

A P P E N D I X

APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL

Instructions: See Part II.B. of the Rules and Regulations
Governing the Subdivision of Land in Shutesbury

Date _____

To the Planning Board:

The undersigned, believing that the accompanying plan of his/her property in the Town of Shutesbury does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that the Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant(s) _____

Address _____

Telephone _____

2. Deed(s) of property recorded in the Franklin County Registry of Deeds:

Deed Book _____ Page _____

Deed Book _____ Page _____

Deed Book _____ Page _____

3. Location of property by reference to the Town Atlas/Tax Map:

Map _____ Parcel _____

Signature of Applicant

See next page for Planning Board Action

File Reference _____

FOR PLANNING BOARD USE ONLY

1. Date _____ Time _____
Application, five (5) prints, and reproducible received _____
2. Total number of parcels shown on plan _____
Proposed building lots _____ Other parcels _____
Filing Fee - check or cash (circle one), amount _____
3. Street information is correct or incorrect (circle one)

Remarks _____

4. Plan reviewed by Consultant _____ (Date)

Remarks _____

5. Plan reviewed by Zoning Board _____ (Date)

Remarks _____

6. Endorsed or Rejected (circle one) _____ (Date)

Remarks _____

7. Town Clerk notified in writing _____ (Date)
8. Reproducible returned to applicant _____ (Date)

APPLICATION FOR APPROVAL OF
PRELIMINARY SUBDIVISION PLAN

Instructions: See Part III.B. of the Rules and Regulations
Governing the Subdivision of Land in Shutesbury

Date _____

To the Planning Board and the Board of Health:

The undersigned herewith submits the accompanying Preliminary Plan of a subdivision of property located in the Town of Shutesbury for study, discussion, and approval under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Shutesbury.

1. Name of Subdivider _____
Address _____
Telephone _____

2. Name of Owner of Land _____
(if not subdivider)
Address _____
Telephone _____

3. Name of Surveyor _____
Address _____
Telephone _____

4. Deed(s) of property recorded in the Franklin County Registry of Deeds:
Deed Book _____ Page _____
Deed Book _____ Page _____
Deed Book _____ Page _____

File Reference _____

5. Location and description of property by reference to the
Town Atlas/Tax Map:

Map _____ Parcel _____; Map _____ Parcel _____

Map _____ Parcel _____; Map _____ Parcel _____

Signature of Owner

See next page for Planning Board Action

FOR PLANNING BOARD USE ONLY

1. Application, twelve (12) prints (three colored), filing fee, twelve (12) copies of draft DIS, and reproducible received _____ (Date)
2. Acknowledgment of receipt by Town Clerk _____ (Date)
3. Reviews made by Town officers or consultants: (comments attached)
Board of Health _____ (Date)
Highway Department _____ (Date)
Fire Department _____ (Date)
Conservation Commission _____ (Date)
Engineering Consultant _____ (Date)
Other _____ (Date)
Other _____ (Date)
4. Planning Board action (see meeting minutes) _____ (Date)
Approved _____ Modified and approved _____ Disapproved _____
5. Reproducible returned to applicant _____ (Date)

FOR BOARD OF HEALTH USE ONLY

1. Application and one print received _____ (Date)
Form K issued _____ (Date)
2. Board of Health action (see meeting minutes) _____ (Date)
Approved _____ Modified and approved _____ Disapproved _____
3. Action and comments relayed to Planning Board _____ (Date)

APPLICATION FOR APPROVAL OF
DEFINITIVE SUBDIVISION PLAN

Instructions: See Part IV.B. of the Rules and Regulations
Governing the Subdivision of Land in Shutesbury

Date _____

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of a subdivision of property located in the Town of Shutesbury for approval under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in Shutesbury, as amended.

