

# CITY OF LYNN PLANNING BOARD



## RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

(as amended April, 2010)

LYNN PLANNING BOARD  
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**RULES AND REGULATIONS GOVERNING THE  
SUBDIVISION OF LAND IN LYNN, MASSACHUSETTS**

(Adopted pursuant to Massachusetts General Law, Chapter 41, Sections 81GG, inclusive, The Subdivision Control Law)

**SECTION 1.**

**A. PURPOSE**

“The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience, and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways, and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic, and other emergencies; for ensuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions”.

**B. AUTHORITY**

Under the authority granted to the Planning Board of the City of Lynn, pursuant to M.G.L. Chapter 41, Section 81-Q, said Board hereby adopt these Rules and Regulations Governing the Subdivision of Land in the City of Lynn.

**SECTION 2. DEFINITIONS**

In construing these Rules and Regulations, the terminology shall have that meaning defined within M.G.L. Chapter 41, Section 81-L, unless a contrary meaning is clearly implied or is specifically prescribed.

**APPLICANT** – Shall include an owner or his agent or representative, or his assigns

**BOARD** – The Planning Board of the City of Lynn

**DEFINITIVE PLAN** – The plan of a subdivision as duly submitted with appropriate application to the Board for approval; to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board and such plan when approved and recorded.

**DEVELOPER** – A person who develops under a plan of a subdivision approved under these Rules and Regulations.

**DRAINAGE** – Shall mean the control of surface water within the tract of land to be subdivided.

**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.

**MONUMENT** – A permanent marker to indicate a boundary.

**MUNICIPAL SERVICE** – Shall mean public utilities furnished by the City in which the subdivision is located, such as water, sewerage, and drainage.

**OWNER** – As applied to real estate, the person or persons holding the fee simple title to a tract or lot of land, as shown by the record in the appropriate 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, a partnership, corporation, or trust having common or undivided interests in a tract of land.

**PRELIMINARY PLAN** – A plan of a proposed subdivision of land prepared to facilitate proper preparation of a Definitive Plan.

**PRIVATE UTILITIES** – Shall include telephones, cable television, electric light and power, and gas lines, whether installed above or beneath the surface of the ground.

**RECORDED** – Shall mean recorded in the Registry of the county or district in which the land in question is situated, except that, as affecting registered land, it shall mean filed with the recorder of the Land Court.

**REGISTRY OF DEEDS** – The registry of deeds of the county or district in which the land in question is situated and when appropriate shall include the Land Court.

**RIGHT OF WAY** – The width of a strip of land laid out and designated for the use of passage, including the spaces for vehicular travel and sidewalk area.

**ROADWAY** – That portion of a right-of-way which is designated for vehicular travel.

**SIDEWALK** – An area within the right-of-way designed for use by pedestrian travel.

**SUBDIVISION** – Shall mean the division of a tract of land into two or more lots and shall include re-subdivision, 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 or town 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 of at least twenty (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.

### SECTION 3. FEES

All fees shall be paid by deposit with the Board in the form of cash, a certified check or money order made payable to: CITY OF LYNN. In addition to the required fee for the applicable plan, the applicant shall deposit with the Board the appropriate filing fee for recording the plan and any other document referred to on the plan at the Registry of Deeds. This fee varies according to the size of the plan and length of such documents.

#### A. APPROVAL NOT REQUIRED PLANS

A filing fee of \$100.00 toward the cost of Board and Staff review of the plan to determine its conformance with the standards herein

#### B. SUBDIVISION PLANS

##### 1. PRELIMINARY PLANS

A filing fee of \$500.00 plus \$100.00 per lot toward the cost of initial Board and Staff site inspection and technical plan review to determine the conformance of the design to that site and the standards herein

##### 2. DEFINITIVE PLANS

A filing fee of \$500.00 plus \$100.00 per lot if a preliminary plan has been submitted and approved, or \$1,000.00 and \$150.00 per lot if a preliminary plan has not been submitted. This fee shall be applied toward the mailing of notices to abutters, final plan review, and site inspection by the Board, Staff, and the appropriate municipal agencies.

In regard to advertisement costs for the Definitive Subdivision Plan, the applicant shall be responsible for payment of incurred advertising cost. This must be paid prior to the public hearing and before approval or denial is given. This will mean that the applicant will be billed directly by the Planning Division – Inspectional Services Department.

#### C. ROADWAY IMPROVEMENT PLANS

A filing fee of \$300.00 is required for review and inspection of plans showing the extension of an existing roadway and the construction of new roadways within an existing prior approved right-of-

way. This approval will be in conformance with the City of Lynn's Street Opening Ordinance, permit manual; the City of Lynn's Planning Board's Rules and Regulations Governing the Subdivision of Land in Lynn and subject to the following conditions:

- No change in lot lines or new lots are included within this approval
- All extensions of streets greater than five-hundred (500) feet must be approved by the Planning Board.
- All street extensions proposing to connect to another City or Town must be approved by the Planning Board.
- All water, sewer, and drain extensions/installations must be approved by the Lynn Water and Sewer Commission.

#### SECTION 4. PLAN BELIEVED NOT TO REQUIRE APPROVAL UNDER THE SUBDIVISION CONTROL LAW

##### A. SUBMISSION

Any person who wishes to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land, and who believes that said plan does not require Approval under the Subdivision Control Law, shall submit to the Planning Board:

1. Two (2) copies of a properly executed Application (Form A)
2. Original of the plan
3. Three (3) copies of the plan
4. Copy of the Assessor's map showing the street and property lines as they presently exist
5. Appropriate filing fee
6. Municipal lien certificate for all affected property of the applicant shown on the plan

This submission shall be accompanied by the necessary evidence to show that the plan does not require approval.

