completed form with the Planning Board and one copy with the City Clerk in accordance with the requirements of Section II • B.

Date_____

To the Planning Board:
The undersigned, believing that the accompanying plan of his/her/their property in the CITY OF WALTHAM **(**does not constitute **a** subdivision within the meaning of the Subdivision Control Law. herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant:_____

Address: _____

2. Name of Surveyor: _____

Address: _____

3. Deed Of property recorded in MIDDLESEX SOUTH REGISTRY OF DEEDS Book:_____ *Page.*
Original plan of properly filed in Book**:**_____ Page:_____
4. Location and Description of Property**:**

Signature of owner : _____

Address: _____

FORM A

APPLICATION FOR DETERMINATION

OF PLANNING BOARD JURISDICTION

To the Board of Survey and Planning of the City of Waltham:

A. The undersigned wishes to record the accompanying plan showing a street and the division of land into two or more lots, and believing that such plan does not require approval by the Board under the Subdivision Control Law, requests such a determination by said Board for the following reason(s):

1. Each lot therein has adequate frontage on a public way or a private way, which has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, as required by the zoning by laws.

2. Each lot has standing on it a building, such buildings having been standing at the time of inception of the Subdivision Control Laws in She City.

3. The plan is of an already existing lot, parcel or tract and shows no division thereof, or the plan does show a division, but each lot or parcel not conforming to the zoning by law or the rules of the Board of Survey and Planning governing the subdivision of land is marked "NOT A BUILDING LOT".

4. Other_____

B. The land on the plan is located in the zone specified below:

_____

C. The total area (to the nearest square foot) shown on the plan is _____square feet.

D. The number of legal building lots is _____.

E. The total number of lots shown is _____ .

F. The property has a flood designation from the latest F.E.M.A. Map as _____.

Date of Plan:_____ Applicant _____

Address: _____

Planning Board Action: ☐ Approved ☐ Disapproved Date:_____

Clerk of the Board of Survey and Planning _____

FORM A-1

CERTIFIED LIST OF ABUTTERS

(Attach a sketch of land described in this petition and write against boundary lines the names of adjoining owners in their relative positions. Also, indicate the address of each abutter on the sketch or in a separate list. Include owners of land within 300 feet of the subdivision)

Date:_____

Board of Survey and Planning
Waltham, Massachusetts

Gentlemen:

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

_____
(Tax Assessor)

FORM A-2

APPLICATION AND AGREEMENT

Date: _____

Board of Survey and Planning
Waltham, Massachusetts

Members:

The undersigned applicant desires to subdivide a parcel of land and to open in the City of Waltham ways for public use. Said parcel of land is described as follows:

The proposed ways run from _____ to_____

all as more particularly described and bounded on the plat filed herewith and made a part of this application and agreement. The following are a!! the mortgagees, and other liens or encumbrances, on the whole or any pan. of the above described property.

(List mortgagees**,** etc. here)

The undersigned hereby applies for approval of said plat by the Board. The undersigned hereby covenants and agrees with the City of Waltham upon approval of the plat.

(1) To install the utilities and complete the ways as finally approved by the Board within_____ months from the date thereof: and
(2) To install utilities in accordance with such rules of the Director of Public Works as are applicable to the installation of utilities within the limit of ways, and to complete and construct the said ways in accordance with all rules and regulations of the Board of Survey and Planning and in accordance with the appropriate cross section plan and specifications provided for in said rules and regulations. Said cross sections plan and construction specifications are specifically, by reference, incorporated herein and made a part of this agreement. This agreement shall be binding upon the heirs, executors, administrators, and assigns - successors and assigns of the undersigned.

(3) To file with the Engineering Department of the City of Waltham final as-built plans of the utilities and the ways upon completion, along with proper instruments for the conveyance of all easements to the City of Waltham.

Signature of Applicant _____

FORM B

ADVERTISEMENT

CITY OF WALTHAM, MASSACHUSETTS

BOARD OF SURVEY AND PLANNING

'There will be a public hearing at (Name of Place and Room No.) _____

_____**Waltham.** Massachusetts, on the_____ day of_____

at 7:30 P.M. on the petition of_____

_____to subdivide a parcel or parcels of land situated

{give address and Assessor's Parcel Locator Numbers)

_____

Waltham, Massachusetts

The above advertisement is to be published in two consecutive weeks (not including the date of the hearing) at:

THE NEWS TRIBUNE

738A Main Street

WALTHAM, MASSACHUSETTS 02154

FORM C

(SAMPLE TITLE)

SNOW WHITE ESTATES

A SUBDIVISION IN WALTHAM, MASSACHUSETTS

LOT LAYOUT

Scale: 1 inch = 40 feet

Date: April 02, 1948

OWNER:

Mr. Donald Duck
115 Little Duckling Lane
Oz, Kansas

&

Mrs. Mickey Mouse
6 Mighty Rodent Lane
Kissimee, Florida

SUBDIVIDER:

Jack Sprat Realty
17 Lean Way
Platter, Colorado

PREPARED BY:

Ace & Acme Survey, Inc.
10 Road Runner Lane
Coyote, Arizona

FORM D-1

(Sample Title)

1. Date: _____

Approval not required under the Subdivision Control Law by the Board of

Survey and Planning.

