



**RULES AND REGULATIONS
OF THE MALDEN PLANNING BOARD
GOVERNING THE SUBDIVISION OF LAND**

**Adopted September 27, 1962
With Amendments through April 13, 2011**

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PURPOSE AND INTENT

The Subdivision Control law is intended to insure orderly future development of land for the safety, health and convenience of the general public and the future occupants of the subdivided land.

The following Rules and Regulations have been drawn up to aid the Planning Board in maintaining consistent policies in all matters of Subdivision Control and to guide the applicant in laying out his subdivision and submitting it for approval.

SECTION I GENERAL

A. Variation

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

B. Reference

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

SECTION II DEFINITIONS

- A. "Alley" shall mean a right of way providing secondary vehicular access to the back or side of lots otherwise abutting on a street.
- B. "Applicant" shall include an owner, or his agent or representative, or his assigns.
- C. "Board", "Commission", or "Department" shall mean agencies of the City of Malden unless specified.
- D. "Lot" shall mean an area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.
- E. "Municipal service" shall mean public utilities furnished by the City, such as water, sewerage, storm drains, and fire alarm systems.
- F. "Outside Edge of the Travel Lane" shall mean the edge of that part of the street closest to the street line which is intended for vehicular movement.
- G. "Street" shall mean a through road open at both ends and affording an unobstructed exit at each end into another street. The width of a street is measured from the property line to property line and includes, but is not limited to, the roadway, curb and sidewalk.

- H. "Dead end" shall mean a road open at one end and closed at the other end. The length of a dead end is measured from the centerpoint of the closed end to the centerline of the nearest intersecting street.
- I. "Block" shall mean that portion of land bounded on three sides by streets. The length of a block is measured from the centerline of one street to the point where it intersects the centerline of another street.

SECTION III **PROCEDURE**

A. General

Applicants are invited to consult with the Planning Director prior to submission of plans to acquaint themselves with the content of these Rules and Regulations and of the Master Plan insofar as it affect the land of the applicant.

Submission shall be dated and made to the Planning Board on the first or third Thursday of the month during regular office hours and on such other days as the Board may designate.

B. Plan Believed Not to Require Approval

1. Submission

Any person who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination and accompanied by a copy of said application. If the notice is given by delivery, the City Clerk shall, if requested, give a written receipt therefor. A checklist of submission requirements is contained in Section IV.B herein below.

2. Review

If the Planning Board determines that the plan does not require approval, a majority (or a person officially authorized by them) shall without a public hearing and without unnecessary delay endorse on the plan the words, "Approval under the Subdivision Control Law Not Required." The plan will be returned to the applicant, and the Planning Board shall notify the City Clerk of its action.

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

If the Planning Board fails to act upon a plan submitted under this subsection within fourteen (14) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

C. Preliminary Plan

1. Submission

A Preliminary Plan of a subdivision drawn to the standards in Section V herein may be submitted by the applicant to the Planning Board and to the Board of Health for discussion and tentative approval, modification or disapproval by each board. The submission of such a Preliminary Plan will enable the applicant, the Planning Board, the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. During the discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section IV.D herein) and the financial arrangements for the performance guarantee (Section III.D2 herein) will be developed. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case where approval of a Definitive Plan is sought.

A properly executed application shall be filed with the Preliminary Plan submitted to the Planning Board. A copy of the Plan shall be filed with the Board of Health. The applicant shall file by delivery or registered mail a notice with the City Clerk stating the date of submission of such tentative approval of a Preliminary Plan and accompanied by a copy of the completed application. A checklist of submission requirements is contained in Section IV. C herein.

2. Review

The Planning Board after consultation with interested City Departments and private utility companies may give such Preliminary Plan its tentative approval, with or without modification. Such tentative approval does not constitute approval of a subdivision.

D. Definitive Plan

The applicant is urged to consult with the Planning Director prior to submission of a Definitive Plan especially if a Preliminary Plan has not previously been submitted. Review of requirements and the design proper to the drawing of the final plans will often avoid delays, requests for extensions of time, modifications, revisions and wholesale redrafting of plans due to misunderstandings or misinterpretations.

1. Submission

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

A properly executed application shall be filed with the Definitive Plan submitted to the Planning Board. In addition, supporting data and cost estimates shall also be submitted at this time. A copy of the plan shall be filed with the Board of Health. The applicant shall file by delivery or registered mail a notice with the City Clerk stating the date of submission for

such approval and accompanied by a copy of the completed application. A checklist of submission requirements is contained in Section IV.D herein.

2. Performance Guarantee

Within 45 days after submission and before approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in Section VI herein for any lots in a subdivision, such construction and installation to be secured by one, or in part by one, and in part by the other, of the following methods elected by the Board:

a) Final approval with bonds or surety

The applicant shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section VI herein not covered by a tripartite agreement under subsection "b" herein. 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 City Treasurer and shall be contingent on the completion of such improvements within two years of the date of the bond.

b) Final approval with tripartite agreement by and among applicant, lender and Planning Board.

The applicant shall execute, after the recording of a first mortgage covering the premises shown on the plan given as a security for advances to be made to the applicant by the lender, an agreement with the lender and the Planning Board that provides for the retention by the lender of funds sufficient in the opinion of the Planning Board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the Planning Board, any funds remaining undisbursed shall be available to the City for completion.

3. Review

a) Board of Health

The Board of Health shall within forty-five (45) days after filing of the plan, report to the Planning Board in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report; and, where possible, shall make recommendations for the adjustment thereof. Failure to report within forty-five (45) days shall be deemed approval.

If the report of the Board of Health so requires, the approval by the Planning Board shall be on condition that no building or structure shall be built or placed upon the areas designated without the consent of the Board of Health. Every lot so located that it cannot immediately be served by a connection to the municipal sewer system shall be provided with a septic tank and drain-field satisfactory to the Board of Health.

b) Public Works Commission

The Planning Board shall submit street and utility plans to the Public Works Commission for their review. The commission shall report its opinion to the Planning Board within forty-five days. Written approval of the plans by the Public Works Commission shall be a condition of approval of the plan by the Planning Board.

c) Public Hearing

Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Planning Board once in each of two successive weeks, the first publication being at least fourteen days prior thereto by advertisement in a newspaper of general circulation in the city of Malden. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.

d) Action of Planning Board

The action of the Planning Board in respect to said plan shall be by vote, copies of which shall be certified and filed with the City Clerk and sent by delivery or registered mail to the applicant.