##### B. CONTENTS

Said plan shall be legibly drawn in accordance with the Rules and Regulations of the Registry of Deeds, as amended, pertaining to plan size, material, lettering and related requirements shall contain all required seals and signatures required by the Registry of Deeds prior to the recording of said plan and shall contain the following information:

1. The statement "Approval under the Subdivision Control Law Not Required" and sufficient space (six lines) for the date and signatures of members of the Planning Board
2. All lots affected by an increase or decrease in land area

3. Proper identification of all the land area frontage of any remaining adjoining land owned by the applicant
4. The name of all abutters as determined from the most recent tax list, including those in adjoining communities
5. The name and status (public or private; improved or unimproved) of all streets and ways on which the lot is located
6. The name of the record owner
7. Title, boundaries, north point, date, scale, and the stamp and signature of a land surveyor registered in Massachusetts
8. Any variances or exceptions made by the Zoning Board of Appeals applicable to the land shall be inscribed thereon

#### C. PROCEDURE

The plan, copies, and application shall not be deemed to have been submitted to the Planning Board until it has been delivered to the Board at a regular or special meeting thereof, and accepted in writing by the Board as complying with the requirements of these Rules and Regulations. Thereafter, the person submitting the plan and application shall file, by delivery or registered mail, a notice with the City Clerk stating that date of submission for such determination and accompanied by a copy of said application.

If the Board determines that the plan does not require approval, it shall, without a public hearing, and within twenty one (21) days of submission, endorse the plan accordingly. The Board shall notify the City Clerk, in writing, of its action. The Planning Board shall record the endorsed plan in the proper Registry of Deeds at the applicant's expense. One (1) copy of the plan shall be retained in the files of the Board, and three (3) copies shall be returned to the applicant.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty one (21) days of submission of the plan, so inform the applicant in writing and return the plan. The Board shall also notify the City Clerk in writing of its action.

### SECTION 5. NEW SUBDIVISION

No person shall make a subdivision of any land within the City of Lynn or proceed with the improvement or sale of lots, construction of ways, or the installation of municipal services therein, unless and until he/she has first submitted to the Planning Board for its approval a Definitive Plan of such subdivision showing the lots into which such land is to be divided and the ways already existing or which are to be provided by him/her for furnishing access to such lots, and the Planning Board has approved such plan in the manner hereinafter provided.

#### A. PRELIMINARY PLAN

##### 1. SUBMISSION

A preliminary plan of a subdivision may be submitted by the applicant for discussion and tentative approval by the Planning Board. The submission of such a preliminary plan will enable the applicant, the Board, and other city agencies to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be submitted in every case.

The applicant shall submit to the Planning Board:

- a. two (2) copies of a properly executed Preliminary Plan Application (Form B)
- b. the original drawing of the Preliminary Plan and seven (7) prints thereof, dark line on white background
- c. a copy of the Assessor's map showing the street and property lines as they presently exist
- d. the appropriate filing fee

## 2. CONTENTS

The preliminary plan should show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Any person who submits a preliminary plan of a subdivision to the Planning Board for approval shall file with the Board seven (7) copies of the plan drawn on tracing paper or a print thereof containing the following information:

- a. The subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"
- b. Name of the record owner, the applicant, and the name, seal, and address of the engineer or surveyor who made the plan
- c. The names of all abutters as determined from the most recent tax list
- d. Existing and proposed lines of streets, ways, easements, and any public areas within the subdivision
- e. The proposed system of sewerage disposal, water installation, electric, cable television, street lighting, natural gas, and drainage, including existing natural or artificial waterways
- f. The approximate lines of proposed lots with approximate land areas and dimensions shall be numbered on each lot
- g. The names, approximate location, and widths of adjacent streets
- h. The topography of the land in a general manner
- i. The zoning district and area requirements of land shown on the plan and abutting property

- j. Areas of the plan designated as wetlands and/or flood plain

### 3. PROCEDURE

The preliminary plan and application shall not be deemed to have been submitted to the Planning Board until it has been delivered to the Board at a regular or special meeting thereof and accepted in writing by the Board as complying with requirements of these Rules and Regulations. Thereafter, the applicant submitting the plan and application shall file, by delivery or registered mail, a notice with the City Clerk stating that date of submission for such determination and accompanied by a copy of said application.

At the Planning Board's option, copies of the preliminary plan may be forwarded to the appropriate city agencies for their information and review. These agencies shall provide the Board with any comments or recommendations relative to those areas of their concern within fourteen (14) days of the plan submission. The Planning Board and Department staff shall consider this information in the discussion and clarification of problems associated with the preliminary subdivision plan.

In the event of disapproval of a preliminary plan, the Board shall state the reasons for its disapproval in accordance with M.G.L. Chapter 41, Section 81-U within forty-five (45) days after the submission of the preliminary plan, the Board shall notify the applicant by certified mail and the City Clerk of its action.

