



Town of Westport
Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

Form A - ANR

Application No. _____

Date _____

APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL

To the Planning Board of the Town of Westport:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (circle as appropriate)

1. The accompanying plan is not a subdivision because the plan does not show a subdivision of land. Assessor's Map _____, Lot _____.
2. The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Westport zoning by-law under section V which requires 150 feet for erection of a building on such lot, or, in the case of any other existing use, sufficient area and frontage, and every lot shown on the plan has such frontage on:
 - a. a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____, or
 - b. a way shown on a plan therefore approved and endorsed in accordance with the subdivision control law, namely _____ on _____, and subject to the following conditions: _____; or
 - c. a private way in existence on May, 14 1957, the date when the subdivision control law became effective in the Town of Westport having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate constructing to provide for the needs of vehicular traffic in or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____.
3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely _____ which adds to/takes away from/changes the size and shape of, lot in such a manner so that no lot affected is left without frontage as required by the Westport zoning by-law under Section V, which requires 150 feet.
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the plan prior to May 14, 1957, the date when the subdivision control law went into effect in the

Town of Westport and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law is submitted as follows:

5. Other reasons or comment: (See M.G.L., Chapter 41, Section 81-L)

The owner's title to the land is delivered under deed from

dated _____ and recorded in

①Bristol County Southern Registry of Deeds, Book _____, Page _____, or

②Land Court Certificate of Title No. _____, registered in _____ District Book _____, Page _____, or

③Assessor's Map _____, Lot _____

Received by Town Clerk
Westport, Massachusetts

Applicant's signature _____
Applicant's address _____

Date _____

Applicant's phone # _____

Time _____

Applicant's e-mail _____

Signature _____

Owner's signature and address if not the applicant
or the applicant's authorization if not the owner.

Notice to Applicant: Endorsement of a plan believed to not require approval by the Planning Board does not constitute conformance to Westport Zoning By-laws nor assure that any lot created is buildable. Additionally, please contact the Conservation Commission (at 508-636-1019) as early in your process as possible because the exemptions for ANR's under the Subdivision Control Law (MGL Ch 41 §81P) may not exist under the Wetlands Protection Act (MGL Ch 131 §40).



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PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR)
- CHECKLIST -

Application No. _____ Date: _____

Note: We recommend that this checklist be included with the submittal of the plan. Written explanation for any omissions from these submission requirements should be included if any box for applicant's initials is blank.

Applicant: _____

Description of Land: _____

Road Frontage: _____ Public way acceptor by Town Meeting

Name of Street _____

or: _____ Other _____

Assessor's Map & Lot: _____ New Map & Lot: _____

Number of Lots: _____ Date of Application: _____

Number of New Lots: _____ Date filed with Planning Board: _____

Date filed with Town Clerk: _____

Plan Title: _____

Plan Date: _____ Revised through: _____

Reference	Information Required	Applicant's Initials	Staff Initials
PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR PLAN)			
	GENERAL SUBMISSION REQUIREMENTS		
II, B.	Original Mylar		
II, B.	Prints – 4 large; 2 sized 11x17		
II, B.	DISK with CAD of plan		
II, B.	Completed Form A		
	Date		
	Reason Plan Does not Show a Subdivision of Land		
	a. Public Way Certified by Town Clerk as used & maintained as public way namely _____		
	b. Way shown on a plan theretofore approved and endorsed as in accordance with the subdivision control law, namely _____ on _____		
	c. A private way in existence on May 14, 1957, having, in the opinion of the Planning Board Sufficient width, suitable grades, and adequate construction, etc. namely _____		

01/17

Please note: All information should be typed, or printed legibly, not handwritten.

	d. Conveyance		
	e. Address of owner/applicant		
	f. Telephone number & e-mail of owner/applicant		
II, B.	Completed Form D		
II, B.	Application fee , - see current fee schedule <i>*\$50.00 additional fee for submittal without disk or if late</i>		
II, B.	GENERAL INFORMATION ON ANR PLAN		
	Lot or Lots being altered		
	Name of Owner		
	Assessors map & lot number of all adjacent lots		
	Names of all direct abutters as determined from the most recent tax list		
	Name of street or streets on which the property is located		
	Significant topographical features or bodies of water which impede practical access to the lot		
	Locus plan identifying the location of the site relative to nearby major streets and landmarks		
	Stamp and signature of RPLS		
	The entire area of the lots being divided or otherwise altered		
	Area being divided delineated by a thick line		
	Any property lines being abolished shown as dashed lines		
	Area for signatures of five Board members with statement "Approval under Subdivision Control Law Not Required" and a line for date and endorsement.		
	Statement "Endorsement by the Planning Board does not constitute conformance to Westport Zoning By-laws nor assure that any lot created herein is buildable		

Lot/Parcel	Frontage	Area	Upland	Comments

FORM A - 1

DATE _____

You are hereby notified that the plan entitled “_____” submitted by the above applicant on _____ accompanied by a Form A application for a determination by the Planning Board, dated _____ has been endorsed by the Planning Board as follows: “Westport Planning Board Approval under Subdivision Control Law not Required.”

OR:Clerk
Dup: applicant.
File No. 1x-0xxANR.
01/17

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www.westport-ma.gov



Tel. (508) 636-1037
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FORM A-2

DETERMINATION THAT SUBDIVISION
APPROVAL IS REQUIRED

DATE _____

Town Clerk, Town of Westport
816 Main Road
Westport, Massachusetts 02790

Re: Application for endorsement of plan believed to require
subdivision approval

Applicant: _____
Applicant's address: _____
Owner: _____
Owner's address: _____

You are hereby notified that the Planning Board has determined that the plan entitled
" _____ " submitted by the above applicant on
_____ accompanied by a Form A application for determination by the
Planning Board dated _____, requires approval under the Subdivision
Control Law and it has been determined that the plan shows a subdivision for the
following reasons:

WESTPORT PLANNING BOARD

OR: Clerk
Dup: applicant.
File No. x-0xxANR
01/17



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Form B

Application No. _____

Date _____

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

To the Planning Board of the Town of Westport, Massachusetts:

The undersigned, being the applicant as defined under M.G.L., Chapter 41, Section 81-L, for approval of a proposed subdivision shown on plan entitled: _____

by _____
and dated _____ and described as follows: located: _____,
number of lots proposed _____, total acreage of tract _____, hereby submits said plan
as a PRELIMINARY subdivision plan in accordance with the Rules and Regulations of the Town
of Westport Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____
_____, by deed dated _____ and
recorded in the Bristol County Southern District Registry of Deeds in Book _____, Page _____,
registered in the Bristol County Southern District Registry of Land Court, Certificate of
Title No. _____.

Received by Town Clerk
Westport, Massachusetts

Applicant's signature _____
Applicant's address _____

Date _____

Applicant's phone # _____

Time _____

Applicant's e-mail _____

Signature _____

Owner's signature and address if not the applicant
or the applicant's authorization if not the owner.

Checklist of items to be submitted with application as required by Westport Planning Board
Rules and Regulations:

1. Application Fee:
2. Form D.

Please note: All information should be typed, or printed legibly, not handwritten.

FORM B

PAGE TWO

A copy of the PLAN entitled _____ dated _____ for
_____ was received by the Westport Board of Health:

Date _____

Time _____

Signature _____

Application No. _____

01/17

Please note: All information should be typed, or printed legibly, not handwritten.