If the Planning Board approves the plan, it may, where the streets are not otherwise deemed adequate, impose conditions limiting the lots upon which building may be erected and the number of buildings that may be erected on particular lots, and the length of time for which particular buildings may be maintained without further consent of the Board as to the access provided. Conditions of the Planning Board and the Board of Health shall be endorsed on the plan or set forth in a separate instrument attached to and referred to on the plan.

If the Planning Board modifies or disapproves the plan, it shall state in its vote the reasons for its action. Failure of the Planning Board either to take final action on the plan or to file a certificate of such action with the City Clerk within sixty (60) days after receipt of the submission, or such extension of time as may be agreed upon shall be deemed to be approval.

e) Appeal and Final Approval

After the expiration of the statutory twenty-day appeal period following the filing of the certificate of approval with the City Clerk, the City Clerk shall notify the Planning Board if an appeal has been filed. If no appeal has been filed, the final approval shall be endorsed on the original drawings of the plan by the signature of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board.) After endorsement, the applicant shall furnish the Planning Board with reproducible copies of the recorded plan.

Final approval of the Definitive Plan does not constitute the laying out or acceptance by the City of streets within a subdivision, and the applicant shall be solely responsible for proper maintenance of the improvements pending acceptance.

E. Reduction or Release of Performance Guarantee

The penal sum of any bond, or the amount of any deposit held under Section III.D.2.a herein, may from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part.

1. Submission

Upon the completion of improvements required under Section VI herein, security for the performance of which was given by bond, deposit or tripartite agreement with respect to any lot, the applicant may send by registered mail to the City Clerk a written statement in duplicate that said construction or installation on in connection with which such bond, deposit or tripartite agreement has been given has been completed in accordance to the requirements contained under Section VI herein, such statement to contain the address of the applicant, and the City Clerk shall forthwith furnish a copy of said statement to the Planning Board. A checklist of submission requirements is contained in Section IV.E herein.

2. Review

The Planning Board will consult with the City Engineer relative to acceptability of the improvements, and with the applicant as needed relative to agreement on terms of the reduction or release. If the Planning Board determines that the construction or installation has been completed, it shall release the interests of the City in such bond and return the bond or deposit to the person who furnished the same, or terminate the tripartite agreement by appropriate instrument, duly acknowledged, which may be recorded.

Conditions of release shall include the submission or record plans of construction of all underground municipal services and of streets if requested by the City Engineer; the acceptance of the municipal services by the City, and an application to the Public Works Commission for acceptance by the City of all streets and rights in easements.

If the Planning Board determines that said construction or installation has not been completed, it shall specify to the applicant in writing the details wherein said construction and installation fails to comply with the requirements of these Rules and Regulations.

Failure of the Planning Board to act on such application within forty-five (45) days after receipt of the application by the City Clerk shall mean all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such agreement shall become void.

F. Extensions of Time

Request for extensions of time for Definitive Plan review shall be in writing from the applicant to the Planning Board. If granted, notice of such time extensions shall be filed forthwith by the Planning Board with the City Clerk.

SECTION IV

SUBMISSION REQUIREMENTS

A. General

All items listed below are to be submitted to the Planning Board on the date of submission unless otherwise specified.

B. Plan Believed Not to Require Approval

1. Original drawings in waterproof ink on tracing cloth, one (1) sepia (helio Transparencies), and two (2) contact prints, and shall include the following:
 - a. Registered Engineer's or Land Surveyor's name, address, and stamp.
 - b. Name and width of abutting streets.
 - c. Names of all abutters.
 - d. Property lines, frontage distance, and areas of the lot or lots in question and all abutting lots.
 - e. Suitable space to record the following endorsement:

MALDEN PLANNING BOARD
ENDORSEMENT

APPROVAL OF THIS PLAN IS NOT
REQUIRED UNDER THE PROVISIONS OF
THE SUBDIVISION CONTROL LAW

CHAIRMAN

DATE

2. Two completed applications (Form A), one to be submitted to the Planning Board accompanied by a fee as established by the Planning Board and the second to be submitted to the City Clerk.
3. Notice to the City Clerk stating:
 - a. Date of Submission to the Planning Board.
 - b. Owners of the property.
 - c. Location of the property sufficient for identification.
4. Evidence to show that the plan does not require approval.
5. If the submitted plans are endorsed, the sepia is to be returned to the applicant after the applicant delivers a check made to the order of the Registrar of Deeds, which with the original drawing is to be forwarded by the Malden Planning Board to the Registrar of Deeds for recording. The amount of the check is to be computed by the Malden Planning Board on the basis the Registry of Deeds' fee schedule. If the plans are not endorsed the original and sepia are to be returned to the applicant or authorized agent when requested in person.

C. Preliminary Plan

1. Six contact black and blue line on white background prints of all drawings of the plan; one print to the Board of Health.
2. The plans shall be at least at a scale of 40 feet to an inch and shall contain the following information:
 - a. The subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";
 - b. The names of the record owner and the applicant and the names of the designer, engineer or surveyor;
 - c. The names of all abutters, as determined from the most recent local tax list;
 - d. The existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;
 - e. The proposed system of drainage, including adjacent existing natural waterways, in a general manner;
 - f. The appropriate boundary lines of proposed lots, with approximate areas and dimensions.
 - g. The names, approximate location and widths of adjacent streets;
 - h. The topography of the land in a general manner.
3. Two completed applications (Form B), one to be submitted to the Planning Board accompanied by a fee as established by the Planning Board and the second to be submitted to the City Clerk.
4. Notice stating the date of submission, to the City Clerk.

D. Definitive Plan

1. Submission Requirements.

Seven contact black or blue line on white background prints of the plan; one print of each to the Board of Health. The following separate drawings may be varied by permission of the Planning Director:

a. Plot Plans

Plot plans shall be submitted at a scale of forty (40) feet to an inch and shall contain the following information:

- i. Subdivision name, location and boundaries, north point, date and scale.
- ii. Name and address of record owner, applicant and engineer or surveyor, and registered engineer's or surveyor's stamp.
- iii. Location, areas and names of all owners as they appear on the most recent tax list of land abutting the subdivision.
- iv. Location, names and present widths of street bounding, approaching or within reasonable proximity of the subdivision.

