

SECTION II. GENERAL

SECTION II. A. DEFINITIONS

Access	Access to all lots approved under these regulations as well as all lots approved as ANR lots shall be access which is actual (non-illusory) access to the building location on the lot. The access shall be provided by (from) the frontage so that it is not illusory in nature. Access shall facilitate safe ingress and egress to the building location within the lot for public safety vehicles in the event of an emergency. Length, width, grades and topography are all essential components of demonstrating adequate actual access to the building site on a lot.
Adequate Public Facilities	Facilities determined to be capable of supporting and servicing the physical area and providing sufficient capacity to support the proposed subdivision as determined by the Planning Board. These facilities shall include on-site and off-site physical infrastructure such as roadways, water, sewer, and drainage facilities as well as the availability of adequate educational and public safety facilities in the vicinity of the proposed subdivision.
Applicant	The owner of the land proposed to be subdivided or their representatives who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.
As-Built Plan (Interim)	Prior to lot release (when no bond is established), an interim as-built plan and profile will be submitted for approval to the Planning Board. This interim as-built plan shall include but not be limited to the following information: location and elevations of all underground utilities, all drainage, sewer and water lines, with sizes, inverts, gates, and service connections to lots. Utilities including electric, telephone, fire alarm, and cable transmission lines and any roadway crossings. Any detention/retention basins within the subdivision and line locations, width and grade on the binder

pavement. Accompanying the interim as-built plan to insure that all utilities are installed correctly without the need to retrench or patch the binder, and insure that any detention/retention areas are constructed properly and all easements are in place prior to the sale of the lots. Interim as-built drawings shall include the information required on the final as-built plans for completed facilities.

As-Built Plan
(Final)

Prior to final bond release, final as-built drawings prepared at the same scale as the approved subdivision plan drawn to the requirements of the Registry of Deeds shall be submitted to the Planning Board for approval. As-built drawings shall be in digitized GIS format acceptable to the City Engineers Office. The as-built drawings shall bear the certification from both a Registered Professional Civil Engineer and Land Surveyor that all utilities shown thereon are as-built as to location and grade, that all stone bound monuments have been properly and accurately set in accordance with Professional Land Surveying standards and that the roadway is within the right-of-way lines as shown, and that the subdivision is entirely as constructed is in accord with the proposed grading plan and that the drainage patterns conform to the drainage analysis as submitted to and approved by the Planning Board. Final as-built drawings shall include as a minimum the following information:

1. Plans and profiles of gravity sewer, sewer force mains and drain lines. Sewer and drain information shall include pipe size, pipe material, pipe length, manholes, manhole to manhole distances, invert elevations, rim elevations, pipe slope, service connection locations and any appurtenances. Sewer force mains shall be located with tie measurements or off-sets to permanent structures. Information for force mains shall include pipe size, pipe material, pressure class, fittings, fitting to fitting lengths, valves and appurtenances. Provide additional sewer and drain information as required by the City.
2. All water mains shall be located with tie measurements or off-sets to permanent structures. Water main information shall include pipe material, pipe size, fittings, pipe lengths between valves and fittings, valves, hydrants, services, profiles and

appurtenances. Water service shut-off boxes to each lot with linear ties to a permanent structure or monument. Provide additional water system information as required by the City.

3. All underground electrical, telephone, fire alarm and cable lines, including services to lots, transformers, utilities and junction boxes. Ties to all electric and telephone vaults and junction boxes, gas shutoffs and drops.
5. All gas lines including lot services and shut-offs.
6. Curbing including size and type.
7. Sidewalks and grass plots including type and width and handicap ramps.
8. Driveway curb cut from edge of pavement to right-of-way lines.
9. Centerline stationing with monument stationing.
10. Top and bottom of fill and cut embankments adjacent to the roadway.
11. Centerline profile at every 50 foot stations with high and low points.
12. Width of roadway pavement.
13. Utility and light poles with guys.
14. Street signs.
15. Permanent bench marks on each sheet.
16. Landscaping and tree plantings.
17. All off roadway drainage facilities including but not limited to easements, swales and appurtenances including final landscaping. If a detention/retention basin is part of the subdivision, provide enough spot

elevations on the bottom and top of side slopes to indicate that the basin will have proper staging as approved.