## B. DEFINITIVE SUBDIVISION PLAN

### 1. SUBMISSION

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

- a. The original drawing of the Definitive Plan and seven (7) prints thereof, dark line on white background
- b. A completed and properly executed Application for Approval of a Definitive Plan (Form C)
- c. The appropriate filing fee
- d. A list of the names and addresses of all owners of land within a three-hundred (300) foot perimeter of the property line of the land
- e. A certified copy of the recorded deed for the parcel for verification of ownership
- f. A municipal lien certificate showing that all taxes have been paid on the property in question
- g. An electronic copy of the proposed subdivision in a format specified by the Planning Board

## 2. CONTENTS

The Definitive Plan shall be prepared, stamped, and signed by a land surveyor and/or professional engineer registered in Massachusetts. All pages shall be in the proper form for recording in the Registry of Deeds or filing with the Land Court. If the property that comprises the subdivision or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant. The plan shall be at a scale of one inch equals forty feet or other such scale as the Board may accept to show details clearly and adequately. If multiple sheets are used, they shall be accompanied by an original drawing index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Title block at the lower right hand corner showing the subdivision name, the name(s) of the record owner, and applicant, date, scale, the stamp and signature of a registered land surveyor and registered professional engineer, the title "Definitive Subdivision Plan", and the title or designation of the drawing.
- b. The subdivision boundaries, north point, and legend
- c. The zoning district classification, area frontage, and set back requirements of the land shown on the plan and the abutting properties. Any variances or exceptions made by the Zoning Board of Appeals applicable to the subdivision of the land shall be inscribed therein.
- d. Names of all owners of abutting property as they appear on the most recent tax list
- e. Existing and proposed lines of streets, ways, lots, zoning district boundaries, easements within and abutting thereon, and public or common areas within the subdivision. All proposed rights of way and easements shall be of an all-utility nature, including vehicular access. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board.
- f. Sufficient data to readily determine the location, direction, and length of every street and way line, lot line, and boundary line, and to establish these lines on the ground. These are to be tied to existing bounds wherever possible.
- g. Length, radii, centerline radii and the angle of intersection of all curves.
- h. Location of all permanent, proposed, and existing monuments at all street intersections of street right-of-ways, at all points of change in direction or curvature, and at the end of all streets.
- i. Location, names, and present widths of streets bounding, approaching, or within reasonable proximity of the subdivision, clearly identifying pavement and right-of-way widths.
- j. Major site features of the land, such as stone walls, fences, buildings, rock or ledge

outcroppings, waterways, water bodies, swamps, natural drainage courses or other wetlands, existing at the time of the survey.

- k. Existing and proposed locations of the base flood elevation within the subdivision
- l. Suitable space to record the action of the Board and the signatures of all members of the Board.

Items m through q may be submitted on separate sheets of the same size and material as the index sheet or on the same sheet as the Definitive Plan. Each sheet shall bear the information required in paragraphs a, b, and l above.

- m. Profiles on the exterior and center lines streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals four feet. All elevations shall refer to the City of Lynn datum. A description of the benchmark used shall be noted on the profile.
- n. Topographical lines at two foot intervals, existing and proposed. Proposed should indicate that the property can be properly drained. Drainage calculations may be required in a suitable form along with additional plans outlining drainage areas within and affecting the subdivision.
- o. Proposed layout and profiles of water, sewer, drain, gas, and electric lines, street lighting, cable television, appurtenances, easements, special structures pertinent thereto, and other improvements as required by the Board. The utility plan shall be on separate pages whenever possible, for the purpose of clarity.
- p. Typical cross-sections of each street, roadway, drainage ditch, and sidewalk to be constructed.
- q. The location and species of all proposed trees as required by these rules and regulations.

### 3. PROCEDURE

The Definitive Plan and Application shall not be deemed to have been submitted to the Planning Board until it has been delivered to the Board at a regular or special meeting thereof and accepted in writing by the Board as complying with the requirements of these Rules and Regulations. Thereafter, the Applicant submitting the plan and application shall file, by delivery or registered mail, a notice with the City Clerk stating that date of submission for such determination and accompanied by a copy of said application.

#### A. PLAN REVIEW

The applicant may be required to stake the center line of all proposed streets at a minimum of every one-hundred (100) feet with these stations and the cut or fill dimensions necessary to accommodate the finished grade marked on the stakes for the purpose of facilitating site and plan review of the Definitive Plan by the appropriate City agencies.

## 1. BOARD OF HEALTH

When a Definitive Plan of a subdivision has been properly submitted to the Planning Board, a copy thereof shall also be filed with the Board of Health. If the Board of Health is in doubt as to whether any of the land within the subdivision can be used for building sites without injury to the public health, it shall so notify the Planning Board within forty-five (45) days. Any plan approval by the Planning Board shall then only be granted on the condition that no building or structure shall be built or placed upon those designated areas without prior consent of the Board of Health. Such conditions shall be inscribed on the plan.

2. The Planning Board shall submit copies of the Definitive Plan to the Department of Public Works, the Lynn Water and Sewer Commission, the Conservation Commission, and other municipal agencies as deemed necessary by the Board. Each agency shall be requested to notify the Board, in writing, as to the conformance of the proposed improvements with their standards of design and construction and to provide any additional comments or recommendations relative to those areas of their concern within a period of fourteen (14) days.

## 3. PUBLIC HEARING

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of the time and place of such hearing shall be given by the Board, at the expense of the applicant, by advertisement in a newspaper of general circulation in the City of Lynn, pursuant to M.G.L. Chapter 41, Section 81-T. A copy of such advertisement shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing on the most recent tax list.