- v. Lines, distances, angles, and the length and radius of all curves of existing and proposed streets, lots, easements, and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board.
- vi. Indication of purpose of easements.
- vii. Location of all permanent monuments properly identified as to whether existing or proposed.
- viii. Location of existing buildings, walls, fences, natural monuments, waterways and drainage courses.
- ix. There shall be suitable space to record the following three endorsements:
 - (1) Planning Board Approval and Endorsement Form to be worded as follows on each sheet on the final plan:

MALDEN PLANNING BOARD
APPROVAL

DATE

CHAIRMAN

ENDORSEMENT

DATE

CHAIRMAN

- (2) Performance Bond or Tripartite Agreement Endorsement Form to be worded as follows on the final set of plans:

SEE (INSERT THE WORD AGREEMENT OR BOND) FROM (PETITIONER'S NAME) TO THE CITY OF MALDEN, MASSACHUSETTS DATED AND RECORDED HEREWITH.

- (3) City Clerk Endorsement Form to be worded as follows on the final set of plans:

I, (NAME OF CITY CLERK), CLERK OF THE CITY OF MALDEN, MASSACHUSETTS, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THE PLAN BY THE MALDEN PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

CITY CLERK'S SIGNATURE

DATE

b. Topographic Plans

Existing and proposed topography by five (5) foot contours at intervals above the Malden City Base. This plan shall be prepared similarly to the plot plans and show the same information as described in Sections IV. D.1.a.1, 2, 4, 8 and 10 herein.

c. Street Plans and Profiles

Separate plans showing each street with its profile shall be submitted.

Each street shall be drawn in plan at a scale of forty (40) feet to an inch and shall show the following information:

- i. Street lines, distances, angles and the length and radius of all curves.
- ii. Location of existing and proposed monuments defining the street.
- iii. Edges of required sidewalk and roadway paving and/or curb location.
- iv. Location of street trees as required.
- v. Location of guard posts, guard rails, fences or parapets and street signs, as required.
- vi. Existing and proposed topography with spot elevations at the top of the curb and in the gutters at every point of curvature, point of tangency, catch basin, change in vertical grade, and six (6) equidistant points around a cul-de-sac and five (5) foot contours at intervals above the Malden City Base, or closer intervals is required.
Profiles shall be drawn at a horizontal scale of forty (40) feet to an inch and vertical scale of four (4) feet to an inch with elevations from the Malden City Base every fifty (50) feet on uniform grades and every twenty-five (25) feet on vertical curves. Station 0+00 shall be at the intersection of the centerline of the proposed street and the centerline of the street at which the proposed street starts.
- vii) Existing and proposed profile of the centerline of the street.
- viii) Existing profile of the side lines of the street.
- ix) Proposed grade for each curb line.
- x) Elevation of sills of all structures.

d. Utility Plans and Profiles

Separate plans and profiles showing drainage, water and sewer for each street and adjoining land as necessary shall be submitted. Each plan shall be drawn at a scale of forty (40) feet to an inch and shall show the following information:

- i) Street lines, distances, angles and the length and radius of all curves, and utility easement lines and distances as needed.
- ii) Location of all existing and proposed monuments defining the street.
- iii) Location of all underground and surface drainage facilities, including pipes, culvert and catch basins, manholes and paved waterways.
- iv) Location of all water supply facilities including pipes, gates and valves, fire hydrants and connections to the front lot line of each lot, or connections to each house if applicant is also developer.
- v) Location of all sewer and sewage disposal facilities including all manholes, pipes and front lot line connections or house connections as above.
- vi) Location of all fire alarm system facilities including all ducts, manholes and conduits.

Profiles shall be drawn at a horizontal scale of forty (40) feet to an inch and vertical scale of four (4) feet to an inch with proposed elevations from the Malden City Base every fifty (50)

feet. Station 0+00 shall be lowest intersection for each pipe. The profiles shall show the following information:

- vii) Proposed profile of the street of finished surface grade of the easement.
 - viii) Proposed profile of the drainage system with invert and rim elevations of catch basins and manholes.
 - ix) Proposed profile of the sewer system with invert and rim elevations of all manholes.
2. Sufficient data shall be submitted to determine the location, direction and length of every street line, lot line, and boundary line required in Section IV.D.1.a(v) herein, and to establish these lines on the ground. Traverse calculations and a copy of survey notes shall be submitted with the plan. Relative error of closure must not exceed 1:5000.
 3. Two completed applications (Form C), one application to the City Clerk.
 4. Notice stating the date of submission, to the City Clerk.
 5. Fees.
 - a) The Planning Board shall establish fees which shall be submitted with the application for approval of a definitive plan or amendments or recisions thereto. In addition, the petitioners shall publish at his/her own expense a notice of hearing in a newspaper of general circulation in Malden as required by law.
 - b) A check made to the order of the Register of Deeds is to be submitted after Planning Board approval but prior to the meeting at which the Planning Board endorsement is signed. This check, along with the original drawings and any accompanying documents, is to be forwarded to the Register of Deeds for recording. The amount of the check is to be computed by the Malden Planning Board on the basis of the Registry of Deeds fee schedule. The endorsed sepias are to be returned to the applicant and one set each of the endorsed "Mylars" is for the City Engineer and Planning Board.
 6. Cost estimates of the required improvements for the purpose of performance guarantee by bond or deposit of this option is elected in whole or in part. Said estimates will be based on the unit costs of the City Engineer and will be supported by calculations and quantities.
 7. Performance bond or deposit approved as to amount by the Planning Board, as to form and manner by the City Solicitor and as to sureties by the City Treasurer if this performance guarantee for the required improvements is elected in whole or in part, within forty-five days after submission.
 8. Executed and duly recorded tripartite agreement by the owner of record if this performance guarantee option for the required improvements is elected in whole or in part, within forty-five days after submission.
 9. Required plans and profiles to be submitted after the definitive plans have been approved and prior to Planning Board endorsement:

- a) Original drawing in waterproof ink upon 27 inch X 40 inch sheets of tracing cloth of the record plan, topographic plan, and one (1) each of the utility and street plans shall be prepared and stamped by a registered professional engineer or registered land surveyor.
- b) Two (2) sets of "Mylar" copies of the original drawings of the record plan and topographic plan and one (1) set each of "Mylar" copies of the original drawings of the utility and street plans.
- c) One (1) set of "sepia" (helio transparencies) of the original drawings of the record plan, topographic plan, and one (1) each of the utility and street plans.
- d) An electronic version (on a computer disc/CD) of the record plan, topographic plan and utility and street plans.