Board	The Planning Board of the City of Haverhill.
Certified by (or endorsed by) a planning board	as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded shall mean bearing a certification or endorsement signed by a majority of the members of the planning board or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the register of deeds and recorder of the land court signed by a majority of the board.
Designer	Professional Civil Engineer or Land Surveyor registered to practice in Massachusetts.
Developer	A person (as hereinafter defined) who develops under a plan of a subdivision under the Rules and Regulations.
Drainage	shall mean the control of surface water within the tract of land to be subdivided
Driveway	An area used for ingress or egress of vehicles allowing safe access from the street frontage to the actual building location on the lot.
Easements	A right acquired by public authority or other person to use or control property for a utility or other designated public purpose.
General Laws (Abbreviated G.L.)	The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation or particular sections of the General Laws, shall be applicable to the corresponding sections in the new codification.
Land Court	Land Court of the Commonwealth of Massachusetts.

Level of Service(LOS)

Roadways shall be analyzed as to their Level of service (LOS) as a means of determining their capacity under various traffic flow conditions. This LOS measurement represents a letter grade rating system (A-F) which describes operational conditions relating to traffic flow in terms of speed, travel time, freedom to maneuver, traffic interruptions, comfort convenience and safety. Calculations of (LOS) shall be made by the applicant utilizing current industry standards for methodology of analysis and statistics from the most recent edition of the *Highway Capacity Manual* of the Transportation Research Board.

Lot

shall mean an area of land in one ownership, with definite boundaries used or available for use as the site for one or more buildings. Each lot shall possess adequate frontage, area and actual access to the building site so as to conform to the requirements of the subdivision control law, the City of Haverhill Zoning ordinance and these regulations.

Lot, Frontage

Frontage as defined herein, shall be for the purpose of providing access to all lots approved under these regulations as well as all lots approved as ANR (Form A) lots. The frontage shall provide access which is actual (non-illusory) access to the building location on the lot. The access shall be provided by (from) the frontage so that it is not illusory in nature. Access shall facilitate safe ingress and egress to the building location within the lot for public safety vehicles in the event of an emergency. Length, width, grades, topography and adequacy of construction are all essential components of demonstrating adequate actual access to the building site on a lot.

Lot, Frontage waiver

In the case where a lot has inadequate frontage to be in compliance with zoning the applicant after receiving a frontage variance from the Haverhill Board of Appeals may file for approval of a definitive plan with a specific requested waiver that being for

frontage. Frontage waivers shall not be filed as a Form A plan (ANR) because all lots approved under a Form A process must possess adequate frontage by definition.

Municipal Service

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

Owner

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

Person

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

Plan-- Preliminary

shall mean a plan of a proposed subdivision or resubdivision of land drawn on tracing paper or a print thereof showing (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 name of the designer, engineer or surveyor; (c) the names of all abutters, as determined by 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 approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names approximate locations and widths of adjacent streets; (h) and the topography of the land in a general manner.

Plan-- Definitive

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

Recorded	shall mean recorded in the registry of deeds of the county or district in which the land in question is situated except that as effecting registered land, it shall be filed with the recorder of the land court.
Register of Deeds	shall mean the register of deeds of the county or district in which the land in question is situated and when appropriate shall include the land court.
Registered Mail	shall mean registered or certified mail.
Roadway	That portion of a way which is designed and constructed for vehicular travel.
Sight distance(intersections)	All intersections shall have adequate sight distance (visibility) for automobiles. Each intersection shall provide a clear sight triangle, the entire area of which shall be designed to provide the driver of a vehicle entering the intersection with an unobstructed view to all points above the roadway along the centerline of the roadway for a distance of 500 feet when a subdivision street intersects with an existing or proposed collector street or arterial street or 250 feet when the subdivision street intersects with an existing or proposed local access street.
Street	(a) a public way; or (b) a way shown on a plan approved by the Planning Board under the Commonwealth's Subdivision Control Law.
Street, Arterial	A street which, in the opinion of the Board, is being used or will be used as a thorough-fare within the City of Haverhill, which will otherwise carry a heavy volume of through traffic, generally over one thousand (1000) vehicles per day. An arterial street is a high volume street which functions to convey traffic through the community and to major state and interstate highways.
Street, Cul-de-sac	A minor street with only one vehicular outlet that terminates in a vehicular turnaround having an appropriate terminal for the safe and convenient reversal of traffic

