



Town of North Andover  
Office of the Planning Department  
Community Development and Services Division  
1600 Osgood Street  
Building 20, Suite 2-36  
North Andover, Massachusetts 01845

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TO: Interested parties  
Cc: Judy Tymon, Town Planner

FROM: Mary Ippolito, Planning Assistant

DATE: August 25, 2008

SUBJECT: Procedure for submittal of Street Acceptance for annual Town Meeting in May 12, 2009.

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This memo should help you understand the procedure for time requirements for Street Acceptance within a subdivision.

Contact the Town Planner, or Planning Assistant no later than October and we'll place you on the next available Planning Board meeting agenda in order to apprise the Board of your intention to gain street acceptance.

See page 1-A. PROCEDURE SEQUENCE:

Apply to the Town Clerk to place an Article on the Warrant for the Town Meeting no later than October.

See page 1-3 Schedule a meeting w/Town Planner to review your documentation, it should be submitted in a binder labeling each section. September isn't too early to start this.

See page 1-4 Sixty (60) days (approximately March 12) prior to town Meeting you were required to submit the documentation to Town Counsel and Town Engineer for their approval. This still gives you time to correct whatever documentation was submitted.

See page 1-5 Forty Five (45) days approximately March 29<sup>th</sup> prior to Town Meeting you must submit corrected documents again to Town Counsel and Town Engineer for final review.

See page 2-6 You will be scheduled for a public hearing in front of the Board of Selectmen for recommendation (date to be determined).

See page 2-7 Once the BOS and DPW and Town Counsel and Town Planner has voted for a favorable recommendation contact the Town Planner or Planning Assistant and we'll schedule you on the next available Planning Board agenda.

See page 2-8 Thirty (30) days (approximately April 12) prior to Town Meeting there is another review of documentation by Town Counsel and Town Engineer and a written report is submitted.

See page 2-9 The evening of Town Meeting (May 12) your article will be on the Warrant for the Town to vote.

The important thing to remember is to start applying for Street Acceptance with the Planning Department no later than early October and to read the attached Street Acceptance procedures accordingly. We've given you an overview of the time constrains via this memo but there is a lot more information required from you that is spelled out in the attached STREET ACCEPTANCE PROCEDURE. Best of luck.

## STREET ACCEPTANCE PROCEDURES

This paper contains the guidelines and procedures to be followed by those applicants wishing to submit subdivision streets to the Town for acceptance at Town Meeting.

It is imperative that applicants, attorneys and engineers review, understand and follow these procedures, especially as to documents required and deadlines, in order to eliminate confusion and delay to all parties.

Final approval of the Form C plan does not constitute the laying out or acceptance by the Town of streets within a subdivision, nor entitle the streets to such acceptance.

Street acceptances within a subdivision are the financial and legal responsibility of the applicant.

### A. PROCEDURE SEQUENCE

1. After all subdivision improvements have been installed and inspected by the Department of Public Works the applicant shall compile the engineering and legal documents required for street acceptance and shall submit, according to the form and schedule prescribed by the Town Clerk, an Article for the Town Meeting Warrant seeking acceptance of the street by Town Meeting voters.
2. The applicant contacts the Town Clerk's office to find out the deadline for submitting the actual warrant article to ensure their place on the Town Meeting Warrant. A copy of the as-built and layout plans are placed on file with the Town Clerk at the time of submission of the warrant article.
3. The applicant should meet with the Town Planner at least 4 months prior to Town Meeting date to review any outstanding issues or missing forms within the subdivision and/or file itself.

The applicant shall submit all required documents and materials to the Planning Department (See Section B-Street Acceptance Documentation) and other applicable departments listed below at least 3 months prior to Town Meeting. The applicant sends any legal documentation required (all deeds, easements, conveyance of open space land to the town, certificate signed by the applicant's attorney certifying that all necessary parties have signed all easement instruments, street deeds and open space deeds, etc.) to Town Counsel for review of this documentation, accompanied by a letter explaining what subdivision you are requesting street acceptance on and for Town Counsel to review the enclosed documentation. You must also send a copy to the Staff Engineer at the Public Works Department so they can verify that the deeds and easements match up to those depicted on the as-built plans.