10. An evacuation plan indicating alternate vehicular access and escape routes be filed with appropriate Disaster Preparedness Authorities for mobile home parks and mobile home subdivisions located within the special flood hazard area.

E. Reduction or Release of Performance Guarantee

- 1. Two written statements of completion or installation in accordance with the requirements contained under Section VI herein, to the City Clerk.
- 2. Original drawings of as-built plans of construction, certified by a registered professional engineer or registered land surveyor of all underground municipal services and street facilities as required. These shall be prepared to the same requirements as Section IV D 1.c and d. herein above. There shall be suitable space to record the following Certification and Registration Stamp:

I certify that all the stone bounds are accurately located
an the ground as shown hereon and that the locations
conform with the Point of Curvature, Point of
Tangency, and Angle Points of the Planning Board
approved endorsed plans.

Signature and Stamp of Registered Engineer or Land Surveyor

- 3. Cost estimates of the uncompleted required improvements for the purpose of revising the amount of the performance guarantee, as needed. This shall be prepared to the same requirements as Section IV.D.6 herein.
- 4. Revised plans subject to covenant, as needed.
- 5. Application for street acceptance, to the Public Works Commission.

SECTION V DESIGN STANDARDS

A. Streets

1. General

- a) The street system of a subdivision shall be connected at least one point with a public way or an existing private way having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction for the needs of vehicular traffic.
- b) Where the subdivision submitted covers only a part of the applicant's land, a sketch of the proposed future street system of the unsubmitted part shall be furnished and the street system of the part submitted will be considered in the light of the proposals for the part not submitted.
- c) All streets in a subdivision shall be designed so that, in the opinion of the Planning Board they will provide safe vehicular travel.
- d) Due consideration shall also be given by the applicant to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
- e) Streets shall be classified according to the Master Plan as adopted by the Planning Board as follows:
 - i) Class "A" Streets- streets appearing as Major Streets or serving land designated for High Density Residential, Commercial or Industrial Uses.
 - ii) Class "B" Streets- streets servicing land designated for Medium Density Residential Use and not a Major Street.
 - iii) Class "C" Streets- streets serving land tentatively designated for Low Density Residential Use due to inadequate water pressure or a location beyond the present limits of the sewer system but ultimately designated for Medium Density Residential after correction of these defects.
 - iv) Class "D" Streets- streets servicing land permanently designated for Low Density Residential Use due to the steep and rocky character of the land.
- f) Street names shall be used which will duplicate or be confused with the names of other streets. Street names shall be subject to the approval of the Planning Board.

2. Location and Alignment

- a) The proposed streets shall conform, so far as practicable, to the Master Plan as adopted in whole or in part by the Planning Board.
- b) Provisions satisfactory to the Planning Board shall be made for the continuation of streets on adjoining land or their proper projection when adjoining property is not subdivided.
- c) No subdivision shall be approved including a street elevation higher than that required to provide at least forty (40) pounds water pressure per square inch or lower than eighteen (18) feet above the Malden City Base, except in the following specific cases:
 - i) Where the proposed street meets an existing public way higher or lower than the above maximum or minimum elevations, such portion of the proposed street that lie within one hundred (100) feet of such higher or lower public way will be approved at a higher or lower elevation.
 - ii) Where the Planning Board in its opinion is given satisfactory assurance that the subdivision will be provided with adequate sanitary and storm drainage

service for all reasonable purposes, minimum elevation shall be sixteen (16) feet above the Malden City Base.

- iii) Where the Planning Board in its opinion is given satisfactory assurance that the subdivision will be provided with adequate water service for all reasonable purpose, there shall be no maximum elevation.
- iv) The minimum centerline radii of curved streets shall be one hundred and eight-five (185) feet. Greater radii may be required for Class "A" streets.

3. Width

- a) Minimum Street and Roadway widths shall be as follows:

	<u>Street Width</u>	<u>Roadway Width</u>
Class A	60 Feet	40 Feet
Class B, C & D	55 feet	35 feet

- b) Where the Planning Board in its opinion is given satisfactory assurance that the total vehicular parking needs of the subdivision will be satisfied off the street and on-street parking areas are consequently unneeded, the above minimum street and roadway widths may be reduced by five (5) feet on each side where said assurance is given. In no case may the roadway width be reduced less than twenty-six (26) feet.
- c) The Planning Board reserves the right to require greater widths on major streets where due to the character of the street or present or probable use of abutting land the Board in its opinion feels additional width is necessary.

4. Grades

- a) Grades shall not be less than 6/10 of one percent nor more than eight per cent.
- b) Where, because of limited areas, the Planning Board in its opinion feels that the usefulness of the subdividers land would be severely restricted, or the land in question is impossible to develop using the prescribed maximum, the maximum for Class B, C and D streets shall be ten per cent.

5. Intersections

- a) Insofar as is practical, acute angles between streets at their intersection are to be avoided.
- b) Streets jogs with centerline offsets of less than one hundred and twenty-five (125) feet will not be approved.
- c) Property lines at street intersections shall be rounded to a radius of not less than ten (10) feet. The property line radius shall be increased as needed so as to retain a uniform sidewalk width while providing at least a forty (40) foot radius for the outside edge of the travel lane where a Class "A" street intersects another Class "A" street, a thirty (30) foot radius where a Class "A" street intersects a Class "B", "C" or "D" street, and a twenty-five foot radius in other instances.

6. Dead End Streets

- a) Streets designated to have one end permanently closed will not be approved unless, in the opinion of the Planning Board, the configuration of natural or man-made features makes no other solution practical.