Street, Dead end	A street or portion of a street with only one vehicular traffic outlet that does not terminate in a vehicular turnaround. Dead end streets shall not be permitted.
Street, Collector	A street which, in the opinion of the Board, is used or will be used to carry a substantial volume of traffic, generally over three hundred (300) and under one thousand (1000) vehicles per day. A collector street serves as a principle traffic artery within residential or commercial areas and conveys traffic between arterial streets, other collector streets and local access.
Street, Local Access	A street which, in the opinion of the Board, is being used or will be used primarily to provide access to abutting lots and to other local access streets which will not be used for through traffic, and will generally carry less than three hundred (300) vehicles per day.
Subdivision	shall mean the division of a tract of land into two or more lots and shall include resubdivision and when appropriate to the context shall relate to the process of subdivision or the land or territory subdivided; provided however that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the City or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the City in which the land lies having in the opinion of the planning board sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any of said city or town for erection of a building on such lot and if no distance is so required such frontage shall be at least 20 feet. Conveyances or other instruments adding to, taking away from or changing

the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

Subdivision Control

shall mean the power of regulating the subdivision of land granted by the subdivision control law

Way

Any point of access to a lot of record that does not classify as a street as specified in the definition of street. In general, a Way is a point of access established prior to the Subdivision Control Law.

Wetlands

Shall be defined per the regulations contained in M.G.L. Chapter 131, Section 40; and by the Code of the City of Haverhill Chapter 253.

SECTION II B. GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND

1. Every subdivider shall be bound by the provisions of these regulations, and before preparing a subdivision plan, should familiarize themselves with these regulations and with any other proposals for subdivision and existing subdivisions in the area in which the proposed new subdivision is located.
2. 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 or such subdivision has been submitted to, and approved by the Planning Board as hereinafter provided.
3. No land shall be subdivided unless it is of such character that it can be used for building purposes without endangering the public health or safety. No land shall be subdivided unless the subdivision shall provide means of drainage and sanitary sewerage disposal adequate in the opinion of the Board to fully protect the public health.
4. Each subdivision plan shall make such provision for water supply, storm water drainage, surface water drainage, sanitary sewerage disposal, fire hydrants, utilities, curbs, sidewalks and other improvements as in the opinion of the Board is proper and adequate for the particular subdivision, and in places deemed proper by the Board, open spaces for parks and playgrounds shall be provided.
5. Streets in each subdivision shall be laid out as to provide for continuation of the principal street adjoining or entering the subdivision, especially in regard to safe intersections with such streets, and so arranged and of such widths as to provide an adequate and convenient system for present and potential traffic needs, and for the proper projection of streets as laid out in the proposed subdivision into adjoining land, on which there are no existing streets. Street names shall be assigned to proposed streets in a manner to avoid confusion from the existing city streets.

SECTION II C. MORE THAN ONE BUILDING FOR DWELLING PURPOSES ON A LOT

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a Subdivision.

SECTION II D. FEES

All expenses for advertising, publication of notices, engineering, professional planning review, plans, inspection of construction, recording and filing of documents, and all other expenses in connection with a Subdivision including without limitation sampling and/or testing by the Board or its Agents shall be borne solely by the Applicant. The Board reserves the right to fund and use its fees it establishes, pursuant to Massachusetts General Law.

1. When reviewing an application for, or when conducting, inspections in relation to subdivision approval, the Board may determine that assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's impact, or because the City lacks the necessary expertise to perform the work related to approval. The Board may require that applicant pay a "project review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of a proposed project.
2. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate party who can assist the Board in analyzing a project to ensure compliance with all relevant laws, codes, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.
3. Funds received by the Board pursuant to this section shall be deposited with the City Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the approval sought.
4. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
5. Any applicant may take an administrative appeal of the selection of the outside consultant to the City Council. Such appeal must be made in writing and may be taken only within twenty (20) days after the Planning Board has mailed or hand-

delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the City Council within one month following the filing of the appeal, the selection made by the Board shall stand.

6. Fees - The Planning Board, from time to time, and following Public Hearings will set fees associated with various filings under these subdivision regulations. Such fees will be kept on file at the Planning Board Office.

SECTION II E. ZONING REGULATIONS

The Board will not approve or modify and approve any plan of a Subdivision of land unless all buildings, structures and lots shown on said plan comply with the Zoning Regulations of the City or a variance and/or special permit from the terms thereof has been granted.