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Tel: (508) 636-1037
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Form B-1

Application No. _____

Date _____

CERTIFICATE OF APPROVAL OF A PRELIMINARY PLAN

Marlene Samson, Town Clerk
Town of Westport
816 Main Road
Westport, Massachusetts 02790

It is hereby certified by the Planning Board of the Town of Westport, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to approve with modifications a preliminary subdivision plan entitled: _____ by: _____ dated: _____ submitted by: _____ address: _____ owned by: _____ address: _____ originally filed with the Planning Board on _____ concerning property located _____ and showing ____ proposed lots (with the following modifications:).

WESTPORT PLANNING BOARD

OR-TClerk – filed with Town Clerk on
Dup- applicant
01/17



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Tel: (508) 636-1037
Fax: (508) 636-1031

Form B-2

Application No. _____

Date _____

CERTIFICATE OF DISAPPROVAL OF A
PRELIMINARY PLAN

Marlene Samson, Town Clerk
Town of Westport
816 Main Road
Westport, Massachusetts 02790

It is hereby certified by the Planning Board of the Town of Westport, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to disapprove a preliminary subdivision plan entitled: _____ by: _____ dated: _____ and revised _____ submitted by: _____, address: _____, _____ owned by _____ address _____ originally filed with the Planning Board on _____ concerning property located _____, Map _____, Lot _____ and showing _____ proposed lots for the following reasons:

WESTPORT PLANNING BOARD

OR-Town Clerk
Dup- applicant
01/17



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856 Main Road
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Form C

Application No. _____

Date _____

APPLICATION FOR APPROVAL OF DEFINITIVE SUBDIVISION PLAN

To the Planning Board of the Town of Westport, Massachusetts:

The undersigned, being the applicant as defined under M.G.L., Chapter 41, Section 81-L, for approval of a proposed subdivision shown on plan entitled: _____

by _____
and dated _____ and described as follows: located: _____,
number of lots proposed _____, total acreage of tract _____, hereby submits said plan
as a DEFINITIVE plan in accordance with the Rules and Regulations of the Town of Westport
Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____
_____, by deed dated _____ and
recorded in the Bristol County Southern District Registry of Deeds in Book _____, Page _____,
registered in the Bristol County Southern District Registry of Land Court, Certificate of Title No.
_____; and said land is free of encumbrances except for the following:

Said plan has ☐/has not ☐ (check one) evolved from a preliminary plan submitted to the Board
on _____ (date) and approved (with modifications) ☐/disapproved ☐ on _____ (date).

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, in
belief that the plan conforms to the Board's Rules and Regulations and further agrees not to
commence any work on site until the application's statutory approval period has lapsed.

Received by Town Clerk
Westport, Massachusetts

Date _____

Time _____

Signature _____

Applicant's signature _____

Applicant's address _____

Applicant's phone # _____

Applicant's e-mail _____

Owner's signature and address if not the applicant
or the applicant's authorization if not the owner.

FORM C
PAGE TWO

Board of Health - Receipt of Definitive Subdivision Plan

A copy of the PLAN entitled _____ dated _____ for
_____ was received by the Westport Board of Health:

Date _____

Time _____

Signature _____

FORM C
PAGE THREE

Checklist of items to be submitted with application as required by Westport Planning Board Rules and Regulations.

1. Form C Application
2. Application fees:
Amount submitted: \$ _____
3. Original Plan: # sheets _____
4. Copies of Plan: (3) 24" x 36" copies _____
(12) 11" x 17" copies _____
5. Engineering Stormwater Calculations
6. Form D.
7. Owner's signed and notarized authorization letter that Applicant may act upon owner's behalf, if applicant is not the owner.



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Form C-1

Application No. _____

Date _____

CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN

TOWN CLERK
TOWN OF WESTPORT
816 MAIN ROAD
WESTPORT, MA 02790

It is hereby certified by the Planning Board of the Town of Westport, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____ it was voted to approve a definitive subdivision plan entitled "_____" by: _____ dated: _____ submitted and owned by _____ ADDRESS and ADDRESS originally filed with the Planning Board on _____ concerning the property located at Assessor's Map _____ Lots _____ and _____ located at _____ showing _____ proposed lots, with waivers and conditions attached hereto and incorporated herein.

And, finding that it is not inconsistent with the intent and purpose of the subdivision control law with the following conditions to be endorsed on the plan in addition to the existing notations on the plan:

1. Homeowners Association: As a condition of approval of this subdivision, prior to endorsement of the definitive plan the Applicant shall create and properly fund a Homeowners Association. All purchasers of land within the subdivision shall be required to belong to the Homeowners Association.
 - a. The Homeowners Association shall be responsible for the maintenance, repairs and plowing of the subdivision roadways.

CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN -

- b. The Homeowners Association shall maintain permanent ownership of any drainage basins or ponds in the subdivision, including all pipes and other appurtenant devices, and shall have the permanent responsibility of maintaining, repairing and replacing said drainage systems, as necessary.
 - c. The Homeowners Association documents shall be reviewed and approved by the Planning Board, in consultation with Town Counsel (at the expense of the applicant), and the Homeowners Association shall have an initial fund that is deemed satisfactory to the Planning Board, in consultation with the Planning Board's technical consultant.
2. Road Maintenance and Snow Removal: Applicant shall be responsible for periodic maintenance and snow removal until such time a properly funded Homeowners Association is created and is properly functioning.

Endorsement of the approval is conditional upon the provision of a performance guarantee, duly executed and approved, to be noted on the plan and recorded with the Bristol County Southern District Registry of Deeds, said form of guarantee may be varied from time to time by the applicant subject to agreement on the adequacy and amount of said guarantee by the Board.

Application No. _____

CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN - _____

NOTE TO PLANNING BOARD: Conditions should be written on the endorsed plan which is recorded or should be set forth in a separate instrument, which could be a copy of the approval vote, and which should be referenced on the endorsed and recorded plan.

NOTE TO TOWN CLERK: The Planning board should be notified immediately of any appeal to the superior court on this subdivision approval made within the statutory twenty (20) day appeal period.

If no appeal is filed with your office the Planning Board should be notified at the end of the twenty (20) day appeal period in order that the plan(s) may be endorsed.

WESTPORT PLANNING BOARD

Duplicate copy sent to applicant

Application No. _____



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planning@westport-ma.gov

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Form C-2

Application No. _____

Date _____

CERTIFICATE OF APPROVAL WITH
MODIFICATIONS OF A DEFINITIVE PLAN

TOWN CLERK
TOWN OF WESTPORT
816 MAIN ROAD
WESTPORT, MA 02790

It is hereby certified by the Planning Board of the Town of Westport, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, 20____, it was voted to approve a definitive subdivision plan entitled:

by: _____ dated: _____

submitted by: _____

address: _____ owned by: _____

address: _____ originally filed with the Planning Board

on _____ concerning the property located _____

and showing _____ proposed lots, with the following modifications:

and with the following conditions:

Endorsement of the approval is conditional upon the provision of a performance guarantee, in the form of a _____ (Covenant/Agreement) duly executed and approved, to be noted on the plan and recorded with the Bristol County Southern District Registry of Deeds, said form of Guarantee may be varied from time to time by the applicant subject to agreement on the adequacy and amount of said guarantee by the Board. Modifications must also be shown on the plan before its endorsement and recording.

NOTE TO PLANNING BOARD: Conditions should be written on the endorsed plan which is recorded or should be set forth in a separate instrument, which could be a copy of the approval vote, and which should be referenced on the endorsed and recorded plan.