- b) In these cases, or where one end is temporarily closed pending a future subdivision, the turning circle at the closed end shall have a diameter of not less than ninety (90) feet. The street line at the intersection of the turning circle and the straight portion of the street shall be rounded at a radius of not less than ten (10) feet.
- c) Dead end streets shall not be longer than five hundred (500) feet unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.

B. Other Rights of Way and Limitations of Access

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least ten (10) feet wide.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require that there be provided a stormwater easement or drainage right of way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.
3. Outlets for existing, altered or new underground or surface water courses, drainage way, channels or streams are to be permanent and secured to the City by proper legal instruments.
4. Where blocks exceed three hundred (300) feet in length the Planning Board may require a passageway not less than fifteen (15) feet in width at or near the middle of the block for the public use of pedestrians.
5. Alleys will not be approved in areas designated for residential use in the Master Plan. The necessity and the dimensions of alleys to serve areas devoted to non-residential uses will be determined on their merits after discussion with the Planning Board.
6. Reserve strips or other limitations of access to streets or adjoining property shall not be permitted except where, in the opinion of the Planning Board such strips shall be in the public interest.

C. Lots and Blocks

1. Blocks shall not be more than one thousand (1,000) feet in length measured between the centerlines of intersecting streets, except where, in the opinion of the Planning Board, extraordinary conditions unquestionably justify a departure from this maximum.
2. Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the City without the consent of the Planning Board.
3. Lots shall be of a size, shape width and frontage as required by Chapter 23 of the Revised Ordinances of the City of Malden. When there is no requirement, frontage shall be at least twenty (20) feet.

4. Lots with access an two parallel streets when less than 200 feet in depth are not permitted unless in the opinion of the Planning Board exceptional conditions may be such as to render this requirement undesirable.
5. The side lines of all quadrangular lots, and insofar as is practicable the side lines of all other lots shall be at right angles to the street centerline.
6. As a condition of approval of a definitive plan, where ways serving the subdivision are deemed inadequate due to grade, width and other characteristics which may affect the adequacy of emergency response to the subdivision, the Board may limit the number of lots upon which buildings may be erected.

D. Open Spaces and Natural Features

1. Before approval of a plan the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning Board may by appropriate endorsement on the plan require that no building be erected upon such park or parks without its approval for a period of three (3) years.
2. Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.
3. Any alterations to watercourses shall necessitate notification of same to abutting communities' conservation commissions and planning boards, and such alterations shall be designed so as to maintain the carrying capacity of the original waterway.

E. Subdivisions in the Flood Plain

1. All subdivisions shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Flood Plain District established under the Zoning Ordinance, it shall be reviewed to assure that:
 - a. The proposal is designed consistent with the need to minimize flood damage.
 - b. 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 minimize infiltration.
 - c. Adequate drainage systems shall be provided to reduce exposure to flood hazards.
 - d. Base flood elevation (the level of the 100 year flood) data shall be provided for proposals greater than 50 lots or 5 acres, whichever is the lesser, for that portion within the Flood Plain District.
 - e. There shall be no encroachments in floodways, including fill, new development, or substantial improvements that/will result in any increase in flood levels during base flood discharge.

F. Access and Parking for Sites of Historic or Community Significance.

Appropriate access to and adequate parking for, in the opinion of the Board, must be provided to sites of historic or other community significance located within the proposed subdivision, including but not limited to parks and veteran's memorials, whether so designated by the City of Malden, a state or federal entity.

G. Adequacy of Access via Existing Adjacent Streets and Ways: Safety, Traffic Impact Study, Mitigation and Required Improvements.

1. Safety

In order to ensure vehicular and pedestrian safety and access, the Board will consider the adequacy of streets and ways adjacent to or providing access to a proposed subdivision. It is the Board's intent that a proposed subdivision not overly strain the capacity of existing or planned streets and ways so as to result in traffic congestion and safety problems or otherwise interfere with access.

2. Required Improvements

- a. When, in the opinion of the Board, a subdivision is deemed to have a detrimental effect on existing or proposed streets, ways and intersections or where a subdivision borders on an existing but inadequately constructed street or way, the Board may require appropriate and reasonable improvements in streets and ways bordering or providing access to the subdivision to minimize congestion and to insure safe and adequate vehicular and pedestrian travel in a coordinated system of streets and ways.
- b. Improvements that the Board may require in adjacent and nearby streets and ways shall include, but shall not be limited to, grade adjustments and realignments of horizontal and vertical curves, corrections of drainage deficiencies, improvements of bridges and culverts, widening and additions of travel lanes, installation of traffic control signage and traffic signals and construction of sidewalks and bikeways.

3. Traffic Impact Study

- a. A traffic impact study will be required with all definitive plan submissions.
- b. The traffic impact study shall be prepared by a person or firm who is a member of the Institute of Transportation Engineer (ITE) and has documented experience and qualifications in traffic planning and traffic engineering.
- c. The person or firm preparing the traffic study shall meet with Planning Staff prior to preparing the study. Planning Staff shall provide information as to the content of the study, and the traffic study shall examine the following, including, but not limited to:
 - i. Existing Traffic Conditions including street geometries, traffic volumes, safety, delays and levels of service for adjacent street, ways and intersections potentially affected by the proposed subdivision.
 - ii. Future Traffic Conditions including trip generation, trip distribution, volume to capacity ratios and levels of service for adjacent streets, ways and intersections affected by the proposed subdivision and for the proposed streets, ways and intersections, at the time of completion and 5 years beyond anticipated completion taking into account background growth projections.

- iii. Approach and departure route assignments shall be based on existing traffic patterns, minimum time paths and market studies.
- iv. Trip generation for the proposed or potential uses shall be based on ITE Trip Generation (latest edition) averages and must include weekday AM, weekday PM and weekend peak hour trips, as well as average weekday daily trips.
- v. Any anticipated reduction in trips due to special characteristics of the subdivision (i.e. mixture of uses, internal capture) must be fully explained and documented.
- vi. Sight distances for turning movements to and from the subdivision and within the subdivision must be analyzed using AASHTO standards.
- vii. The adequacy of vehicular queuing storage at the subdivision entrance shall be demonstrated.
- viii. The impact and mechanics of any proposed phasing shall be outlined.
- ix. Mitigation measures that could be taken to reduce the impacts of the proposed subdivision and their estimated costs, including demand management strategies (i.e. staggered work hours, car and van pooling, facilities for pedestrians and bicyclists) and capacity enhancements (i.e. land additions, signalization).
- x. The traffic study shall take into account any improvements that may be planned by the City of Malden or the State within the study area.
- xi. The traffic study shall take into account traffic patterns of construction vehicles that will construct the subdivision.