## 4. CERTIFICATION OF APPROVAL

The action of the Board in respect to such 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 Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board (or by the signature of the person officially authorized by the Board), but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of action of the Board with the City Clerk and said Clerk has notified the Board that no appeal has been filed. The Board may, as a condition of their approval, impose reasonable requirements designed to promote the health, convenience, safety, and general welfare of the community and to benefit the City of Lynn. The Board shall endorse such conditions on the plan to which they relate, or set forth a separate instrument attached thereto, to which reference is made on such plan and which for the purpose of the subdivision

control law shall be deemed part of the plan.

#### 5. PERFORMANCE GUARANTEE

Before endorsement of its approval of a plan, the Planning Board shall require that the construction of ways and the installation of municipal services, and any additional conditions of approval be secured one, or in part by one and in part by another, of the methods described within M.G.L. Chapter 41, Section 81-U. The applicant may elect to proceed under any of the forms of guarantee of performance outlined therein. The purpose of requiring such guarantees is to insure that the required street improvements will be completed either before any lot is sold or built upon or within a reasonable time thereafter. The amount of any bond or securities held by the Planning Board shall be as determined by the Board. The amount of this performance guarantee shall from time to time be adjusted to reflect the actual expected cost of work remaining to be completed.

#### 6. PLAN CHANGES OR ALTERATIONS

No changes or alterations shall be made in an approved Definitive Subdivision Plan without resubmitting the changes for approval by the Planning Board in accordance with M.G.L. Chapter 41, 81-0 and 81-W.

#### 7. PERIOD OF CONSTRUCTION

The construction of ways, the installation of municipal services, and the inspection and acceptance thereof, in accordance with these Rules and Regulations, shall be completed within two (2) years from the date of the plan endorsement, unless requested and granted an extension by the Planning Board. Any extension to the period of construction may require adjustment of the amount of the performance guarantee to ensure that sufficient funds are available to the City to complete the works as approved. If the ways are not completed, and the utilities not installed within the time so required by the Board, and the Board does not grant an extension of the time period, any such performance guarantee may be applied by the Board for the benefit of the City of Lynn.

#### 8. COMPLETION OF WAYS AND SERVICES

Upon the completion of the construction of ways and the installation of municipal services, in accordance with these Rules and Regulations, and the submission of the following forms and information, the applicant may request, in writing, the release of any bond, deposit, or covenant held by the Planning Board securing the completion of these improvements.

- a. Reproducible as-built plans, prepared, stamped and signed by a land surveyor and professional civil engineer both holding a certificate of registration in Massachusetts and an electronic copy of same. The plan shall contain the following information:

- i. The precise location of all utilities and appurtenant structures
  - ii. Cross-sections and grade of all ways, and three (3) foundation ties to all permanent monuments.
- b. Properly completed Form O and written certificates of satisfactory completion of the required facilities from:
  - i. Lynn Water and Sewer Commission confirming the issuing of proper permits, inspection, and approval of in-road utilities, and
  - ii. Department of Public Works stating the accept- ability of the alignment and grade of the roadway, curbing, and sidewalks
- c. A properly completed Form L transferring to the City of Lynn valid unencumbered title to all utilities constructed and installed in the subdivision or portion thereof, and conveying to the City and the Lynn Water and Sewer Commission, free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate, and forever maintain such commonsanitary, sewers, main storm sewers, main storm drains, and water drains, with any manholes, pipes, conduits, and other appurtenances to do all acts incidental thereto in, through, and under the whole of all streets in the subdivision or portion thereof to be approved, and any such common sewers, main storm drains, or water mains have been constructed, and installed in land within such streets, then in, through, and under a strip of land extending a reasonable width on each side of the center line of all such common sewers, main storm drains, and water mains.

If the Planning Board determines that said construction or installation has been completed, it shall release the interest of the City of Lynn in such bond and return the bond or deposit to the applicant who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded.

## 9. RETAINAGE OF PERFORMANCE GUARANTEE

The Planning Board, upon acceptance and release of lots in the subdivision from Covenants and required improvement, shall retain an amount of negotiable securities to be determined by the Board. This retainage shall be sufficient to cover the released subdivision improvements for a guaranteed period from one year from the date of acceptance of the ways and municipal services by the Board.

## SECTION 6. ROADWAY EXTENSION OR IMPROVEMENT PLANS

No person shall make an extension of any existing roadway or construct a new roadway within an existing previously approved right-of-way within the City of Lynn, unless and until he/she has first submitted to the Inspectional Services Department - Planning Division - for its approval of a Roadway Improvement Plan and the ways already existing which are to be improved by him/her for furnishing access to such lots, and the Planning Division has approved such plan in the manner hereinafter provided.

### 1. SUBMISSION

A roadway improvement plan showing a roadway extension or improvements to an existing right-of-way may be submitted by the applicant to the Inspectional Services Department - Planning Division. The submission of such a plan will enable the applicant, the Division, and other city agencies to discuss and clarify the problems of such a roadway extension or improvement.