NOTE TO TOWN CLERK: The Planning Board should be notified immediately of any appeal to the Superior Court on this subdivision approval made within the statutory twenty (20) day appeal period.

If no legal appeal is filed with your office the Planning Board should be notified at the end of the twenty (20) day appeal period in order that the plan(s) may be endorsed.

WESTPORT PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this ____ day of _____, 20__, before me, the undersigned Notary Public, personally appeared, _____

and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Planning Board of the Town of Westport.

NOTARY PUBLIC

My commission expires: _____



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Tel: (508) 636-1037
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Form C-3

Application No. _____

Date _____

CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN

TOWN CLERK
TOWN OF WESTPORT
816 MAIN ROAD
WESTPORT, MA 02790

It is hereby certified by the Planning Board of the Town of Westport, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____

_____ it was voted to disapprove a definitive subdivision plan entitled: _____ dated: _____

“_____” by: _____ submitted by: _____

_____ revised through _____ address: _____

_____ owned by: _____ address: _____

_____ originally filed with the Planning Board on _____ and showing _____ concerning the property located _____ proposed lots because the plan fails to conform to the Planning Board's Rules and Regulations or the recommendations of the Board of Health in the following respects:

NOTE TO TOWN CLERK: The Planning Board should be notified immediately of any appeal to the Superior Court on this subdivision disapproval made within the statutory twenty (20) day appeal period.

WESTPORT PLANNING BOARD

Duplicate copy sent to applicant.
01/17



Town of Westport

Planning Board

856 Main Road

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www.westport-ma.gov

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Form D

Application No. _____

Date _____

DESIGNER'S CERTIFICATE

To the Planning Board of the Town of Westport, Massachusetts:

In preparing the plan entitled _____ and dated _____

I hereby certify that the above named plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Westport, Massachusetts and required by the rules of the Massachusetts Registries of Deeds and my source of information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____ to _____ dated _____ and recorded in the Bristol County Southern District Registry of Deeds in Book _____, Page _____.

2. Other deeds and plans, as follows: _____

_____.

3. Oral information furnished by: _____

_____.

4. Actual measurement on the ground from a starting point established by: _____

_____.

Other sources: _____

_____.

5. Signed _____ (Registered Land Surveyor)
(Seal of Surveyor) _____

Address _____

Registration No. _____

01/17

Please note: All information should be typed, or printed legibly, not handwritten.



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FORM E

Application No. _____

Date _____

APPLICATION FOR MODIFICATION OR RESCISSION OF DEFINITIVE PLAN

To the Planning Board in the Town of Westport:

The undersigned authorized applicant(s) or owner(s) of all the land shown on the accompanying approved Definitive Subdivision plan located and described as follows:

Subdivision Name and Plan Title: _____

Plan Date: _____ Revised Through: _____

Date of Planning Board Approval: _____

Assessor's Map and Parcel Number(s): _____

Zoning: _____ Total Acreage: _____ Number of Lots: _____

Drawn By: _____

hereby submits this Application for a Modification _____ or Rescission _____ (*check one*) of an Approved Definitive Subdivision Plan.

The Modification is described as follows: _____

If a proposed Modification will result in changes to the Definitive Plan, the plan submission requirements for a Definitive Plan shall be followed.

List all lots which have been conveyed: _____

APPLICATION FOR MODIFICATION OR RESCISSION OF DEFINITIVE PLAN
FORM E
Page 2

*Attach a list of lot owners and their addresses.

**Attach a list of all abutters and their addresses as they appear on the most recent tax list.

List all mortgage holders of the land: _____

Permission of the owners affected by any change to the subdivision plan and of the mortgage holders must be obtained.

To the best of my knowledge the information submitted herewith is complete and accurate.

Signature of Owner	Address	Telephone
--------------------	---------	-----------

Signature of Owner	Address	Telephone
--------------------	---------	-----------

Signature of Authorized Applicant	Address	Telephone
--------------------------------------	---------	-----------

Applicant's Authorization: _____

Authorized Signature of Mortgage Holder

Address of Mortgage Holder

Authorized Signature of Mortgage Holder

Address of Mortgage Holder

Received by Town Clerk:

Date: _____ **Time:** _____

Signature: _____

Application No. _____

APPLICATION FOR MODIFICATION OR RESCISSION OF DEFINITIVE PLAN

Page 3

A copy of the PLAN entitled _____ dated _____ for
_____ was received by the Westport Board of Health:

Date _____

Time _____

Signature _____

Application No. _____

01/17

Please note: All information should be typed, or printed legibly, not handwritten.

APPLICATION FOR MODIFICATION OR RESCISSION OF DEFINITIVE PLAN
FORM E
Page 4

Fees Submitted:

Advertising Fee _____	Please make check payable to "The Chronicle"
Abutters Mailing fee _____	Please make check payable to "USPS"
Engineer Review fee _____	Please make check payable to "Town of Westport", if not waived by Board.

Application No. _____



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Form E-1

Application No. _____

Date _____

CERTIFICATE OF AMENDMENT, MODIFICATION OR RESCISSION
OF APPROVAL OF DEFINITIVE SUBDIVISION PLAN

Town Clerk
Town of Westport
Westport, Massachusetts

On the motion/petition of _____ dated _____ and in accordance with Massachusetts General Laws, Chapter 41, Section 81-W, it is hereby certified by the Planning Board of the Town of Westport, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to amend/modify/rescind the approval of the definitive subdivision plan of land entitled: _____

owned by _____
of _____,
plan(s) dated _____ (and revised _____),
by _____, and recorded at the Bristol County Southern District
Registry of Deeds, Plan Book _____, Page _____,
(performance guarantee being _____ and recorded at
Book _____, Page _____), land located _____
and showing _____ proposed lots, by
making the following amendments/modifications(s):/by rescinding the approval for the following
reasons:

All prior conditions of approval shall remain in full force and effect until such time as they are met. Pursuant to Massachusetts General Laws, Chapter 41, Section 81-W, this Amendment/Modification/Rescission shall take effect when: (1) the plan as originally approved or a copy thereof, and a certified copy of the vote of the planning board making such modification, amendment, rescission or change, and any additional plan referred to in such vote, have been recorded, (2) an endorsement has been made on the plan originally approved as such vote is indexed in the grantor index under the names of the owners of record of the land affected. The cost of recording shall be at the expense of the applicant in the case of Amendment or Modification.

FORM E
Page Two

The Amendment/Modification/Rescission of the approval of this plan shall not affect the lots in the subdivision which have been sold or mortgaged in good faith and for valuable consideration or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage or mortgages, if any, thereon. Written consent from said owners and mortgages, if any, is attached hereto.

NOTE TO TOWN CLERK: The Planning Board should be notified immediately of any appeal to the Superior Court on this subdivision Amendment/Modification/Rescission of the approval made within the statutory 20-day appeal period/

If no appeal is filed with your office, the Planning Board should be notified at the end of the 20-day appeal period in order that the originally approved plan may receive an appropriate endorsement and be recorded along with a registered copy of the certified vote Amending/Modifying/Rescinding the approval.

WESTPORT PLANNING BOARD

Duplicate copy sent to applicant.



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Form F - COVENANT

Application No. _____

Date _____

COVENANT

KNOW ALL MEN by these presents that the undersigned has submitted an application dated _____ to the Westport Planning Board for approval of a definitive plan of a subdivision of land entitled: _____ plan by: _____ dated: _____ owned by: _____ address: _____ land located: _____, and showing _____ proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Westport, in the County of Bristol, State of Massachusetts, approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the Town of Westport as follows:

1. That the undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that 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. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner of record must sign the covenant.