4. Employment of Outside Consultant for Peer Review.

The Planning Board may hire and employ an outside consultant to assist the Board in conducting peer review and analysis of any traffic impact study, storm water management study and/or utility study submitted in conjunction with a petition for a special permit or application for site plan review approval, and the fees for the employment of said consultant shall be paid to the City by the petitioner or applicant at the time of submission of the study to the City, and in accordance with M.G.L. c. 44, Section 53G:

- A. The fee for the employment of said consultant shall be reasonable.
- B. Said fee shall be held by the City in a special account established by the City treasurer; said fee shall be expended at the direction of the Planning Board without further appropriation and only in connection with carrying out its responsibilities under the law; and any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest.
- C. Consultants shall have the following minimum qualifications:
 - i. educational degree: bachelors degree in engineering
 - ii. licensed and registered as a professional engineer in Massachusetts
 - iii. three or more years practice in the field
 - iv. other qualifications set by the Planning Board as may be deemed relevant to review a particular project
- D. Administrative appeal from the selection of an outside consultant shall be to the City Council; grounds for appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications.

SECTION VI REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

A. General

1. All improvements hereinafter specified shall be constructed or installed by the applicant in accordance with these Rules and Regulations and in conformity with the approved definitive plan. The applicant shall also provide all necessary materials except for such material, if any, as the City agrees to furnish, which shall at all times remain the property of the City. The City will only furnish materials when the applicant is required to construct or install improvements within the subdivision which, in the opinion of the City Engineer, have a capacity substantially greater than is necessary to serve the subdivision alone, in which case the value of the materials furnished by the City will not exceed the cost of providing the extra capacity.
2. The applicant shall provide all the Engineering services required for the construction and installation of all streets, drainage, water and sewerage and fire alarm systems as shown on the plans and according to the following specifications. However, the City Engineer reserves the right to inspect the work as it progresses and the applicant shall inform the City Engineer of the work schedule at all times; the beginning of new work and of the progress of work under construction.
3. The applicant shall continuously provide safe and convenient access to all parts of the work for inspections by the City Engineer or by such persons as the City Engineer may designate for that purpose. No work shall be approved that has been covered before such inspections.
4. All materials used and method of construction shall comply in all respects, except where otherwise specifically provided for in these specifications, with the current Massachusetts Department of Public Works Specifications for Highways and Bridges, and addenda.

B. Street and Utilities

1. The entire area within the exterior lines of all streets in the subdivision shall be clear of ledge under areas to be paved to a depth of 18 below proposed pavement elevation and of boulders, brush, stumps and such trees as are not to be part of the final design. Material of poor bearing capacity, including loam, should be removed from any areas that are to be filled. Loam shall be stock-piled for future use on slopes, and any excess may not be removed except in conformance with Section 6.13 of Chapter 6 of the Revised Ordinances of the City of Malden.
2. Grading to depths as necessary to accommodate required gravel and paving below finished roadway and sidewalk grades is to be accomplished by excavation, or by filling in properly compacted layers of not over 6" each; and edge of cut or fill is to be left in a stable condition by suitable slopes, not steeper than 2:1 in earth, or by retaining walls if necessary. Ledge faces should not be closer than 10' from the proposed edge of roadway pavement.

3. On the prepared roadway sub-base a minimum of 10" of gravel shall be laid for all streets. In areas where ledge was excavated to 18" below finished grade the extra depth is to be backfilled with gravel which may contain a system of 691 perforated pipe underdrains if considered necessary in the opinion of the City Engineer. 6" of gravel shall be placed on the prepared sidewalk and sub-base.
4. Before pavements are applied all drainage, water, sewer and gas pipes and fire alarm ducts and conduits are to be laid. Any other utilities which the subdivider and/or the private utility companies elect to locate underground within the street should be constructed before any paving is laid. It is recommended that consideration be given to placing of telephone and electrical lines underground.
 - a. Underground and surface drainage facilities should be adequate to prevent surface erosion, undermining, or flooding in the opinion of the City Engineer. Pipes, culverts, catch basins, manholes and paved waterways shall be constructed to current standards of the Public Works Department. Provision is to be made for proper projection of the drainage into adjacent property.
 - i. Notwithstanding anything to the contrary contained in the foregoing section 4.a., all stormwater management systems shall be designed in accordance with the Massachusetts DEP stormwater regulations, subject to the approval of the City Engineer.
 - b. The water system shall be of a capacity adequate in the opinion of the City Engineer and shall include fire hydrants, all necessary gates and valves, and connections to the front lot line of each lot in the subdivision, including corporations, sidewalk shut-off valves and other appurtenances. Standards of construction and quality of materials are to be equal to those currently in use by the Public Works Department. Provision is to be made for proper projection of the water system into adjacent property.
 - c. A complete sewerage system of adequate capacity in the opinion of the City Engineer, will be required wherever a reasonably accessible public sewer exists, or is proposed for construction within five years. All lines, manholes and house connections to the front lot lines shall be constructed to current standards of the Public Works Department. Provision is to be made for proper projection of the sewer system into adjacent property. The Board of Health shall determine the advisability and suitability of sewage disposal facilities for those subdivisions or parts of subdivisions that cannot feasibly be connected to a public sewer, including any temporary arrangements pending construction of adjacent public sewers.
 - d. Where streets extend more than 800 feet in a residential subdivision or 500 feet in a non-residential subdivision from an existing fire alarm box the applicant shall be required to furnish a complete fire alarm system extension including underground cables and boxes. The construction shall conform to current standards of the Fire Department, but in no case to standards lower than those set forth in the National Bureau of Fire Underwriters Pamphlet 73.
5. Roadway paving is to be Class I Bituminous Concrete Type 1-1 as specified in the current Massachusetts D.P.W. Specifications for Highways and Bridges and applied in two courses of 1 1/4" each. Paving on Class "A" streets shall be upon a 2" base course applied in one layer for a total thickness of 4 1/2".