The applicant shall submit to the Planning Division:

- a. Two (2) copies of a properly executed Roadway Extension or Improvement Plan Application (Form Z)
- b. The original drawing of the Roadway Improvements Plan and five (5) prints thereof, dark line on white background
- c. A copy of the Assessor's map showing the street and property lines as they presently exist
- d. The appropriate filing fee – three hundred dollars (\$300.00)

### 2. CONTENTS

The plan should show sufficient information about the improvements to form a clear basis for discussion of its problems with the Planning Division. The applicant shall file with the Board five (5) copies of the plan thereof containing the following information:

- a. The roadway name, boundaries, north point, date, scale, legend, and title "Roadway Improvement Plan"
- b. Name of the record owner, the applicant, and the name, seal, and address of the engineer or surveyor who made the plan
- c. The names of all abutters as determined from the most recent tax list
- d. Existing and proposed lines of streets, ways, easements, and any public areas within three hundred (300) feet of the proposed improvements
- e. The proposed system of sewerage disposal, water installation and drainage, electric, gas, street lighting, cable television, including existing natural or artificial waterways
- f. The lines of existing lots with approximate land areas and dimensions shall be numbered on each lot

- g. The names, approximate location, and widths of adjacent streets
- h. the topography of the land in a general manner
- h. The zoning district and boundary's and area requirements of land shown on the plan and abutting property
- i. Areas of the plan designated as wetlands and/or flood plain

### 3. PROCEDURE

The plan and application shall not be deemed to have been submitted to the Planning Division until it has been delivered to the Board and the filing fee paid.

Copies of the preliminary plan will be forwarded to the appropriate City agencies for their information and review. These agencies shall provide the Board with any comments or recommendations relative to those areas of their concern within twenty-one (21) days of the plan submission. The Planning Division staff shall consider this information in the discussion and clarification of problems associated with the plan.

In the event of disapproval of a plan, the Division shall state the reasons for its disapproval to the applicant in writing and forward a copy of same to the Lynn Planning Board.

Within forty-five (45) days after the submission of the plan, the Planning Division shall notify the applicant by certified mail of its action.

## SECTION 7. DESIGN STANDARDS

### A. STREETS

#### 1. LOCATIONS AND ALIGNMENTS

- a. All streets in the subdivision shall be designed so that, in the opinion of the Board, they will provide for safe vehicular traffic in relation to the proposed use of the land abutting thereon and adjacent public ways. Due consideration shall also be given by the subdivider to the attractiveness of the street layout to obtain the maximum livability and amenity of the subdivision.
- b. The proposed streets shall conform in location, so far as practicable, to any existing or proposed plans of the Board, and to the existing and proposed street system.
- c. Provisions satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.
- d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in the public interest.
- e. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
- f. The minimum centerline radii of the travel way shall be one hundred (100) feet. Greater radii may be required for principal streets.

- g. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than seventy-five (75) degrees. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one-hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless approved by the Planning Board.
- h. Property lines at street intersections shall be rounded or cut back to provide for a radius of not less than twenty (20) feet.
- i. Intersections shall be designed with a flat grade wherever practical. In hill or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) slope at a distance of sixty (60) feet, measured from the nearest right of way line of the intersecting street.
- j. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility the developer shall cut such ground/vegetation in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- k. Minimum curb radius at the intersection of two (2) minor streets shall be at least twenty (20) feet, and minimum curb radius at an intersection involving major roadway shall be twenty-five (25) feet.
- l. Where a subdivision borders an existing roadway not in conformance with the Planning Board's Rules and Regulations or in need of widening to maintain public safety due to the additional traffic imposed upon the roadway due to the construction of the new subdivision, the applicant shall be required to improve and dedicate, at its expense, those areas for widening or realignment of those roads along its borders.

## 2. WIDTH

The minimum width of street rights-of-way shall be as follows: Residential Streets less than five-hundred (500) feet in length: forty (40) feet. Residential Streets greater than five-hundred (500) feet in length fifty (50) feet; Non-residential and mixed use streets: Minimum width of fifty (50) feet, but a greater width shall be required by the Board when deemed necessary for present and future vehicular travel or for non-residential or mixed use subdivisions.

## 3. GRADES

Grades of streets shall be not less than 1.0%. Grades shall not be more than four (4%) percent for principle streets, nor more than eight (8%) percent for secondary streets. The determination of the classification of streets is to be made by the Planning Board.

## 4. DEAD-END STREETS

- a. Dead-end streets shall not be longer than as outlined: Residential: one thousand (1,000) feet; Non-Residential and mixed use: seven-hundred and fifty (750) feet; unless, in the opinion of the Board, a greater length is necessitated by lot shape, topography, or other

local conditions.

- b. A turn-around having the following dimension:

Type	Property Line Diameter	Paved Way Diameter
Non-Residential	120 feet	100 feet
Residential	100 feet	84 feet

Shall be provided at the end of the approved portion of a way which does not connect with another way

- c. A roadway easement from the end of the dead-end street to adjacent property may be required by the Board. Should a dead-end street be subsequently extended beyond the required turn-around, any easement, other than land required for the extension of the roadway, may be relinquished to the adjacent properties.

## 5. CURBING

Curbing shall be installed on all ways within a subdivision to contain surface run-off and to maintain pavement. Handicap-access ramps constructed in compliance with the Commonwealth of Massachusetts Architectural Access Boards Rules and Regulations (current version) ramps shall be provided at street intersections and pedestrian crossings. Curbing material shall be provided in accordance with the following schedule:

- a. A type “A” machine-formed bituminous concrete berm shall be provided on all ways less than six percent (6%) in conformity.
- b. Sloped granite edging shall be used for curbing in residential subdivisions and vertical granite curbing shall be used in non-residential subdivisions.