Please send a copy of these requests to the Planning Department for both our records and yours. **The Applicant shall mail these documents to Town Counsel also whose address is listed below:**

Tom Urbelis  
Urbelis, Fieldsteel & Bailin, LLP  
155 Federal Street  
Boston, MA 02110-1727

4. At least sixty (60) days prior to Town Meeting, Town Counsel and the Town Engineer shall complete their review of the documents and shall notify the Board in writing of approval or disapproval of these documents. Those documents found defective shall be returned to the applicant for correction.
5. At least forty-five (45) days prior to Town Meeting, in the case of documents to be corrected, the applicant shall submit the corrected documents to Town Counsel and/or the Town Engineer for

final review. A copy of the re-submitted documentation shall be provided to the Planning Department.

6. The applicant will be scheduled for a public hearing (prior to Town Meeting) in front of the Board of Selectmen so that they may also make a recommendation to Town Meeting. The applicant can contact the Selectmen's Office to find out when they will be scheduled for their public hearing.
7. If the applicant has received favorable recommendations from DPW, Town Counsel and the Planning Department, the applicant will be placed on the next available Planning Board Meeting (prior to Town Meeting) so that they can receive a recommendation from the Planning Board to be made to Town Meeting.
8. At least thirty (30) days prior to Town Meeting, when corrected documents have been required, Town Counsel and the Town Engineer shall complete their final review and file a written report stating approval or disapproval of the documents.
9. The applicant or his representative shall make a motion on the floor of Town Meeting that a vote be taken to accept the subdivision street(s) as provided in the Warrant Article.

#### B. STREET ACCEPTANCE DOCUMENTATION

The applicant shall submit the following documents and materials to the Planning Department:

- a. Certificate of Completion request to the Planning Department relative to the Subdivision. A copy of this request shall also be made simultaneously to the Department of Public Works and/or the inspecting agent.
- b. The applicant also sends a memorandum to the DPW requesting a final punch list of outstanding items to be completed within the Subdivision.
- c. The applicant submits a copy of the stone bound certification.
- d. The applicant submits (if they haven't previously) a mylar of as-built plans and layout plans to the Planning Department and the Department of Public Works showing the street or streets to be accepted. The layout plans (not to be confused with the as-built plans) shall show the streets and all appurtenant easements by courses and distances. The plans shall be labeled individually; one being titled "Street As-Built Plan" and the other being titled "Street Layout Plan". The Selectmen will endorse the layout plan therefore a signature block must be provided for them to endorse the plans.
- e. Certificate of Compliance with conditions imposed on the development by the Conservation Commission under the Wetlands Protection Act.
- f. Instruments suitable for recording running to the "Inhabitants of the Town of North Andover" for all easements which are not a part of the street or streets (drainage, sewer, water). These instruments must be signed by all parties having any rights or interest in such easements.
- g. Deed for the street itself, running to the "Inhabitants of the Town of North Andover". This deed shall contain a legal description of the street named in the petition and shall be signed by all parties having any rights or interests in such street.
- h. Deed of gift in trust for "open space" parcels (if applicable) running to the "Inhabitants of the Town of North Andover" in a form acceptable to the Planning Department.
- i. Certificate(s) signed by the applicant's attorney certifying that all necessary parties have signed all easement instruments, street deeds, and open space deeds.

- j. Name and addresses of each property owner and mortgagee having rights or interests in the streets, easements, and open space, and the names and addresses of each abutter thereto, along with a Request for a Public Hearing by the Board of Selectmen for Street Acceptance pursuant to Massachusetts General Laws, Chapter 82, Section 22.
- k. Certificate of Notice signed by the applicant's attorney that all property owners, mortgages, and abutters have been notified of a Public Hearing pursuant to the provisions of Massachusetts General Laws, Chapter 82, Section 22 with a return to the Board of Selectmen not less than seven (7) days before the Public Hearing. Said notice to be in the following form:

"Notice is hereby given that the Board of Selectmen of the  
Town of North Andover will hold a Public Hearing on \_\_\_\_\_  
in the \_\_\_\_\_ in the matter of the layout of  
\_\_\_\_\_ as a Public Way."