2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
 - a. The Application for Approval of Definitive Plan (Form C).
 - b. The Subdivision Control Law and the Planning Board's Rules and regulations governing this subdivision.
 - c. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____.
 - d. The definitive plan as approved and as qualified by the certificate of approval.
 - e. Other document (s) specifying construction to be completed, namely:

However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

FORM F

PAGE 2

3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released.
5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
6. That the undersigned agrees to record this covenant with the Bristol County Southern District Registry of Deeds, forthwith, or to pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in Section 81-U, Chapter 41, M.G.L.
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.
9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before _____
(date when construction and installation is to be completed) the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant may result in rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

For title to the property, see deed from _____,
_____, dated _____,
recorded in the Bristol County Southern District Registry of Deeds, Book _____, Page _____
or registered in the Bristol County Southern District Land Registry as Document
No. _____, and noted on certificate of title no. _____, in Registration
Book _____, Page _____.

Application No. _____

01/17

FORM F

PAGE 3

The present holder of a mortgage upon the property is _____ of _____.

The mortgage is dated _____ and recorded in the Bristol County Southern District Registry of Deeds, Book _____, Page _____, or Document No. _____, and noted on certificate of title no. _____, in Registration book _____, Page _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

_____, spouse of the undersigned applicant hereby agrees that such interest as I, we, may have in the premises shall be subject to the provisions of this covenant and insofar as is necessary releases all rights of tenancy by the dower or homestead and other interests therein.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 20 _____.

WESTPORT PLANNING BOARD

**Acceptance by a Majority of the Planning Board
of the Town of Westport, Massachusetts**

Application No. _____

01/17

(For Planning Board use)

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

Westport, MA

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Planning Board of the Town of Westport.

NOTARY PUBLIC

My commission expires _____

Signature of Owner or Owners

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

On this ____ day of _____, 20____, before me, the undersigned Notary Public, personally appeared _____

_____ proved to me through satisfactory evidence of identification, which were _____

_____ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

NOTARY PUBLIC

My commission expires _____

Application No. _____

Signature of spouse

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss. _____

On this ____ day of _____, 20 __, before me, the undersigned Notary Public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

NOTARY PUBLIC

My commission expires _____

Mortgagee or authorized representative

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss. _____

On this ____ day of _____, 20 __, before me, the undersigned Notary Public, personally appeared _____ proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

NOTARY PUBLIC

My commission expires _____

Application No. _____



Town of Westport

Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

Form F-RRL

Application No. _____

Date _____

COVENANT FOR RURAL RESIDENTIAL LANES

KNOW ALL MEN BY THESE PRESENTS, that the undersigned has submitted an application dated _____ to the Westport Planning Board for a definitive plan of a subdivision using rural residential road construction as detailed in Section 0708 of the By-Laws and Regulations of the Town of Westport, in effect at the time the roadway is presented.

The definitive plan is entitled "_____"
_____ plan by: _____ dated: _____
_____ revised through: _____ and owned by: _____
_____ address: _____
_____ land
located: _____ as shown on Deed recorded in Bristol
County Southern District Registry of Deeds in Book _____ Page _____, and showing
_____ proposed lots and _____ proposed Rural Residential Lane(s) of _____ +/-
feet in length.

In consideration of the Planning Board of Westport, in the County of Bristol, Commonwealth of Massachusetts, approving said plan and roads, the undersigned hereby covenants and agrees with the inhabitants of the Town of Westport as follows:

1. That the undersigned and his heirs, successors and assigns, agree that the Roads built under this covenant and Westport By-Laws may not be used to provide frontage or access, either for further subdivision of land or for use on "Approval Not Required" plans, if such use would result in the roads servicing more than four dwelling units for the purpose of providing frontage, or six dwelling units for the purpose of providing access via driveway.
2. Layouts of such roads will not be presented to the Selectmen or presented to the Town for acceptance unless reconstructed to the standards established under Section 0708 to 0709 of the By-Laws and Regulations of the Town of Westport in effect at the time said road is presented, and the Residential/Minor Street specifications of the Planning Board's Rules and Regulations Governing the Subdivision of Land in effect at the time said road is presented for acceptance, whichever is more stringent.

This covenant is binding upon the heirs, successors and assigns of the owner(s) and shall be referenced upon any deeds or plans subject to the provisions hereof.

FORM F-RRL

Page 2 of 3

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 20____.

OWNERS:

PRINT NAME

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

On this _____ day of _____, 20____, before me, the undersigned Notary Public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

NOTARY PUBLIC

My commission expires _____

ACCEPTANCE BY A MAJORITY OF THE
PLANNING BOARD OF THE TOWN OF
WESTPORT, MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Planning Board of the Town of Westport.

NOTARY PUBLIC

My commission expires _____

FORM F-RRL

Page 3 of 3

FOR PLANNING BOARD USE

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

Westport, MA

On this ____ day of _____, 20 __, before me, the undersigned notary public, personally appeared _____
proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Planning Board of the Town of Westport.

NOTARY PUBLIC

My commission expires _____



Town of Westport
Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

Form F-SR

Application No. _____

Date _____

COVENANT FOR SECONDARY ROADS

KNOW ALL MEN BY THESE PRESENTS, that the undersigned has submitted an application dated _____ to the Westport Planning Board for a definitive plan of a subdivision using secondary road construction as detailed in Article 61 of the 1986 Westport Annual Town Meeting.

The definitive plan is entitled "_____"
_____ plan by: _____ dated: _____
_____ revised through _____ and owned by: _____
_____ address: _____
_____ land
located: _____ as shown on Deed recorded in Bristol
County Southern District Registry of Deeds in Book _____ Page _____, and showing
_____ proposed lots and _____ proposed Secondary Road(s) of _____ +/- feet in length.

In consideration of the Planning Board of Westport, in the County of Bristol, Commonwealth of Massachusetts, approving said plan and roads, the undersigned hereby covenants and agrees with the inhabitants of the Town of Westport as follows:

1. That the undersigned and his heirs, successors and assigns, does agree that the Roads built under this covenant and Westport By-Laws may not be used to provide frontage or access, either for further subdivision of land or for use on "Approval Not Required" plans, if such use would result in the roads servicing more than four dwelling units for the purpose of providing frontage, or six dwelling units for the purpose of providing access via driveway.
2. Layouts of such roads will not be presented to the Selectmen or presented to the Town for acceptance unless reconstructed to the standards established under Article 39 of the 1979 Annual Town Meeting, Article 31 of the 1980 Annual Town Meeting and Article 39 of the 1984 Annual Town Meeting and the "Residential Road" status as described in the Planning Board's Rules and Regulations Governing the Subdivision of Land.

This covenant is binding upon the heirs, successors and assigns of the owner(s) and shall be referenced upon any deeds or plans subject to the provision hereof.

FORM F-SR

Page 2 of 2

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 20____.

OWNERS:

PRINT NAME

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

On this _____ day of _____, 20____, before me, the undersigned Notary Public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

NOTARY PUBLIC

My commission expires _____

ACCEPTANCE BY A MAJORITY OF THE
PLANNING BOARD OF THE TOWN OF
WESTPORT, MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Planning Board of the Town of Westport.