6. Sidewalk pavement shall be of 4" and 6" at driveways, cement concrete. Width shall be a minimum of 5' and shall generally be separated from the roadway pavement by a minimum of 5'. Two sidewalks shall be constructed on Class "A" and "B" streets, and one on Class "C" streets.
7. Vertical granite curbing shall be required on all Class "A" and "B" streets. It shall have a minimum cross section of 6"X18" and shall be met in gravel true to grade with a 7" reveal. All curves with radii less than 100' shall be of granite cut to the approximate required radius. Class "C" and "D" streets shall have a similar granite curbing at all intersections, driveways, catch basins, fire hydrants and on all curves less than 100' radius.
8. All graded areas within the exterior street lines that are not covered by roadway or sidewalk are to be covered by a 4" layer of loam or a substitute acceptable to the Park Department and are to be seeded for grass or planted with ground covers in kinds and amounts according to current City practices. Any surface outside of the street lines which have been disturbed by grading or other construction are to be similarly treated.
9. Wherever, in the opinion of the Planning Board, sufficient existing woodland does not exist to provide an attractive setting, street trees will be required to be placed in the strip between roadway and sidewalk. Spacing of trees will generally not be greater than 50' staggered across roadway, and trees will generally be a minimum of 12' high when planted. Species, spacing, time and methods of planting shall be according to current practices of the City. Suitable maintenance shall be given such trees until they become established. Suitable protection of existing trees or other attractive natural features to be retained in the final plan shall be provided so that damage is not incurred from grading to other construction operations.
10. Stone bounds shall be set on the exterior street lines at all angle points, at the beginning and end of all curves, at all intersections, and at all angle points on the perimeter of the subdivision. They shall be of granite, 6"X6"X4' minimum, set in gravel with elevation of top above finished grade to be in accordance with Public Works Department Standards. Where bounds would fall on exposed ledge, suitable brass/ plugs may be substituted.
11. Where hazards adjacent to roadways exist in the form of walls, ledge faces, culverts, ditches or bodies of water, steep banks, etc. suitable guard poses, guard rails, fences or parapets shall be placed at the request of the Planning Board.
12. Street name signs of a type and installation in accordance with the Public Works Department Standards shall be placed at all intersections within the subdivision and at all intersections of the private ways in the subdivision with other existing public or private ways. In addition, such signs shall carry the notation "Private Way" and also "Dead End" where applicable.
13. All blasting associated with the construction of streets and drainage and the installation of municipal services shown on a definitive plan shall comply with the City of Malden Blasting Protocol.

14. Where earth removal is associated with the construction of streets and drainage and the installation of municipal services shown on a definitive plan, the applicant shall provide the following information:

- a) Amount of earth to be removed.
- b) Proposed disposition of such earth.
- c) Method of removal, including the means proposed to prevent erosion and sedimentation and to protect adjacent areas.

The Board may prescribe conditions of operation for the earth removal and such conditions will become part of the subdivision approval. All earth removal must comply with applicable City of Malden ordinances and regulations, including but not limited to the zoning ordinance and Board of Health regulations.

FORM A

APPLICATION FOR DETERMINATION OF PLANNING BOARD JURISDICTION

Malden, Massachusetts _____, 20__

To the Planning Board of the City of Malden:

The undersigned requests a determination of said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons:

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage required by the Malden Zoning Ordinance on a public way, namely, _____.

2. The division of land shown on the accompanying plan is not a subdivision because every lot shown has the amount of frontage required by the Malden Zoning Ordinance on a private way, namely, _____, which was approved by the Planning Board on _____, 20__.

3. The division of land shown on the accompanying plan is not a subdivision because _____ buildings were standing on the land prior to September 27, 1962 and one of such buildings remains standing on each of the proposed lots shown on said plan. The location of such buildings is shown and evidence of their existence prior to said date is submitted herewith as follows:

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

5. The so-called subdivision has the same validity as an approved subdivision because it is in accordance with a plan registered or confirmed by the Land Court prior to September 27, 1962. The so-called subdivision is derived from Certificate of Title #_____, registered in Middlesex South Land Registry District, Book_____, Page_____, issued_____.

6. The so-called subdivision has the same validity as an approved subdivision with respect to these lots because it is in accordance with a plan recorded in the Registry of Deeds and the lots were sold prior to September 27, 1962 and held in ownership separate from that of the remainder of the so-called subdivision. The so-called subdivision was recorded in the Middlesex South District Registry of Deeds, Book_____, Page_____, on _____, and the owners title to the lots is derived under deed recorded in Book _____, Page _____.

Name of Applicant

Address

FORM B

APPLICATION FOR TENTATIVE APPROVAL OF PRELIMINARY PLAN

Malden, Massachusetts _____, 20____

To the Planning Board of the City of Malden:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the City of Malden for tentative approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of land of the Planning Board on the City of Malden.

1. Name of Applicant: _____

Address: _____

2. Name of Registered Engineer or Registered Land Surveyor:

Address: _____

Registration Number: _____

3. Deed of property recorded in Middlesex South District Registry, Book _____, Page _____.

4. Location and Description of Property:

Signature of Owner: _____

Address: _____

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

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

Malden, Massachusetts _____, 20__

To the Planning Board of the City of Malden:

The undersigned herewith submits the Definitive Plan titled _____

_____ and dated as above located in the City of Malden for approval as a subdivision under the Requirements of the Subdivision Control Law and the Rules and Regulations of the Malden Planning Board Governing the Subdivision of Land.

1. Name of Applicant: _____

Address: _____

2. Name of Registered Engineer or Registered Land Surveyor:

Address: _____

Registration Number: _____

Deed of property recorded in Middlesex South District Registry, Book _____, Page _____.