**C. SPECIAL REQUIREMENTS**

- 1. For streets and ways within a subdivision of land, title to which or any portion of which has been registered under Massachusetts General Laws, Chapter 185 by the Land Court, the applicant shall submit to the Board an easement reading the following: "an easement running to the 'Inhabitants of the Town of North Andover' for all purposes of a public way or street including the right to install, repair, maintain, alter, and operate sanitary sewerage, drainage, water lines and other appurtenant utilities in, into, upon, over, or across said land as shown on Land Court Plan No. \_\_\_\_\_ (sheets) \_\_\_\_\_ filed in the Essex County North District Land Registration Office in Land Court. Book No. \_\_\_\_\_, drawn by \_\_\_\_\_, dated \_\_\_\_\_, as modified and approved by the Court, filed in the Essex County North District Land Registration Office, a copy of which is filed with Certificate of Title No. \_\_\_\_\_."
- 2. All property taxes owed to the Town for the Open Space lot(s), if any, must be paid before the Town will recommend the street for acceptance. Proof of this payment must be provided by the applicant to the Planning Department through virtue of a receipt from the Treasurer's Office.

**D. WORK TO BE COMPLETED AFTER ACCEPTANCE AT TOWN MEETING**

- 1. Following street acceptance by Town Meeting:
  - a. Developer brings original recorded deeds and easements and original mylar of endorsed plans to the Planning Department;
  - b. Planning Board will release final bond monies (usually maintenance monies) upon request of developer.

## STREET ACCEPTANCE GUIDELINES

1. The petitioner will request for a Certificate of Compliance (sample attached) via certified mail to the Planning Department in accordance with Section 9A of the Subdivision Rules and Regulations. **Requests for Certificates of Compliance must be submitted 75 days prior to Town Meeting.** All correspondence should be sent to:  
Osgood Landing  
Town of North Andover  
1600 Osgood St.  
Bldg. 20, Suite 2-36 Planning Dept.  
North Andover, MA 01845
2. The petitioner will also send a copy of the Request for Certificate of Compliance to the Department of Public Works and simultaneously ask them to inspect the public way. Please send this correspondence to:  
  
Timothy Willett, Engineer  
Department of Public Works  
384 Osgood Street  
North Andover, MA 01845
3. The petitioner will also send a copy of the Request for Certificate of Compliance to Town Counsel for review of the documents relative to the laying out of the public way (i.e. easements, deeds, etc.) Please send this correspondence to:  
  
Mr. Thomas Urbelis  
Urbelis, Fieldsteel & Balin  
155 Federal Street  
Boston, MA 02210
4. The Department of Public Works and Town Counsel will notify the Planning Department the results of their review referred to in the above steps in #2 and #3, and a Certificate of Compliance will be issued by the Planning Department if the results are positive.
5. The petitioner shall submit a petition to the Board of Selectmen stating that the roadway in question has received a Certificate of Compliance and attach a copy of the Certificate of Compliance with the petition to the Board of Selectmen;
6. The petition will be transmitted to the Planning Department from the Board of Selectmen's office. The Planning Department will then schedule you for a hearing with the Planning Board, where the Planning Board will make a recommendation to the Board of Selectmen relative to street acceptance. The Planning Department will then schedule an agenda time for street acceptance hearings to be heard before the Planning Board.
7. The petitioner must then schedule a date with the Board of Selectmen to obtain a vote from the Board of Selectmen to lay out the way.