## 6. ACCESS THROUGH ANOTHER MUNICIPALITY

In the case of access to a subdivision crossing land in another municipality, the Board shall require certification from the appropriate authorities that such access is in accordance with the Master Plan and/or subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.

## B. SIDEWALKS

### 1. LOCATION AND ALIGNMENT

- a. Sidewalks shall be provided parallel to the roadway and shall be within the right-of-way for such roadway.
- b. Handicapped-access ramps constructed in compliance with the Commonwealth of Massachusetts Arcitectoral Access Boards Rules and Regulations (current version) shall be provided at street inter- sections and pedestrian crossings.

- c. Proposed sidewalks shall be coordinated with existing pedestrian circulation systems.
- d. Sidewalk easements may be required by the Board for a sidewalk layout which is not parallel to a roadway.

2. WIDTH

The paved width of a sidewalk shall be at least four (4) feet in a residential area and eight (8) feet in a non-residential area. A landscaped median of at least three and one-half (3-1/2) feet shall separate all sidewalks from adjacent roadways.

3. GRADE

a. VERTICAL

The vertical grade of all sidewalks shall follow the finished grade of the adjacent roadway.

b. TRANSVERSE

All sidewalks shall maintain a two (2%) percent transverse grade towards the gutter edge of the adjacent roadway. Grades behind the sidewalk area shall be adjusted to provide for a smooth safe transition to/from abutting properties, consisting of either a minimum of a three (3) foot shoulder and a stabilized fifty percent (50%) slope of seeded lawn or adequate retainage and safety appurtenances as determined necessary by the Board including retaining walls or armored slopes.

C. UTILITIES

All new utility systems and extensions shall be designed for the estimated service population of the subdivision and with full consideration of future extensions of such systems through adjacent properties. Initial installation shall be of sufficient size to be adequate for such future extension.

1. MUNICIPAL SERVICES

The Planning Board and the Lynn Water and Sewer Commission will approve the plans for new sewer systems and extensions to new areas only when designed upon the plan in which rainwater from streets, roofs, and other areas and ground water from foundation drains and other drainage contributors are collected and removed in a separate system.

Connections for sewer, drain, water, gas, oil, electric and telephone service from the main structure in the right-of-way to the exterior line of the way, shall be constructed for each lot whether or not there is a building thereon.

All water, sewer, and drainage systems shall be designed in accordance with the requirements of the Board and the Lynn Water and Sewer Commission.

A. WATER

- 1. Every subdivision shall be connected to the public water supply system

by the developer unless otherwise approved by the Planning Board and the Board of Health.

2. Water pipes and related equipment, such as hydrants and main shut-off valves, shall be installed within the subdivision as necessary to provide all lots on each street with adequate water supply for domestic and fire protection use.

#### B. SEWER

All lots within any new subdivisions shall connect to the public sewage system. Connection to the system shall be subject to any required approvals, including a permit for the extension of the sewer system, issued by the Massachusetts Division of Water Pollution Control.

#### C. STORM DRAINAGE

Storm drainage and related facilities shall be designed to permit the unimpeded flow of all natural water courses to ensure adequate drainage at all low points along streets to control erosion and to intercept storm water run-off along streets.

##### 1. DESIGN BASIS

Storm drains shall be based on a one-hundred (100) year frequency storm.

##### 2. CATCH BASINS

Catch basins shall be provided on both sides of the roadway on continuous grade at intervals of not more than four-hundred (400) feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets. In no instance shall catch basins be located along a driveway cut. Catch basins are to be installed in accordance with the Lynn Water & Sewer Commission's Rules and Regulations.

#### 2. PRIVATE UTILITIES

##### A. TELEPHONE LINES

Telephone lines shall be installed in underground conduits at the time of initial construction.

##### B. ELECTRICITY

Transformers, switches, and other such equipment may be placed on the ground in approved locations, screened from view by evergreen shrubbery, subject to Planning Board approval. All electrical conduits shall be laid underground at the time of initial construction.

C. GAS

Gas mains may be installed if gas connection is approved and available.

D. STREET LIGHTING

Street lighting is to be provided to adequately illuminate the street for the proposed use, residential, commercial or industrial. Ornamental type lighting is to be provided in all new residential subdivisions. The applicant will submit lighting plans to the Planning Board showing proposed lighting levels, fixture types and installation requirements.

3. FIRE HYDRANTS

Fire hydrants shall be provided every five-hundred (500) running feet or fraction thereof on one (1) side of the street.

4. HIGHWAY GUARD, FENCES AND WALLS

Guard fences, rails and walls shall be installed wherever determined necessary by the Planning Board and/or the Commissioner of the Department of Public Works to provide needed protection to the public. When provided, they shall be constructed in accordance with the relevant portions of HIGHWAY GUARD, FENCES AND WALLS (of the Standard Specifications of the Commonwealth of Massachusetts Mass Highway Department details of all fences, nails, and walls will be shown on the Definitive Plan for the Subdivision. Plans for retaining walls and armoured slopes will be prepared by an engineer registered within the Commonwealth of Massachusetts and submitted to the Planning Board prior to the commencement of construction on the subdivision.

5. POSTAL SERVICE

The developer shall provide the necessary arrangements for the installation of curbside box systems for the delivery of mail unless otherwise approved by the Board.

