

SECTION IV. FILING REQUIREMENTS, LOT RELEASE PROCEDURE AND CONSTRUCTION OF THE SUBDIVISION

A. Plans in Conformance with Planning Board Decision

The applicant shall schedule a meeting with the Planning Director in order to insure that the plans conform to the Boards decision prior to the plans being endorsed by the Board.

B. Performance Guarantee

Prior to release of lots for building purposes, the applicant shall provide a performance guarantee to the Planning Board in order to ensure that the subdivision shall be constructed in conformance with the Rules and Regulations and the Boards decision.

The performance guarantee can be in the form of a covenant or a bond, said documents must be properly completed and submitted to the City Planning Office for review prior to submitting the plans to the Board of signing, at least five (5) business days in advance of a meeting of the Planning Board.

1. Final Approval with Bonds or Surety

Construction may be secured by a proper bond or a deposit of money or negotiable securities, sufficient in the opinion of the Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan. Such bond or security if filed or deposited shall be approved as to form and manner of execution by the City Solicitor, and shall be contingent on the completion of such improvements within two (2) years of the date of filing or deposit.

2. Final Approval with Covenant

Instead of filing a bond or depositing surety, the applicant may request approval of the Definitive Plan on conditions that no lot in the subdivision shall be conveyed, except by mortgage deed, and no building shall be erected thereon until the improvements specified are constructed and installed so as to serve the lots adequately.

If an applicant chooses to secure performance by executing a covenant

pursuant to M.G.L. Chapter 41, Section 81U, the following provision shall be included in such covenant:

"The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable rules and regulations of the Planning Board within two (2) years from the date the decision of the Planning Board is filed with the City Clerk. Failure to so complete shall automatically rescind approval of the plan."

Such conditions shall be secured by a covenant running with the land, referred to on the plan and recorded in the Registry of Deeds. When the applicant has completed the required improvements specified for any lots in a subdivision, the applicant may request a release of the covenant for said lots. If the Board determines that the improvements have been completed, the Board will release the covenant by appropriate instrument, which shall be in proper form for recording in the Registry of Deeds. Thereafter, the covenant relating to such lots and, so released, shall terminate.

3. At the discretion of the Board, and upon receiving input from the Engineering Department; a time extension may be granted for a period not to exceed one (1) year, provided that such an extension may be conditioned upon an increase in the amount of such bond or security as determined by the Board after receiving input from the Engineering Department.

C. Lot Release By the Planning Board

The applicant shall submit a lot release form to the Board for signing. This document must be filed with the Planning Office prior to releasing lots for building permits.

D. Easement and Utility Agreement

The applicant shall submit to the Planning Office an application for all the utilities and easements placed on the subdivision, the Board shall sign the document and it shall be filed with the Registry of Deeds Office.

E. Confirmation of Filing with the Registry of Deeds Office

Upon receiving all of the signatures from the Planning Board on the documents listed in this section, the applicant shall file the plan with the Registry of Deeds Office.

Three (3) complete copies of the plans and two (2) copies of the documents which contain the Registry of Deeds stamp shall be submitted to the Planning Office as proof of filing. No endorsements shall be made prior to the applicant submitting to

the Planning Office proof that the plans and required documents have been filed.

F. Construction of the Subdivision

The following procedure shall be followed by City Departments prior to the developer starting construction or any related improvements to an approved subdivision:

1. Engineering Department
 - a. A copy of the final subdivision plan filed with the Registry of Deeds Office shall be submitted and approved.
 - b. Obtain all permits required by the applicable city departments, and arrange a preconstruction conference between the construction superintendent and the Engineering Department.
 - c. Interim as-built plans received for the following improvements upon construction: roadways, sewer, water, drainage, and all utilities. The as-builts shall be designed in accordance with Engineering Department standards.
2. Conservation Commission
 - a. Record the Order of Conditions at the Registry of Deeds.
 - b. Submit to the Commission any additional plans, schedules, or information, if specified in the Order. Obtain the Commission's approval if necessary, through Commission or Agent.
 - c. Complete other requirements as specified in the Order (replace wetland flags, verify wetland delineation, etc.).
 - d. Post a sign at the site bearing the D.E.P. File Number. The sign must be the size specified in the Order.
 - e. Post a bond as specified in the Order (if passbook or certified check, must be payable to the City of Haverhill and to applicant).
 - f. Notify the Commission of the identity of the construction supervisor who will be on site.
 - g. Arrange an on-site conference with the Commission to review the

Order.

- h. Install erosion controls as specified in the Order, including stockpiles of emergency - use hay bales, stakes and silt fencing, if required.

3. Planning Board

- a. A copy of the final subdivision plan filed with the Registry of Deeds Office.
- b. A copy of all required documents filed with the Registry of Deeds Office.

4. Commonwealth Approvals

Any Commonwealth approvals required for the subdivision shall be filed with the Engineering Department and the Planning Office prior to commencing work on the subdivision.

5. Document Requirements

Failure to provide the documents and requirements listed above shall constitute a violation of the Subdivision Rules and Regulations and shall allow the City to issue a stop work order.

G. "Form U" Procedure Lot Release By City Departments

Upon proof of the plans and documents being properly filed with the Registry of Deeds Office, the applicant or successive property owners for the lots contained in the subdivision may request a building permit from the Building Inspector and receive a **Form G** to be submitted to City Departments to certify compliance with City bylaws, prior to the issuance of a building permit.

A plot plan shall be submitted, which consists of at a minimum the following information: (a) location of the structure, (b) location of the driveway(s), (c) location of the septic system(s), if applicable, (d) location of all water and sewer lines, (e) location of wetlands and any site improvements required under the Conservation Commission Order of Conditions, (f) any grading called for on the lot, and (g) all required zoning setbacks shall be shown.

Failure to provide this information may allow a City Department to withhold

signatures upon a **Form G**.

SECTION V. SUBDIVISION DESIGN STANDARDS

5.1 Streets

Level of Service. No development shall be approved if such development at full occupancy will result in or increase traffic on any intersecting street so that the intersecting street does not function at a level of service (LOS) of C or better. The applicant shall propose and construct on site and off site traffic mitigation measures to provide adequate roadway capacity for the proposed development. Level of service (LOS) calculations 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.

Classification. All streets shall be classified as follows:

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| 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. |
| 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 streets |
| 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. |