1. Name of Subdivider _____
Address _____
Telephone _____
2. Name of Owner of Land _____
(if not subdivider)
Address _____
Telephone _____
3. Name of Surveyor _____
Address _____
Telephone _____
4. Deed(s) of property recorded in the Franklin County Registry of Deeds:
Deed Book _____ Page _____
Deed Book _____ Page _____
Deed Book _____ Page _____

File Reference

5. Location and description of property by reference to the
Town Atlas/Tax Map:

Map _____ Parcel _____; Map _____ Parcel _____

Map _____ Parcel _____; Map _____ Parcel _____

The applicant agrees, if the Definitive Plan is approved, to perform and complete all work on the ground within the proposed subdivision required by the Rules and Regulations Governing the Subdivision of Land in Shutesbury as in force on the date of this application (or if applicable, on the date of an application of a Preliminary Plan) and as modified and supplemented by other requirements of the Board.

The applicant further agrees to complete all said required work on the ground in accordance with the requirements of the Definitive Plan and within the time period of seven years.

The applicant further agrees, if the Definitive Plan is approved, to cause said plan to be recorded or registered in the Franklin County Registry of Deeds within thirty (30) days after the return of said plan to the applicant by the Board, and agrees not to sell, or offer to sell, any of the lots within the subdivision until said plan is so recorded or registered.

The applicant further agrees, before final approval of the Definitive Plan, to cause to be filed with the Board a bond or other satisfactory security conditioned on the completion of all required work.

This application is accompanied by an original drawing of the proposed Definitive Plan in accordance with the requirements of the Rules and Regulations of the Board, a designer's certificate, and approved cost estimates for all work to be covered by bond or other security.

Attached is any information which is now different from the Form B previously submitted.

Signature of Owner

See next page for Planning Board Action

FOR PLANNING BOARD USE ONLY

1. Application, twelve (12) prints (three colored), original, one set of acetate overlays, filing fee, and twelve (12) copies of a Development Impact Statement (DIS) received _____ (Date)
2. Reviews made by Town officers; comments attached.
Board of Health _____ (Date)
Highway Department _____ (Date)
Fire Department _____ (Date)
Conservation Commission _____ (Date)
Engineering Consultant _____ (Date)
Other _____ (Date)
Other _____ (Date)
3. Form E executed by Planning Board _____ (Date)
4. Public Hearing held _____ (Date)
5. Form D received _____ (Date)
6. Form F received _____ (Date)
Approved by Town Assessor _____ (Date)
Abutters notified _____ (Date)
7. Performance guarantee supplied
Form G submitted, or
Form H submitted, or
Form I submitted _____ (Date)
8. Planning Board action (see meeting minutes) _____ (Date)
Approved _____ Modified and approved _____ Disapproved _____
9. Original returned to applicant _____ (Date)

DESIGNER'S CERTIFICATE

Date _____

To the Planning Board:

We hereby certify that the accompanying plan, entitled

and dated _____ (latest revision) is true and correct
to the accuracy required by the Rules and Regulations Governing
the Subdivision of Land in Shutesbury, and is of sound design.

Registered Land Surveyor

Registered Professional Engineer

Address

Address

Phone number

Phone Number

Signature of Owner

File Reference _____

Town of Shutesbury, Massachusetts

NOTICE OF PUBLIC HEARING

_____, having submitted a definitive plan
(owner)
of a subdivision of land in Shutesbury located _____
_____ as shown on a plan by
_____ dated _____,
(surveyor)
a public hearing will be held thereon at the Shutesbury
Community Center on _____ at _____ pm, in
accordance with the provisions of the Massachusetts General Laws,
Chapter 41, Section 81-T, as amended.

Chairman
Shutesbury Planning Board

File Reference _____

CERTIFIED LIST OF ABUTTERS

Date _____

To the Planning Board:

The undersigned, being an applicant for approval of a
definitive plan of a proposed subdivision entitled _____

submits the following sketch of the land in the subdivision listing the
names of the adjoining owners in their relative positions and
indicating the address of each abutter on the sketch or in a separate
list, including owners of land separated from the subdivision only by a
street or way.

Signature of Owner

To the Planning Board:

This is to certify that the names and addresses of the parties
listed as adjoining owners to the parcel of land shown above are the
latest owners of record.

Town Assessor

File Reference _____

PERFORMANCE BOND - SURETY COMPANY

Know all men/women by these presents that as Principal, and _____ a corporation duly organized and existing under the laws of the State of _____, and having a usual place of business in _____, as Surety, hereby bind and obligate themselves and their respective heirs, executors, administrators, successors and assigns, jointly and severally, to the Town of Shutesbury, a Massachusetts municipal corporation, in the sum of _____ dollars.