6. TREES

Street trees of nursery stock conforming to the standards of the American Association of Nurserymen of the species approved by the Tree Warden and/or the Planning Board shall be planted on each side of each street in a subdivision, except where the Definitive Plan shows trees to be retained which are healthy and adequate. Street trees shall be located within the unpaved portion of the right-of-way at fifty (50) foot intervals, shall be at least twelve (12) feet in height and two (2) inches diameter four (4) feet above the approved grade. All trees shall be wrapped, staked, and tied.

The developer shall be liable for all trees so planted as to their good health and

viability after planting and until the release of all performance guarantees and for a one-year period after release of the performance guarantee.

#### 7. PROTECTION OF WETLANDS

Under the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40, "no person shall remove, fill, dredge or alter any bank, freshwater wetland, beach, dune, flat, marsh meadow or swamp bordering .... on any.... creek, river, stream, pond or lake, or any land under said waters... without filing written notice of his intention to so remove, fill, dredge or alter, including such plans as may be necessary to describe such proposed activity and its effect on the environment, at least sixty (60) days prior to any removing, filling, dredging or altering". Said notice shall be sent by certified mail to the Conservation Commission. No such notice shall be sent before all permits, variances and approvals required by local by-laws with respect to the proposed activity have been obtained." The Board may condition its approval of a Definitive Plan upon the issuance of an "Order of Conditions" by the City of Lynn's Conservation Commission.

#### 8. EASEMENTS

- A. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty (20) feet wide, centered on the utility and shall be shown on the plan and shall become a permanent part of any deed granted.
  
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes, and shall be shown on the plan and shall become a permanent part of any deed granted.

#### 9. OPEN SPACES

Before approval of a plan, the Board may also, in proper cases, require the plan to show a park or parks suitably located for playground or recreational 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 Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval.

#### 10. PROTECTION OF NATURAL FEATURES

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, as determined by

the Planning Board.

#### 11. ONE DWELLING PER LOT

Not more than one building design 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, and such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, the same manner as otherwise required for lots within a subdivision.

#### 12. FLOOD PLAIN DISTRICT

All subdivision proposals shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal is located within a Flood Plain District established by FEMA and shown on the latest version of the FEMA maps or in an area known to experience flooding, it shall be reviewed to assure that:

- A. The proposal is designed consistent with the need to minimize flood damage, and
- 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
- 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 fifty (50) lots or five (5) acres, whichever is the lesser, for that portion within the Flood Plain District.

### SECTION 8. CONSTRUCTION STANDARDS

#### A. STREET AND ROADWAY

1. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material, and all trees not intended for preservation.
2. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
3. All roadways shall be brought to an elevation of four (4) inches below finished grade as shown on the profiles of the Definitive Plan with at least the top twelve (12) inches consisting of well-compacted binding gravel to a width of at least the approved paved way plus two feet. Approval shall be obtained, in writing, before application of the binding surface from the Commissioner of the Department of Public Works (D.P.W.).

4. The completed gravel surface shall be treated for the full width of the roadway with Type 1 bituminous concrete pavement in accordance with the Commonwealth of Massachusetts Mass Highway Department, or as approved by the Planning Board.

The final wearing surface shall not be installed until all excavation in the street area is completed, and just prior to the final acceptance of the street construction by the D.P.W., and the Planning Board. Prior to final wearing surface installation, the binder course shall be cleaned and properly adjusted.

The compacted thickness of the pavement shall be at least four (4) inches and shall be installed with a two and one-half (2-1/2) inch binder course and a one and one-half (1-1/2) inch top course to be the wearing surface. All paving shall be built in conformity with specifications and to the satisfaction of the Commissioner of the D.P.W. of the City of Lynn and the Planning Board.

5. The subdivider shall provide an erosion and dust control plan eliminating erosion hazards and providing mitigating measures deemed necessary by the Planning Board or its representatives to control nuisance dust associated with the subdivision development.

#### B. SIDEWALKS

1. Sidewalks of not less than eight (8) feet in width shall be constructed on both sides of the street in residential areas and twelve (12) feet in non-residential subdivisions.
2. The exterior four (4) feet of the sidewalk shall be brought to an elevation of two (2) inches below finished grade with at least the top six (6) inches consisting of well-compacted binding gravel. The completed travel surface shall be treated for the full width with two (2) inches of smooth bituminous concrete pavement.
3. The interior portion of the sidewalk will be brought to grade and provided with a suitable grass plot.
4. The sidewalk shall maintain a two (2%) percent pitch towards the gutter- edge of the roadway. This relationship shall be maintained consistent along the finished grade of the street
5. An acceptable transition from the proper sidewalk elevation, commencing at a point three (3) feet inside the gutter, to the street shall be provided across driveway aprons.
6. Grades behind the sidewalk shall be adjusted to provide for a smooth transition to/from abutting properties, consisting of either a stabilized 50% slope of seeded loam or adequate retainage and safety appurtenances as deemed necessary by the Planning Board.

#### C. UTILITIES

New utility systems and extensions shall be designed for the estimated service population of the subdivision and with full consideration given to the future extension of such systems through adjacent properties.

Initial installation shall be of sufficient size to be adequate for such future extension. No water

main shall be extended, and no sewer or drain line shall be installed, until the applicant complies with the following:

- a. Filed an application with the Lynn Water and Sewer Commission, and the application has been accepted and approved, in writing, by the Commission, and said approval to be filed with the Planning Board prior to start of construction,
- b. Obtained all necessary permits from the Commission and the Massachusetts All work shall be in conformance with the Rules and Regulations of the Lynn Planning Board, Lynn Water and Sewer Commission, and the Commonwealth of Massachusetts Department of Environmental Protection.