_____

John M. Bradley, P.E. Clerk

2. Date Approved: _____

_____

M. Justin Barrett

_____

Kathleen A. Callahan, Vice Chairman

_____

William M. Creonte, Jr., Chairman

_____

S. Anthony DeVito

_____

Brian Moroney

_____

Mila R. Tarallo

_____

Richard N. Pizzi, Jr.

WALTHAM BOARD OF SURVEY AND PLANNING

_____

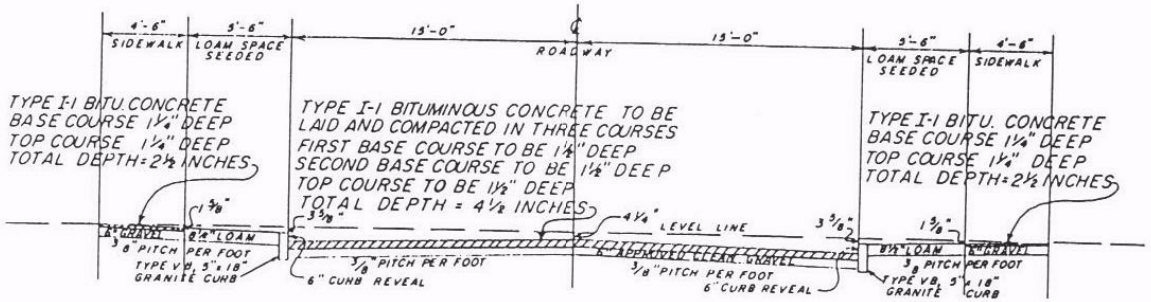
John P. Tashjian Clerk

3. In accordance with the provisions of Massachusetts General Law, Chapter 40A, Section 11, I certify that 20 days have elapsed since Planning Board Approval and that no appeal has been filed in this office.

_____

Rosario Malone, City Clerk, Waltham, Massachusetts

FORM D-2



CONSTRUCTION METHODS AND MATERIALS TO COMPLY WITH "STANDARD SPECIFICATIONS FOR HIGHWAYS, BRIDGES & WATERWAYS," DEPARTMENT OF PUBLIC WORKS, COMMONWEALTH OF MASSACHUSETTS, CURRENT EDITION

TYPICAL SECTION FOR 50 FT. STREET IN RESIDENTIAL DISTRICTS

SCALE

0 1 2 3 4 8 12 16

Form D-3

TYPICAL STREET SECTIONS

CITY OF WALTHAM

WALTHAM, MASS.

JAN. 1972

COVENANT RELEASE

Waltham Massachusetts Date: _____

The undersigned, being a majority of the Planning Board of the City of Waltham, Massachusetts, hereby certify that the requirements called for by the covenant dated_____ and recorded in South Middlesex Registry of Deeds. Book_____, Page _____, (or registered in South Middlesex Land Registry District as Document No. _____, and noted on Certificate of Title

No. _____, in Registration Book _____. Page _____) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on plan entitled

_____. _____ Recorded with said deeds.

Plan Book _____, Plan _____ (or registered in said Land Registry District. Plan Book

_____. Plan _____) and said lots are hereby released from the restrictions as to the sale and building specified thereon.

Lots designated on said plan as

follows:_____

_____

Planning Board Member _____

Planning Board Member _____

Planning Board Member _____

Planning Board Member _____

COMMONWEALTH OF MASSACHUSETTS

_____ SS. DATE:_____

Then personally appeared _____, one of the members of the Board of Survey and Planning of the City of Waltham, Massachusetts, and acknowledged the forgoing instrument to be the free act and deed of said Board of Survey and Planning, before me

_____Notary Public

My commission expires _____ FORM E

BOND WITH SURETY COMPANY

KNOW ALL MEM BY THESE PRESENTS, that we _____

in the count of _____ in the Commonwealth of Massachusetts, as principal, and

_____ of _____

in the County of _____ State of _____

with a usual place of business in _____ in the Commonwealth of Massachusetts, as surety, are held and firmly bound, jointly and severally unto the City of Waltham, Massachusetts, in the full and just sum of _____ Dollars ($) to be paid to the City of Waltham, for its use and also for the use of all persons who may perform work, or labor, or furnish materials, in the performance of the contract hereinafter mentioned, for which payment in full, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors, and assigns, jointly and severally, and firmly by these presents.