NOTARY PUBLIC

My commission expires _____



Town of Westport
Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

Form G

Application No. _____

Date _____

PERFORMANCE SECURED BY DEPOSIT OF MONEY

AGREEMENT made this date _____, between the Town of Westport, acting by and through the Westport Planning Board, and _____, who has a usual place of business at _____ (the "Applicant"), to secure construction of ways and installation of municipal services and other improvements for the subdivision of land located _____ (Assessor's Parcel _____) and owned by _____ and shown on a plan entitled "_____", that was prepared by _____, dated _____, that depicts _____ residential building lots and was granted definitive subdivision approval by the Planning Board pursuant to a Certificate of Approval filed with the Westport Town Clerk on _____,

KNOW ALL PERSONS by these presents that the Applicant hereby binds and obligates itself/himself/herself/themselves and the Applicant's executors, administrators, devisees, heirs, successors and assigns to the Town of Westport, acting by and through the Westport Planning Board, in the sum of \$ _____ dollars, and has secured this obligation by depositing with the Town of Westport Treasurer a deposit of money in the aforementioned sum to be deposited in a subdivision escrow account in the name of the Town of Westport. Said deposit shall be used to insure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following documents:

- 1) The Application for approval of the definitive plan, dated _____;
- 2) The Subdivision Control Law, G.L. c.41;
- 3) The Planning Boards applicable Subdivision Rules and Regulations;
- 4) The conditions set forth in the Certificate of Approval issued by the Planning and filed with the Westport Town Clerk on _____ and recorded with the Bristol County Registry of Deeds at Book _____, Page _____;
- 5) The definitive plan as qualified by the Certificate of Approval and as hereinafter endorsed and recorded; and
- 6) The following additional documents that set forth construction or installation requirements:
 - A. _____
 - B. _____
 - C. _____
 - D. _____
 - E. _____

This Agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all of the obligations secured hereunder or has elected to

provide another method of securing performance as provided for under G.L. c.41, §81U, §7, et. seq. Furthermore, in the event that increased security is required to be posted, the Applicant agrees that the Applicant shall post said security in a timely manner.

Upon satisfactory and timely completion of all of the obligations secured hereunder, the deposit of money made hereunder, including any interest accrued thereon, less any and all funds that are expended by the Planning Board due to a default, shall be returned to the **Applicant's designee who is hereby acknowledged to be** and this Agreement shall become void. The time for completion of said obligations shall be not later than _____ years from the date of this agreement or such later date as may be specified by formal vote of the Planning Board with the concurrence of the Applicant. The Planning Board shall have the right, but not the obligation, to use the deposit made hereunder to complete the required obligations in the event that the Applicant defaults. Said deposit shall remain in place until all of the obligations secured hereunder are satisfactorily completed or the Planning Board seizes said funds and uses them to complete said obligations. Any failure by the Planning Board to exercise this right shall not operate as a waiver or constitute laches. Any unused portion of the deposit and interest accrued will be returned to the Applicant upon satisfactory completion of the secured obligations as determined by the Planning Board.

The Applicant hereby grants a license to the Town of Westport and the Westport Planning Board and its agents to perform the obligations secured hereunder and agrees to grant any easement that the Town may deem necessary to perform said work.

In consideration of the terms and conditions of this Agreement, the Town, by and through its Planning Board, hereby accepts the aforesaid deposit in the amount specified as security for the performance of the obligations referenced above.

Any amendments to this Agreement or to the form of the surety provided shall be agreed upon in writing and executed by all parties to this Agreement.

IN WITNESS WHEREOF, we set our hands and seals in agreement hereto this ____ day of _____, 20__ and in consideration of the vote of taken on _____, 20__.

WESTPORT PLANNING BOARD

Application No. _____

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS.

_____, 20__

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, members of the Planning Board of the Town of Westport, personally known to me, and acknowledged the foregoing instrument to be their free act and deed and for the stated purpose.

NOTARY PUBLIC

My Commission Expires: _____

Application No. _____

If the Applicant is an Individual:

IN WITNESS WHEREOF, I also set my hand and seal in agreement hereto this ____ day of _____, 20__ for consideration of good and valuable consideration, the receipt of which is hereby acknowledged.

(Print Name: _____)

COMMONWEALTH OF MASSACHUSETTS

Bristol, SS.

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

NOTARY PUBLIC

My Commission Expires: _____

Application No. _____

If the Applicant is a Trust:

IN WITNESS WHEREOF, I also set my hand and seal in agreement hereto this ____ day of _____, 20__ on behalf of the _____ Trust, being duly authorized to do as set forth in the documentation provided herein, and for consideration of good and valuable consideration, the receipt of which is hereby acknowledged.

Trustee (Print Name: _____)

COMMONWEALTH OF MASSACHUSETTS

Bristol, SS.

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, as Trustee of said Trust, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

NOTARY PUBLIC

My Commission Expires: _____

TRUSTEE'S CERTIFICATE

_____, Massachusetts

_____, 20__

I, _____, hereby state under oath that I am a Trustee of the Trust (the "Trust")), that the Trust is in full force and effect, that I am the sole Trustee of the Trust or am duly authorized under the terms of the Trust to make this statement and that the above-referenced Trustee is authorized under the Trust to enter into this Agreement.

Trustee

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, as Trustee of said Trust, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

NOTARY PUBLIC

My Commission Expires: _____

Application No. _____

If the Applicant is a corporation:

IN WITNESS WHEREOF, I also, on behalf of _____ (the "Corporation"), being duly authorized to do so in accordance with the documentation provided herewith, and for good and valuable consideration, the receipt of which is hereby acknowledged, hereby set my hand and seal in agreement hereto this ____ day of _____, 20__.

Name of Corporation

By: President/Treasurer (circle one)

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

NOTARY PUBLIC

My Commission Expires: _____

CORPORATE CLERK CERTIFICATE

_____, SS.

_____, 20__

I, _____, the duly appointed clerk of _____, (the "Corporation") hereby state, being under oath, hereby certify that I am the duly appoint clerk of the corporation and that the above named _____ is the president/treasurer of the Corporation or was authorized, by a proper vote of the Corporation taken on _____, 20__, at a meeting of the Corporation that was duly convened, to enter into this Agreement on behalf of the Corporation.

Clerk (Print Name: _____)

COMMONWEALTH OF MASSACHUSETTS

_____, SS.

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, as Clerk of the said Corporation, who identified him/herself satisfactorily to me, and acknowledged the foregoing instrument to be his/her free act and deed and for the stated purpose.

NOTARY PUBLIC

My Commission Expires: _____

Application No. _____

TREASURER'S ACKNOWLEDGEMENT OF DEPOSIT

Westport, Massachusetts

This is to certify that I, _____, Town Treasurer for the Town of
Westport, Massachusetts, received a deposit of money from the Applicant in the amount of
\$ _____ Dollars and deposited said monies in an interest bearing/non-interest bearing
account with the following financial institution: _____ in account number
_____ on the following date: _____.

Dated: _____

Town Treasurer

Application No. _____



Town of Westport
Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

Form H

Application No. _____

Date _____

PERFORMANCE AGREEMENT – SECURED BY A SURETY BOND

This Surety Performance Agreement (the “Agreement”) is made this date by and between the Town of Westport, by and through its Planning Board (the “Town” or “Planning Board”), _____, a Massachusetts corporation with a

(name of applicants)

principal place of business at _____
(address of applicants)

(the “Applicant”) and _____
(name of surety company)

a corporation authorized to do business, in Massachusetts, with an office at _____

(address of surety company)

(the “Surety”), pursuant to and in accordance with the requirements of M.G.L. c.41, §81U.