The condition of this obligation is that the Principal shall fully and satisfactorily observe and perform in the manner, and in the time therein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application (Form C) signed by the Principal and dated _____, under which approval of a definitive plan of a certain subdivision, entitled _____ and dated _____, has been or is hereafter granted by the Shutesbury Planning Board, then this obligation shall be void; otherwise it shall remain in full force and effect and the aforesaid sum shall be paid to the Town of Shutesbury as liquidated damage.

The Surety hereby assents to any and all changes and modifications that may be made of the aforesaid covenants, conditions, agreements, terms and provisions to be observed and performed by the Principal, and waives notice thereof.

In witness whereof we have hereunto set our hands and seals this _____ day of _____, 19____.

Principal

Surety

by _____
(title)

by _____
Attorney-in Fact

File Reference _____

PERFORMANCE BOND - SECURED BY DEPOSIT

Know all men/women by these presents that _____ of _____ hereby binds and obligates himself/herself and his/her executors, administrators, devisees, heirs, successors and assigns to the Town of Shutesbury, a Massachusetts municipal corporation, in the sum of _____ dollars, and has secured this obligation by the deposit with the Treasurer of said Town of Shutesbury of said sum in money or negotiable securities.

The condition of this obligation is that if the undersigned or his/its executors administrators, devisees, heirs, successors and assigns shall fully and satisfactorily observe and perform in the manner and in the time therein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application (Form C) signed by the undersigned and dated _____, under which approval of a definitive plan of a certain subdivision, entitled _____ and dated _____, has been or is hereafter granted by the Shutesbury Planning Board, then this obligation shall be void; otherwise it shall remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of said Town of Shutesbury as liquidated damage.

In witness whereof the undersigned has hereunto set his hand and seal this _____ day of _____, 19_____.

File Reference _____

APPROVAL WITH COVENANT CONTRACT

Know all men/women by these presents that whereas the undersigned has submitted an application dated _____, to the Shutesbury Planning Board for approval of a definitive plan of a certain subdivision entitled _____ and dated _____, and has requested the Board to approve such plan without requiring a performance bond.

Now therefore, This Agreement Witnesseth that in consideration of the Shutesbury Planning Board approving said plan without requiring a performance bond, the undersigned covenants and agrees with the Town of Shutesbury as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the work on the ground necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a Certificate of Performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

3. The undersigned represents and covenants that undersigned is the owner* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

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

File Reference _____

In witness whereof the undersigned, applicant as aforesaid, does hereunto set his hand and seal this _____ day of _____, 19____.

Applicant

Address

Description of Mortgages: _____

(Give complete names and Registry of Deeds reference.)

Assents of mortgagees:

COMMONWEALTH OF MASSACHUSETTS

_____, SS _____, 19____

Then personally appeared the above and acknowledged the foregoing instrument to be his/her free act and deed, before me.

Notary Public

My commission expires:

CERTIFICATE OF PERFORMANCE

Shutesbury, Massachusetts
_____, 19__

The undersigned, being a majority of the Planning Board of the Town of Shutesbury, Massachusetts, hereby certify that the requirements for work on the ground called for by an Approval with covenant contract dated _____ and recorded in the Franklin County Registry of Deeds, Book _____ Page _____, have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____ recorded with said Registry Plan Book _____ Page _____, and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

Majority of the Planning
Board of the Town of
Shutesbury

File Reference _____

COMMONWEALTH OF MASSACHUSETTS

_____, SS _____, 19____

Then personally appeared _____, one of the above named members of the Planning Board of the Town of Shutesbury, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Notary Public

My commission expires:

RECEIPT FOR SUBDIVISION PLAN

Board of Health
Shutesbury, Massachusetts

RECEIVED FROM _____

- _____ One Print of a Preliminary Subdivision Plan Map
- _____ One Copy of a draft Development Impact Statement (DIS)
- _____ One Print of a Definitive Subdivision Plan Map
- _____ One Copy of a Development Impact Statement (DIS)

FOR A SUBDIVISION ENTITLED

application for approval for which has been made to the Shutesbury Planning Board, and for which prior approval is required of the Shutesbury Board of Health.