4. The land within the proposed subdivision is subject to the following easements and restrictions:

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

6. A preliminary plan of the proposed subdivision has/has not been submitted to the Board. The Board on _____ 20__, took the following action on this preliminary plan:

The undersigned agrees, if the definitive plan is approved to:

- a. Record the subdivision in the Middlesex South District Registry, and failing to do so within 15 days, exclusive of Saturdays, Sundays and holidays, authorizes the Planning Board to record the plan at the expense of the undersigned, including any title search, travel or other incidental expenses;
- b. Construct and install all required municipal services in accordance with the Rules and Regulations, which shall without any cost become the property of the City of Malden on approval of such construction and installation by the City Engineer and release of the applicable bond or covenant by the Planning Board; together with the right to maintain, alter and repair said municipal services and do all things necessary and incident to said maintenance, alteration and repair as the Public Works Commission shall determine, and the right of access on any and all streets and easements indicated in the aforementioned plan for these purposes;
- c. Construct all streets in accordance with the Rules and Regulations and apply for acceptance of said streets and rights in easements to the Public Works Commission. It is understood and agreed that pending acceptance of the streets, the undersigned shall be solely responsible for proper maintenance of the street improvements, and for the assessment of tax levied on the abutters of said streets for their share of expense of building, maintaining and operating the same by the City of Malden.

Name of Owner: _____

Signature of Owner: _____

Address: _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____

There personally appeared before me the above named

_____ and acknowledged the foregoing to be his/her free act and deed, before me.

Notary Public
My commission expires:

Note: If there is more than one owner all must sign.

FORM D
COVENANT

The undersigned _____
of _____ County, Massachusetts, hereinafter called the
"Covenantor", having submitted to the Malden Planning Board, a definitive plan of a
subdivision, entitled, _____
dated _____ made by _____

_____ does hereby covenant and agree with said Planning Board and the successor in office of said Board, pursuant to M.G.L. (Ter. Ed.) C. 41, Sec. 810, as amended, that:

1. The covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires titles to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without /first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan.

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

EXECUTED as a sealed instrument this _____ day of _____ 20____.

Name of Owner: _____

Signature of Owner: _____

Address: _____

Note: If there is more than one owner all must sign.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____

There personally appeared before me the above-named _____
_____ and acknowledged the foregoing to
be his/her free act and deed, before me.

Notary Public
My commission expires:

FORM D-1

(Subdivision Name)

PERFORMANCE BOND AGREEMENT

THIS AGREEMENT made this ____ day of _____, 20 __, at _____, Malden, in the County of Middlesex and Commonwealth of Massachusetts by and between _____, party of the first part, hereinafter called the DEVELOPER, and the CITY OF MALDEN, a municipal corporation within said County of Middlesex acting through its Planning Board, party of the second part, hereinafter called the CITY.

WITNESSETH:

WHEREAS the Developer has petitioned the City for approval of a plan and profile of a subdivision entitled: _____ (Title, Engineer's Name, and date of the Plan and Profile) which plan and profile has been submitted to the Malden Planning Board and is on file in the offices of said Board.

NOW THEREFORE, in consideration of the approval of said plan and profile by the Planning Board of said City, the Developer agrees with the City to complete all items as set forth in the Malden Planning Board "Subdivision Regulations" and in accordance with the Approved Subdivision Plans and more particular as follows:

1. Set all stone bounds.
2. Submission of certified record "as built" plans of completed construction as prerequisite for Bond release.
3. The Bond is not to be discharged until written notice is received by the Planning Board from the City Engineer stating that the required work and materials have been installed in accordance with the "Subdivision Regulations."
4. The Developer is to deliver to the Planning Board of said City a performance bond in the amount of \$ _____, which shall insure to the said City the faithful performance by the Developer, of the within covenants, promises, and agreements, and to properly complete the construction in the Subdivision prior to _____(Date).

(List other applicable work items here.)

IN WITNESS WHEREOF, the said Developer has caused his Seal to be affixed hereto and these presents to be signed the day and year first above written.

DEVELOPER

SEAL

KNOW ALL MEN BY THOSE PRESENT that the Planning Board of the City of Malden does hereby acknowledge the receipt of _____

(List Sureties)

It is agreed that the above instrument shall also be construed as an assignment of the above listed sureties for the faithful performance of the work to be performed in _____
_____ (Subdivision Name).

It is further agreed that if the surety is other cash of a "performance bond" the Developer shall:

1. Procure a letter of escrow from the _____ (Name of Bank) that the deposit is to be held for the performance by the Developer.
2. Compensate the City by the money held in escrow in the event of any breach of the Agreement.
3. Agree that the, money held in escrow is in lieu of a performance bond.

Malden City Solicitor, Law Department

Date

Chairman, Malden Planning Board

Date

Developer

Date

FORM E

CERTIFICATE OF PERFORMANCE
(Covenant Approval Release)

Malden, Massachusetts _____, 20__

The undersigned, being a majority of the Planning Board of the City of Malden, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated _____, 20__, and recorded in Middlesex South District Deeds, Book _____, Page _____, (or registered in Middlesex South Land Registry District as Document No. _____ and noted on Certificate of Title No. _____ in Registration Book _____, Page _____) have completed to the satisfaction of the Planning Board as to the following enumerated lots shown of 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 sale and building specified thereon.

Lots designated on said Plan as follows:

Majority of the Planning Board of the City of Malden:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 20__

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

Notary Public

My commission expires:

FORM F

**APPLICATION FOR CONSENT OF PLANNING BOARD UNDER SECTION V.C.2 OF
THE RULES AND REGULATIONS OF THE MALDEN PLANNING BOARD
GOVERNING THE SUBDIVISION of LAND**

_____, 20__

To the Planning Board of the City of Malden:

The undersigned requests the consent of the Board to allow _____ (specify a number more than one) buildings designed or available for use for dwelling purposes to be erected or placed or converted to use as such on the lot, known as and numbered _____, Malden, Massachusetts, as shown on the accompanying plan submitted herewith.

Name of Applicant: _____

Address: _____

Name of Registered Engineer or Registered Land Surveyor:

Address: _____

Registration Number: _____

Recording information for deed of property (as recorded in Middlesex South District Registry):
Book _____, Page _____.

Signature of Owner: _____

Signature of Applicant: _____

FEE SCHEDULE: \$1,000.00 + \$200.00 per building*

*Applicant is responsible for cost of advertising notice for public hearing.