## 1. SEWER, WATER, AND DRAIN SYSTEMS

### A. GENERAL

1. All pipe material and fittings proposed shall meet the current specifications and standards of the Lynn Water and Sewer Commission
2. No pipe shall be laid until street grades, street lines, and property lines have been clearly laid out and properly defined.
3. All sewer, drain, & water utilities shall be specified, installed, and tested in accordance with the Lynn Water & Sewer Commissions rules and regulations concerning such installations.

Any variation from said rules and regulations must be approved in writing and filed with the Lynn Planning Board. Failure to propose utility installations in conformance with the Lynn Water and Sewer Commissions regulations will constitute a reason for denial of the proposed subdivision plan.

4. It shall be the responsibility of the subdivider to obtain a Massachusetts Sewer Extension and Connection Permit from the Division of Water Pollution and Control of the Massachusetts Department of Environmental Protection prior to connecting to any existing sewer system, if required.
5. Catch basins shall be installed on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets.
6. New water supply mains shall be designed in full consideration of the requirements of the subdivision to be served, the possibility of future extension, the need to provide adequate fire protection, and the pressure level of the subdivision in relation to the hydraulic gradient of the City of Lynn.

## 2. MONUMENTS

Monuments shall be installed at all street intersections, at all co-points of changes in direction or curvature of streets and at points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall be granite or reinforced concrete, at least four (4) inch square on the top surface and 3' - 6" in length. The monuments shall be set so that the top surface is

flush with the finish grade at the back edge of the sidewalk. No permanent monuments shall be installed until all construction which may destroy or disturb the monuments is completed.

## SECTION 9. INSPECTION PROCEDURE AND SCHEDULE

### A. PLAN REVIEW

The applicant may be requested by the Planning Board to stake the centerline of all proposed streets at a minimum of every one-hundred (100) feet with these stations and the cut and fill dimensions necessary to accommodate the finished grade marked on the stakes for the purpose of facilitating the site and plan review of the Definitive Plan by the appropriate city agencies.

### B. CONSTRUCTION PERIOD

The developer shall maintain visible markings clearly defining street and property lines and the cut and fill dimensions necessary to accommodate the finished grade of the street throughout the development of the subdivision to facilitate the inspection process by the Lynn Planning Board and the appropriate City agencies.

Written notice shall be provided to the Lynn Planning Board, the Water and Sewer Commission, and the Department of Public Works forty-eight (48) hours prior to the start of construction.

#### 1. UTILITY INSTALLATION

The developer shall notify the Lynn Planning Division and the Lynn Water and Sewer Commission when underground municipal utilities are installed in order that inspection may be carried out prior to trench backfilling. Approval for backfilling will not constitute final approval of the utility until such lines are properly tested, cleaned, and flushed.

The developer shall submit a registered land surveyor's field survey notes on lines and grade of all underground utilities as constructed to the Planning Board and the Lynn Water and Sewer Commission.

The developer shall submit a letter from the Lynn Water and Sewer Commission, utility provider, and the cable television provider confirming the issuance of all proper permits, completion of all necessary inspections, and the approval of all in-road utilities to the Planning Board prior to the application of the bituminous binder surface to the street.

#### 2. ROAD CONSTRUCTION

The developer shall submit a letter from the Department of Public Works stating the acceptance of the lines and grade of the street to the Planning Board prior to the application of the bituminous binder surface to the street.

- a. The developer shall notify the Lynn Planning Board and the Department of Public Works, in writing, forty-eight (48) hours prior to the application of the final wearing surface to the street and sidewalk and the placement of curbing.
- b. The developer shall submit a copy of a registered land surveyor's field notes

showing survey work for stone monument locations to the Department of Public Works.

#### C. COMPLETION OF IMPROVEMENTS

1. The developer must submit a reproducible and electronic copy of a registered professional engineer's final drawing, "as-built" plans and profiles of travel ways, including a certificate that the improvements are as shown on previously approved plans to the Planning Board, Lynn Water and Sewer Commission, and City Engineer's Office.
2. Failure to comply with the inspection procedures may necessitate removal of improvements at the expense of the applicant or rescission of the approval of the plan in accordance with M.G.L. Chapter 41, Section 81-W.

### SECTION 10. ADMINISTRATION

#### A. VARIATION

Strict compliance with the requirements of these Rules and Regulations may be waived when in the judgement of the Board such action is in the public interest and not inconsistent with the Subdivision Control Law. Any such waiver must be requested in writing by the Board as a part of its approval or amendment thereof, otherwise all requirements contained herein are deemed applicable.

#### B. SPECIAL CIRCUMSTANCES

In the event that any of the foregoing Rules and Regulations do not fully cover a special or unforeseen or unique circumstance arising from a proposed subdivision, the Planning Board may make a reasonable determination, interpretation, or extension of its Rules and Regulations using commonly accepted standards approved by the Board to resolve the aforesaid circumstance.

#### C. SEPARABILITY

If any section, paragraph, sentence, clause, or provision of these Rules and Regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these Rules and Regulations shall be deemed valid and effective.

#### D. AMENDMENTS

These Rules and Regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing on its own motion or by petition.

#### E. REFERENCE

For matters not covered by these Rules and Regulations, reference is made to the Subdivision Control Law which is in Sections 81-K to 31-GG, inclusive, of Chapter 41 of the General Laws.

### SECTION 11. FORMS