This Agreement shall be and is secured by a site plan bond issued by the Surety (the “Bond”). (A true copy of the Bond is attached hereto as Exhibit #1.) The purpose of the Agreement and the Bond is to secure construction of the ways and installation of the municipal services shown on a definitive site plan depicting proposed lots and entitled “_____,” prepared by _____, and dated _____, as revised through _____ for land located off of _____, MA and owned by _____.

Know all persons by these presents that _____
(name of applicant)

and the Surety hereby bind and obligate themselves, their respective executors, administrators, devisees, heirs, successors, and assigns, jointly and severally to the Town, in the sum of _____ as secured by the Bond to secure the performance by
(insert amount in words and numbers)

_____ of all covenants, conditions,
(name of applicant)
agreements, terms and provisions contained in the following:

1. Application for Approval of Definitive Plan (Form C) dated _____ ;
2. The Subdivision Control Law (M.G.L. c.41, §81K, et seq.);
3. The Westport Planning Board’s Site Plan Rules and Regulations, dated January 11, 2007;
4. Certificate of Approval issued by the Planning Board, dated _____ ;
including any and all conditions of approval;

5. The Definitive Plan, as qualified by the Certificate of Approval, and as recorded in the Bristol County Registry of Deeds as Plan Book _____ Page _____
6. Form F Subdivision Covenant, dated _____
7. A plan entitled _____, by
Sheets #'s _____, dated _____,
as revised through _____;
8. Form G Certificate of Performance Covenant of Approval Release, dated
_____ (insert date, if applicable); and
9. Form F/SR Covenant dated _____
10. Any other applicable documents.

The Agreement shall remain in full force and effect unless and until

(name of applicant)
has fully and satisfactorily performed all obligations, or has elected to provide another method of securing performance as provided under M.G.L. c.41, §81U.

Upon satisfactory completion by _____ of
(name of applicant)
all obligations as specified herein, on or before _____ or such later date as may
(deadline for completion of improvements)
be specified by vote of the Planning Board with a written concurrence
of _____
(name of applicant)

and the Surety, the interest of the Town in the Bond shall be released, the Bond shall be returned to the Surety and this Agreement shall become void.

In the event _____
(name of applicant)
should fail to complete the construction of ways and installation of municipal services as specified in this Agreement and within the time herein specified, this Agreement may be enforced, in whole or in part, by the Planning Board, for the benefit of the Town to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this Agreement.

Election by the Planning Board not to enforce this Agreement for any period of time shall not be deemed to be a waiver of the right to enforce. Any unused portion of the surety shall be released and returned to the Surety as required under M.G.L. c.41, §81U.

The parties hereby agree and admit that Massachusetts Law shall govern the adjudication of any dispute regarding this Agreement. The parties agree that any dispute concerning this action shall be heard by the Bristol Superior Court or the United States District Court for the District of Massachusetts. The parties further agree to accept service of process by certified mail at the following addresses:

Application No. _____

Westport Planning Board
856 Main Road
Westport, MA 02790

(insert applicant name and address)

(insert name and address of surety)

In addition, the Surety hereby agrees and admits, in exchange for good consideration, the receipt of which is hereby acknowledged by the Surety, that:

- 1) The Town and the Planning Board shall have the right to enforce the terms of the Site Plan Bond;
- 2) Massachusetts Law shall govern the adjudication of any dispute regarding the Site Plan Bond;
- 3) The Bristol Superior Court or United States District Court for the District of Massachusetts shall have personal jurisdiction over the Surety in any litigation regarding the Site Plan Bond; and
- 4) Service of process shall be deemed effective upon the Surety upon delivery of same when forwarded to the Surety by certified mail at the address noted above; however, the Surety may alter the address upon affording written notice to the Planning Board and its counsel, by certified mail.
- 5) In the event that _____

(insert name of applicant)

should fail in its obligations under this Agreement, the Surety shall have the option of performing the subject work forthwith or making the funds guaranteed by the Bond available to the Town upon written demand from the Town. Failure by the Town to seize the funds when a default occurs shall not be deemed a waiver of the right to do so. In the event that a court of competent jurisdiction determines that the Surety failed to perform the work or to make the funds available, the Surety agrees to compensate the Town for its attorneys' fees and legal costs incurred to enforce the Bond.

Application No. _____

Any amendments to this Agreement or to the aforesaid Bond shall be agreed upon in writing by all parties to this Agreement.

In witness whereof, we have hereunto set our hands and seals this _____ day of _____, 20__.

Signatures of the Westport Planning Board

BRISTOL, SS

_____, 20__

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____

_____ proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Planning Board of the Town of Westport.

Notary Public
My commission expires: _____

Application No. _____

(applicant's signature)

(Please type applicant's name)

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS

_____, 20__

On this ____ day of _____, 20__, before me, the undersigned Notary Public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

NOTARY PUBLIC

My commission expires: _____

I, _____, Clerk of _____
(insert name of applicant, if a corporation),

hereby certify that I am the duly elected Clerk of the Corporation, and that the following Officers are the present duly elected President and Treasurer of the Corporation:

President:

(Please type name)

Treasurer:

(Please type name)

(Clerk's signature)

(Please type clerk's name)

Clerk of _____
(name of corporation)

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS

_____, 20__

On this ____ day of _____, 20__, before me, the undersigned Notary Public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached document as the Clerk of _____ (name of corporation) and acknowledged to me that he/she signed it voluntarily for its stated purpose.

NOTARY PUBLIC

My commission expires: _____

Application No. _____

(name of surety company)

By: _____

Attorney-in-Fact

(Please type name)

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS

On this ____ day of _____, 20__, before me, the undersigned Notary Public, personally appeared _____ on behalf of _____ (name of surety), proved to me through satisfactory evidence of identification, which were _____ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My commission expires:

Application No. _____

Please note: All information should be typed, not handwritten.



Town of Westport
Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

Form I

Application No. _____

Date _____

**PERFORMANCE SECURED BY REGISTERED NEGOTIABLE SECURITIES
(BONDS, STOCKS, PUBLIC SECURITIES)**

Town of Westport, Massachusetts

AGREEMENT made this date between the Town of Westport and _____
_____, hereinafter referred to as the "applicant" of _____
_____, to secure construction of
ways and installation of municipal services in the subdivision of land shown on a plan
entitled: _____
by: _____, dated: _____
owned by: _____
address: _____
land located: _____
and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant hereby binds and obligates himself, his or
its executors, administrators, a Massachusetts municipal corporation, acting through its Planning
Board, in the sum of _____ dollars
and has secured this obligation by depositing with the Treasurer of said Town of Westport an
instrument of transfer to the Planning Board of said Town, duly acknowledged, and prepared in
a suitable form pursuant to the provisions of the Massachusetts General Laws for the following
type of negotiable security

_____, said instrument of transfer shall
(type of security)

also specify the above sum of money as a security for performance by the applicant of
construction of the ways and installation of municipal services in the aforesaid subdivision and,
where apt, a new certificate shall also be deposited with said Treasurer. Said certificate shall be
free from encumbrances and shall be issued pursuant to Chapter 156-B, Section 30, M.G.L. in
the name of the Planning Board of said Town, and shall express on its face that it is held as
collateral security to insure the performance by the applicant of all covenants, conditions,
agreements, terms and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C), dated:
_____;
2. The subdivision control law and the Planning Board's Rules and Regulations governing this
subdivision and dated September 15, 1971;

FORM I
PAGE TWO

3. Conditions included in the Certificate of Approval issued by the Planning Board and dated _____;
(date of vote to approve)
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other document(s) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a negotiable security) _____

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations, or has elected to provide another method of securing performance as provided in M.G.L., Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before

(date when construction and installation is to be completed)
or such later date as may be specified by vote of the Planning Board with the written concurrence of the applicant, the interest of the Town in the aforesaid security shall be released and said security shall be returned, by appropriate instrument, to the applicant by the Town and this agreement shall become void. In the event the applicant shall fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time specified herein, the security, namely _____

(type of security)
may be negotiated in whole, or in part, by the Planning Board for the benefit of the Town of Westport to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused by the Town or any securities which are not negotiated by the Town will be returned to the applicant upon completion of the work by said Town.