8. The petitioner will place the article in the town meeting warrant at the Town Clerk's office, located at:

Joyce Bradshaw, Town Clerk  
120 Main Street  
North Andover, MA 01845

9. A vote will be taken at Town Meeting to accept/not accept the way;
10. The petitioner shall record the original mylar and the necessary documentation at the Essex North Registry of Deeds;
- A. The petitioner's attorney notifies the Planning Department when recording has been done;
  - B. The petitioner shall return the original recorded documentation from the Registry to Planning Department;
  - C. The petitioner shall file the original deeds and easements with the Town Clerk.
11. The petitioner shall request a final bond release following street acceptance by Town Meeting and recording of plans and deeds.

**STREET ACCEPTANCE CHECKLIST**

\_\_\_\_\_ SUBDIVISION

containing the following roads \_\_\_\_\_

- \_\_\_\_\_ Receipt of Request for Certificate of Compliance from petitioner
- \_\_\_\_\_ Report of findings from Town Counsel and DPW
- \_\_\_\_\_ Certificate of Compliance is issued to the petitioner from the Planning Department
- \_\_\_\_\_ Petition to the Board of Selectmen to lay out the way
- \_\_\_\_\_ Hearing before Planning Board to make recommendation to Board of Selectmen
- \_\_\_\_\_ Hearing with Selectmen to lay out the way
- \_\_\_\_\_ Article inserted into Town Meeting Warrant
- \_\_\_\_\_ Town Meeting Acceptance
- \_\_\_\_\_ Developer's attorney supplies copies of recorded easements, deeds and plans
- \_\_\_\_\_ Planning Board holds meeting to vote to release bond money

Osgood Landing  
Town of North Andover  
1600 Osgood St.  
Bldg. 20, Suite 2-36 Planning Dept.  
North Andover, MA 01845

Registered Mail Number: \_\_\_\_\_

Street Name Here

I recommend that each street must be requested separately to allow the Board to issue separate decisions for the files.

Dear Planning Board members;

For the above named street I am hereby requesting a Certificate of Compliance in accordance with Section 9 and 10 of the Town of North Andover Rules and Regulations Governing the Subdivision of Land. In accordance with Section 9A of the above regulations the above named street is complete in accordance with such regulations, Public Works requirements, plans approved by the Board, State Laws, and other public bodies' decision on the subdivision.

We await the inspections to be made by the appropriate Town departments as part of the process required to certify completion.

Pursuant to Section 10 A items 2 and 3, attached please find the following documentation to be approved by the Planning Board prior to filing a request for acceptance in accordance with Section 10A. 4.:

1. Attached certification that the petitioner does own and has the rights to transfer the property to the Town, and such rights are filed in the Registry of Deeds.
2. 2 copies of the attached easements and deeds for the property to be transferred to be filed on behalf of the Town by the developer.
3. 2 mylars and 6 blueprints of attached as-built plans indicating location of the above roadways, easements, and appurtenances.
4. Attached certification from a Registered Professional Surveyor relative to the setting of stone bounds.

I respectfully request a meeting with the Board, after review of these materials, and the completion of the required the inspections, to allow the petition and street acceptance. Please contact my office with a date in which we may discuss the streets with the Board.

Sincerely,

Legal Representative

**SAMPLE LETTER FOR SETTING OF STONE BOUNDS**

Osgood Landing  
Town of North Andover  
1600 Osgood St.  
Bldg. 20, Suite 2-36 Planning Dept.  
North Andover, MA 01845

RE: Chestnut Manor Subdivision

Dear Sir/Ms.:

This is to certify that on Hickory Lane, Station 4+90 to 8+18.58 as shown on Sheet 6, Plan of Hickory Lane Extension, Timber lane Extension, Marshall Street Extension and Boxwood Road dated November 3, 1960 and on Marshall Street Extension from Station 14+26.09 to 22+95.18 and from Station 0+0 to 2+32 as shown on aforementioned plan and on Sheet 17, Plan of Marshall Street Extension dated December 15, 1960 and on Ashwood Drive from Station 23+10.57 to 29+51.46 as shown on aforementioned Sheet 17, there has been set a total of 21 stone bounds and one drill hole set in the ledge at station 6+25.82 left on Hickory Lane Extension.

Sincerely,

Surveyor  
Affix P.E. Stamp