For Shutesbury Board of
Health

Date

File Reference _____

SUBDIVISION INSPECTION CHECKLIST

Name of Subdivision _____

Name of Applicant _____

<u>SUBJECT OF INSPECTION</u>	<u>INITIALS OF AGENT</u>	<u>DATE OF INSPECTION</u>
1. Clearing of Right-of-Way	_____	_____
2. Sub-grade Preparation	_____	_____
3. Below-grade Drainage	_____	_____
4. Sanitary Sewer Installation	_____	_____
5. Water Installation	_____	_____
6. Fire Alarm Installation	_____	_____
7. Gravel Base	_____	_____
8. Curb Installation	_____	_____
9. Binder Course	_____	_____
10. Surface Drainage	_____	_____
11. Berm Installation	_____	_____
12. Sidewalk Construction	_____	_____
13. Bicycle Path Construction	_____	_____
14. Street Trees and Planting	_____	_____
15. Grass Strips	_____	_____
16. Street Lights	_____	_____
17. Street Signs and Monuments	_____	_____
18. Final Clean-up	_____	_____
19. Wearing Course	_____	_____
20. Final Inspection at End of 2 Years	_____	_____

File Reference _____

CONSERVATION RESTRICTION

The undersigned, being the owner of the parcel of land located in Shutesbury, Massachusetts shown on a plan entitled _____, recorded or to be recorded with the Franklin County Registry of Deeds, hereby give(s), grant(s) and dedicate(s) to the Town of Shutesbury, a Massachusetts municipal corporation, with quitclaim covenants, the rights, interests and easements hereinafter described in said land.

The rights and interests hereby conveyed and dedicated, and the covenant hereby made, are for the benefit of said Town of Shutesbury and for the promotion and development of the natural resources and for the protection of the watershed resources of said town under Massachusetts General Laws Chapter 40, Section 8C, as it may hereafter be amended, to be managed and controlled by the Conservation commission of Said Town in accordance therewith.

In the area shown and designated on said plan as "Conservation Restriction", the rights and interests hereby granted and dedicated are a perpetual easement and restrictive right that no buildings or other structures will be erected, placed or permitted to remain on said area, and no filling of or dumping upon said area, and no removal of soil from any portion of said area will be done or permitted; and the undersigned hereby covenant(s) with said Town that said area will forever be held subject to this easement and restriction.

Said easements, restrictive rights and covenants shall run with the land of the undersigned and shall be binding upon the undersigned and their heirs, successors and assigns.

Except as expressly provided above within said portion, no rights of access to or over said land are hereby granted, and all rights not expressly given hereby are reserved to the undersigned, their heirs, successors and assigns.

No revenue stamps are affixed hereto, none being required by law, there being no consideration for this instrument.

Witness the signature(s) and seal(s) of the undersigned, this _____ day of _____, 19____.

File Reference _____

COMMONWEALTH OF MASSACHUSETTS

_____, SS _____, 19____

Then personally appeared the above
and acknowledged the foregoing instrument to be his/her free act and
deed, before me.

Notary Public

My commission expires:

The undersigned Conservation Commission of the Town of Shutesbury
hereby acknowledges receipt and acceptance of the foregoing instrument.

Dated: _____

We, the undersigned Board of Selectmen of the Town of Shutesbury
hereby approve the receipt of the foregoing instrument under
Massachusetts General Laws, Chapter 40, Section 8C.

Dated: _____

GRANT OF UTILITY AND DRAIN EASEMENT

WHEREAS, I, the undersigned
of _____, am the owner of the
parcel(s) of land located in Shutesbury, Massachusetts,
shown as
on a plan entitled
recorded or to be recorded with the Franklin County Registry of deeds:

NOW, THEREFORE, for consideration paid, receipt of which is hereby acknowledged, I, said
hereby grant to the Town of Shutesbury, a municipal corporation of Massachusetts, with quitclaim covenants, the right and easement to discharge upon the portion of said land shown as "drain easement" or "utility easement" on said plan (hereinafter called the "easement area") any surface drainage water from time to time collected in pipes and ditches on roads adjoining said land and any extensions of such pipes and ditches; and to construct, maintain, repair, replace, and relocate within the easement area ditches, drain-pipes, and other facilities deemed necessary by the Grantee for the purpose of conducting and/or disposing of said water; and to convey through appropriate pipes and manholes sanitary sewage; and to construct appropriate pipes and valves to convey potable water for municipal and domestic use; and the right to enter upon the easement area at any time and from time to time in connection with any of the foregoing purposes; provided, however, that upon completion of any work at any time done by said Town pursuant to the rights hereby granted the premises shall be left in neat and orderly condition. Construction of pipes and other structures by the Owner is prohibited except as shown on the aforementioned plan, or as may be approved by the Planning Board.

I, _____, spouse of said Grantor, release to said Grantee all rights of dower and homestead and other interests therein to the extent necessary to give effect to the foregoing.

The consideration of this grant being less than one hundred dollars, no United States revenue stamps are affixed hereto.

WITNESS our signature and seals this _____ day
of _____, 19_____.

File Reference _____

COMMONWEALTH OF MASSACHUSETTS

_____, SS _____, 19____

Then personally appeared the above
and acknowledged the foregoing instrument to be his/her free act and
deed, before me.

Notary Public

My commission expires:

MAINTENANCE BOND - SURETY COMPANY

Know all men/women by these presents that _____
as Principal, and _____ a corporation
duly organized and existing under the laws of the State
of _____, and having a usual place of business
in _____, as Surety, hereby bind and obligate
themselves and their respective heirs, executors, administrators,
successors and assigns, jointly and severally, to the Town of
Shutesbury, a Massachusetts municipal corporation, in the sum of
_____ dollars.

The conditions of this obligation are that if the Principal shall
fully and satisfactorily repair, replace, and reconstruct the
improvements in the subdivision plan entitled _____,
said improvements having a Certificate of Performance executed by the
Planning Board of the Town of Shutesbury dated _____, as
said improvements may be found to be defective in material or
workmanship during a period of two years following the date of said
Certificate of Performance, and failing to satisfactorily repair,
replace and reconstruct the said improvements within a period of two
years and six months from the date of the said Certificate, the
Principal and Surety herein agree that the part of the aforesaid sum of
money necessary to perform, complete, replace, and rebuild the said
improvements shall be paid to the Town of Shutesbury as liquidated
damage.

The Surety hereby assents to any and all changes and
modifications that may be made of the aforesaid conditions to be
observed and performed by the Principal, and waives notice thereof.

In witness whereof we have hereunto set our hands and seals
this _____ day of _____, 19_____.

Principal

Surety

by _____
(title)

by _____
Attorney-in Fact

File Reference _____
Shutesbury Planning Board
Form P Revised 2/27/87

MAINTENANCE BOND - SECURED BY DEPOSIT

Know all men/women by these presents that _____
of _____ hereby binds and
obligates himself/herself and his/her executors, administrators,
devisees, heirs, successors and assigns to the Town of Shutesbury, a
Massachusetts municipal corporation, in the sum of _____
dollars, and has secured this obligation by the deposit with the
Treasurer of said Town of Shutesbury of said sum in money or negotiable
securities.

The conditions of this obligation are that if the undersigned or
his/her executors, administrators, devisees, heirs, successors and
assigns shall fully and satisfactorily repair, replace, and reconstruct
the improvements in the subdivision plan entitled _____,
said improvements having a Certificate of Performance executed by the
Planning Board of the Town of Shutesbury dated _____, as
said improvements may be found to be defective in material or
workmanship during a period of two years following the date of said
Certificate of Performance, and failing to satisfactorily repair,
replace and reconstruct the said improvements within a period of two
years and six months from the date of the said Certificate, the
undersigned or his/her executors, administrators, devisees, heirs,
successors and assigns herein agree that the part of the aforesaid sum
of money necessary to perform, complete, replace, and rebuild the said
improvements shall be paid to the Town of Shutesbury as liquidated
damage.

In witness whereof the undersigned has hereunto set his hand and seal
this _____ day of _____, 19_____.

File Reference

Shutesbury Planning Board
Form Q Revised 2/27/87