The Town of Westport acting by and through its Planning Board hereby agrees to accept the aforesaid _____ negotiable _____ security _____ namely _____ as specified in this
(type of security)
agreement as security for the performance of the project as aforesaid.

Application No. _____
01/17

FORM I
PAGE THREE

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this
_____ day of _____, 20_____.

Signatures of a Majority of the Planning Board of the Town of Westport

_____,
Signature of Applicant

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, ss.

_____, 20_____

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

NOTARY PUBLIC

My commission expires: _____

Duplicate copy to:
Applicant; Corporation originally issuing the negotiable security
Planning Board
Town Clerk
Town Treasurer
Board of Selectmen

NOTE: Many securities are available in two forms registered and bearer. Registered securities bear the owner's name and the issuing party keeps a record of owner. Bearer securities are not registered as to ownership. Registered securities generally facilitate better safekeeping but can be bothersome and take time to sell since it would have to be re-registered. The bearer form of security is therefore preferable when the security is to change hands.

Application No. _____



Town of Westport
Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

Form J

Application No. _____ Date _____

PERFORMANCE SECURED BY BANK PASSBOOK

AGREEMENT made this date between the Town of Westport and _____, hereinafter referred to as the "the applicant" of _____, to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan _____ entitled:

by: _____ owned
by: _____
address: _____
land located: _____ and
showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant hereby binds and obligates himself, his or its executors, administrators, devisees, heirs, successors, and assigns to the Town of Westport, a Massachusetts municipal corporation acting through its Planning Board, in the sum of _____ dollars plus accrued interest thereon and has secured this obligation by deposit with the Treasurer of said Town of Westport, a deposit of money for the above sum represented by Bank Passbook No. _____ with an order drawn on the

_____ Bank of _____
(name of Bank)
_____, payable to the
(address of Bank)

order of the Planning Board of the Town of Westport, said sum to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms, and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C), dated _____;
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and dated September 15, 1971.
3. Conditions included in the Certificate of Approval issued by the Planning Board and dated _____;
(date of vote to approve)

FORM J
PAGE 2 of 3

4. The definitive plan as qualified by the Certificate of Approval; and
5. Other document(s) specifying construction or installation to be completed, namely:
(specify other documents, if any, and list lots secured if only a part of the subdivision is
secured by a bank passbook) _____

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations, or has elected to provide another method of securing performance as provided in M.G.L., Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before _____
(Date when construction and installation is to be completed) or such later date as may be specified by vote of the Planning Board with the written concurrence of the applicant and the bank, the bank passbook shall be returned to the applicant by the Town and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the funds on deposit in the account represented by the aforesaid bank passbook and order drawn thereon plus all accrued interest therein may be applied in whole, or in part, by the Planning Board for the benefit of the Town of Westport to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused funds and the bank passbook will be returned to the applicant upon completion of the work by said Town.

The Town of Westport acting by and through its Planning Board hereby agrees to accept the aforesaid bank passbook and order drawn thereon as security for the performance of this project.

The (Name of Bank) _____
(Address) _____

hereby agrees not to release any funds from the account represented by the aforesaid bank passbook or otherwise amend or make a change to the aforesaid bank passbook or to the order drawn thereon without written agreement by the Planning Board.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

Application No. _____

FORM J
PAGE 2 of 3

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 20_____.

WESTPORT PLANNING BOARD

Signatures of a Majority of the Planning Board of the Town of Westport

Signature of
Applicant

Signature of Authorized Representative of the Bank

Application No. _____



Town of Westport
Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

Form K

Application No. _____

Date _____

SUBDIVISION PERFORMANCE SECURED BY LENDER'S AGREEMENT
PURSUANT TO M.G.L. c.41 s.81U(4)

AGREEMENT made this ____ day of _____ by and among the _____ (hereinafter the "**Lender**"), _____, (hereinafter the "**Owner**") having a principal place of business in _____, _____ County, Commonwealth of Massachusetts and the **TOWN OF WESTPORT** acting by and through its Planning Board (hereinafter the "**Board**") to secure the construction of the ways and installation of the municipal services and required improvements in the subdivision of land shown on a certain Plan entitled "_____" consisting of sheets 1 through _____, dated _____, revised through _____ which plan is recorded in the Bristol County Registry of Deeds in Plan Book _____, Page _____, (hereinafter called the "**Plan**"). **Owner's** title is derived under deed of _____ dated and recorded in said Registry in Book _____ Page _____.

This is a tri-party agreement by and among the parties pursuant to M.G.L. Chapter 41, Section 81U(4) in lieu of a performance bond to secure the construction of the ways, installation of services, and any other required improvements.

KNOW ALL MEN BY THESE PRESENTS that the **Owner** granted a first mortgage to the **Lender** dated _____ and recorded in said Registry herewith, covering the subdivision shown on the Plan as security for advances to be made to **Owner** by **Lender** under a Promissory Note given by **Owner** to **Lender** in the principal amount of _____. **Owner** and **Lender** hereby bind and obligate themselves and are held firmly bound, jointly and severally, to the **TOWN OF WESTPORT**, acting through its Planning Board, in the sum of _____ Dollars made from **Lender** to **Owner** under said Promissory Note to insure that the **Owner** shall complete construction of the ways and installation of services and required improvements for the subdivision in accordance with the covenants, conditions, agreements, terms and provisions in the following:

- a) The Definitive Subdivision Plan of _____ here in above referred to, as qualified by the Certificate of Approval; and
- b) The Certificate of Approval dated _____ and conditions incorporated therein; and
- c) The Planning Board's Rules and Regulations Governing the Subdivision of Land governing this subdivision and dated June, 2001.
- d) The Subdivision Control Law; and in consideration of the facts and circumstances described below.

1. With the condition of the obligation to pay to the **TOWN OF WESTPORT** the sum of _____ Dollars is that if the **Owner** completes the construction of all ways and the installation of all services and required improvement of the subdivision and otherwise performs in accordance with the covenants, conditions, agreements, terms and provisions set forth in documents itemized above by _____, 20__, then this obligation shall become null and void. Otherwise, the obligation shall be and remain in full force and effect. Final completion shall be that date which the **Board** issues a Certificate of Completion, which Certificate of Completion shall not be unreasonably withheld. The time allowed for final completion may be extended by vote of the Board with the written agreement of the **Owner** and **Lender**.

2. The **Lender** shall disburse to the **Owner** after completion of each stage of work such sum of money from the retained sum as corresponds to a stage of work, which has been completed as set forth in accordance with the stages set forth in Exhibit A attached hereto. **Lender** shall not disburse any part of the retained sum or the whole of the retained sum to **Owner** or to any third party unless and until the **Board** authorizes such disbursement in writing after completion and inspection of a stage of work. The **Board** shall cause its agent to respond within thirty (30) days to all requests for inspection.