Sealed with our seals, and dated this _____ day of _____A.D. 200_

Whereas the above bounden _____

has entered into a contract with the City of Waltham, according to application, plans, specifications and agreement dated _____ by reason whereof, and under which approval of a certain subdivision has been granted. Now, therefore, the condition of the above obligation is such that if the above bounden_____

shall fully and faithfully perform said contract, and in all things stand to and abide by, and shall fully and faithfully, well and truly, complete and perform in the time and manner specified, and shall pay, as they become due, all just claims for work, tool, machinery, skill, materials and insurance premiums, furnished, rendered or performed in the execution of said contract, covenants, conditions, and agreements in the application and agreement dated _____ shall save harmless and defend the said City from all suits, judgments, damages, costs, and charges and expenses that may accrue on account of the doing of the work specified in said contract, then the above obligation shall be void, otherwise to remain in full force and effect.

_____(Seal)

_____(Seal)

Sealed and delivered in the presence of: _____

_____

FORM F

COVENANT

Date:_____

Waltham, Massachusetts

KNOW ALL MEN by these presents that the undersigned has submitted an application dated **to** the Waltham Board **of** Survey and Planning for approval of a definitive plan of a subdivision of land entitled:

_____ plan by: _____
dated: _____ , and owned by: _____
address**:**_____ , land located: _____
_____ , and showing _____ proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond. IN CONSIDERATION of said Waltham Board of Survey and Planning in the County of Middlesex approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the City of Waltham as follows:

1. That the undersigned Is the owner' in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

   (' If there is more than one owner, all must sign. Applicant may be an owner or his agent or representative, or his assigns, but the owner of record must sign the covenant.)

2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified In the following:

   a. The Application for Approval of Definitive Plan.
   b. The Subdivision Control Law and the Waltham Board of Survey and Planning Rules and Regulations governing this subdivision.
   c. The certificate of approval and the conditions of approval specified therein, issued by the Waltham Board of Survey and Planning dated _____
   d. The definitive plan as approved and as qualified by the certificate of approval.
   e. Other documents specifying construction to **be** completed, namely:

_____

_____

However, a mortgagee who acquires Idle to the mortgaged premises by foreclosure or otherwise and any succeeding owner of (he mortgaged premises or part thereof may sell **or** convey any lot. subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot. FORM G

(street name)

3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.

4. That particular lots within (he subdivision shall be released from the forgoing conditions upon the recording of a certificate of performance executed by a majority of the Waltham Board of Survey and Planning and enumerating the specific lots to be released; and

5- That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all tots **not** previously released by the Waltham Board of Survey and Planning,

6. That the undersigned agrees to record this covenant with the Middlesex County Registry of Deeds, forthwith, or to pay the necessary recording fee lo the said Waltham Board of Survey and Planning in the event the Waltham Board of Survey and Planning shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.

7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant. but not later than three (3) years from the date of such deed, **as** provided in Section 81-U, Chapter41, M.G.L,

8- That this covenant shall be executed before endorsement of approval of the definitive plan by the Waltham Board of Survey and Planning and shall take effect upon the endorsement of approval.

9. Upon final completion of the construction of the ways and Installation of municipal services as specified herein, on or before——————————————————the Waltham Board of Survey and Planning shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the lime specified herein or such later dale as may be specified by vote of the Waltham Board of Survey and Planning with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Waltham Board of Survey and Planning may release such lot from this covenant by an appropriate instrument, duly recorded.

10**.** Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in pan by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, **as** long as such security is sufficient in the opinion of the Waltham Board of Survey and Planning to secure performance **of** the construction of the ways and Installation of municipal services **as** specified herein,

For title to the properly, see deed from ——————————————————————————————— . dated —
_____
. recorded in Middlesex Registry of Deeds. Book ——————— . Page ——————. or registered in Middlesex Land Registry as Document No. ——————. and noted on certificate of title no. ——————— . in Registration Book ____:_Page _____ .
The present holder of a mortgage upon the property is_____• _____ of

The mortgage is dated _____ and recorded in Middlesex Registry of Deeds. Book _____ .
Page——————— . or Registered in Middlesex Land Registry as Document No. ——————— . and noted on certificate of title no. ——————; in Registration Book ————. Page ———— .The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

——————————————————————————————————. spouse of the undersigned applicant hereby agrees that such
interest as I, we. may have in the premises shall be subject to the provisions of **this** covenant and Insofar as is necessary releases all rights of tenancy by the dower **or** homestead and other interests therein.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ (Day) •
of _____ (Month). ____

Owner _____ _____

Spouse of Owner _____ _____

Mortgage _____ _____

Acceptance by a Majority of the Waltham Board of

Survey and Planning

FORM G –page 3 of 4

(street name)

One acknowledgment must be completed for each of the following:

Planning Board representative

Owner or owners

Spouse of the owner".

Mortgagee

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Then personally appeared _____ one of the above-named members of the Planning Board of Waltham. Massachusetts and acknowledged the forgoing instrument to be (his/her) free act and deed before me-

Notary Public _____

My commission expires_____

Form G –page 4 of 4