3. After inspection, the **Board** may allow the partial release of funds if a substantial amount of work is completed for a specific stage, in an amount equal to the corresponding amount of work completed, with the remaining funds held until final completion of that stage. In the event that the **Owner** fails to complete any stage of construction of ways and installation of services and required improvements as specified in this Agreement, the **Board** shall provide notice by certified mail to the **Owner** and the **Lender** at the addresses set forth hereunder and shall allow the **Lender** a thirty (30) day opportunity to cure the non-performance before the **Lender** shall be obligated to transfer any funds remaining undisbursed to the **Board** or its designee, such funds to be for the benefit of the **TOWN OF WESTPORT** for completion of such subdivision construction or installation as specified in this Agreement. The **Board** may, in its sole discretion, extend the time allowed to cure the non-performance, to a completion date the **Board** deems reasonable by vote and in writing. In the event that the **Lender** transfers any funds to the **TOWN OF WESTPORT** pursuant to this Agreement, the **Owner** agrees to hold **Lender** harmless from any loss or liability in regard thereto.

4. The parties agree that the **Board** has the right, but not the obligation, to demand, seize and use the withheld funds to cure the **Owner's** nonperformance hereunder and further agree that any delay by the Planning Board in exercising its rights hereunder shall not operate as a waiver of its rights.

5. This Agreement provides security for construction of the ways and installation of services and required improvements in accordance with Massachusetts General Laws, Chapter 41, Section 81U(4) as amended.

6. This Agreement shall be for the benefit of the **TOWN OF WESTPORT** acting by and through its Planning Board and its successors and assigns.

7. Any amendments to this Agreement shall be in writing and shall be executed by the **Lender**, the **Owner** and the **Board**.

Application No. _____

8. In the event of a default by the **Owner** as to either the first mortgage and/or note referenced above, or, in the event that the **Lender** forecloses the mortgage or any other loan agreement between the **Owner** and the **Lender** that would otherwise permit the **Lender** to refuse to disburse further loan request to the **Owner**, the **Lender** shall continue to be obligated to hold in trust for the benefit of the **TOWN OF WESTPORT** a sum of money equal to the sum the **Lender** is obliged to retain under this instrument, notwithstanding the default or foreclosure, and all the provisions of this Agreement shall apply to said trust fund unless and until another satisfactory form of security permitted under G.L. c.41, §81U, ¶7 has been provided to the Planning Board.

9. The **Owner** and the **Owner's** executors, administrators, devisees, heirs and successors and assigns hereby grant to the Town of Westport and its agents, servants, employees and other designees a license to enter upon the subject land described herein in the event of a default of performance of the secured work and for the purpose of making inspections and performing said work using the default funds and further agree to provide easements as necessary to support this agreement.

10. In the event of a default and in the event that the **TOWN OF WESTPORT** seizes the secured funds and performs the secured work, the **TOWN OF WESTPORT** agrees that, once all of the required work has been satisfactorily performed and fully completed, the **TOWN OF WESTPORT** shall return any excess funds to the **Lender** and give notice to the **Owner** that it has done so.

11. The Obligations of the parties hereunder are to be construed under Massachusetts law and no rights granted there under are waived.

12. This Agreement is executed as a sealed instrument.

13. This agreement shall be recorded against the Property forthwith and shall not be accepted as surety until evidence of recording is provided.

WITNESS our hands and seals this ____ day of ____ 20__.

WESTPORT PLANNING BOARD

Signatures of a Majority of the Planning Board of the Town of Westport

Application No. _____

01/17

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

Date: _____

On this ____ day of _____ 20 __, before me, the undersigned notary public, personally appeared

_____, proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Planning Board of the Town of Westport.

Notary Public

My commission expires: _____

Notary Seal:

Application No. _____

ACKNOWLEDGMENTS OF PARTIES

COMMONWEALTH OF MASSACHUSETTS

NOTE: In the event that any signatory hereinafter is a Trustee or an officer of a corporation or manager of a Limited Liability Corporation or a partner in a partnership, each such signatory shall provide the appropriate certificates or affidavits evidencing that the undersigned has the present authority to execute this document.

2. Lender

IN WITNESS WHEREOF, I set my hand and seal in agreement hereto this _____ day of _____, 20____ and for good and valuable consideration, the receipt of which is hereby acknowledged.

I, _____, on behalf of the Lender _____, being duly authorized to do so, in accordance with the documentation provided herewith and appended hereto as an exhibit, hereby assent to and execute this Agreement.

SIGNED UNDER THE PENALTIES OF PERJURY THIS _____ DAY OF _____, 20____.

Signature
Print Name: _____

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public personally appeared the above-named _____,

Lender Representative

and proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My commission expires: _____
Notary Seal:

Application No. _____

3. Owner

IN WITNESS WHEREOF, I/We set our hands and seals in agreement hereto this _____ day of _____, 20____ and for good and valuable consideration, the receipt of which is hereby acknowledged.

Owner Signature
Print name: _____

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss. _____, 20____

On this _____ day of _____, 20____, before me, the undersigned notary public personally appeared the above-named _____, and proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My commission expires: _____

Owner #2:

IN WITNESS WHEREOF, I/We set our hands and seals in agreement hereto this _____ day of _____, 20____ and for good and valuable consideration, the receipt of which is hereby acknowledged.

Owner Signature
Print name: _____

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss. _____, 20____

On this _____ day of _____, 20____, before me, the undersigned notary public personally appeared the above-named _____, and proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My commission expires: _____

cc: Applicant
Owner
Bank/Surety
Planning Board File
Town Treasurer

Application No. _____

EXHIBIT A

Sum to be Retained by Lender	Stage of Construction or Installation to be Completed	Date When Construction and Installation is to be Completed

Application No. _____



Town of Westport
Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

Form L

Application No. _____

Date _____

CONVEYANCE OF EASEMENTS AND UTILITIES

_____, of _____
(name of owner)

_____, _____ County,
(address of owner, including county)
Massachusetts; for the consideration of _____

(state consideration)

_____ hereby grants, transfers and delivers unto the Town of
Westport, a municipal corporation in Bristol County, Massachusetts, the following:

A. The perpetual rights and easements to construct, inspect, repair, remove, replace, operate and forever maintain (1) a sanitary sewer or sewers with any manholes, pipes, conduits, and other appurtenances, (2) pipes, conduits and their appurtenances for the conveyance of water, and (3) a covered surface and ground water drain or drains with any manholes, pipes, conduits and their appurtenances, and to do all other acts incidental to the foregoing, including the right to pass along and over the land for the aforesaid purposes, in, through, and under the whole of _____, dated _____, said plan is made and said plan is incorporated herein for a complete and detailed description of said roads.

B. The perpetual rights and easement to use for _____
_____ (describe use or purpose)
the following parcel of land situated on _____
_____ (street) in said Town and bounded and described as
follows:

The grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he (it) has good title to transfer the same, and that he will defend the same against claims of all persons.

Form L
Page 2 of 2

For grantor's title see deed from _____
_____ dated _____, 20__, and
recorded in Bristol County Southern District Registry of Deeds
Book _____, Page _____, or under Certificate of Title No. _____,
registered in Bristol County Southern District of the Land Court, Book _____, Page
_____.

And (to be completed if a mortgage exists) _____
_____ (name and address) _____
_____ the present holder of a mortgage on the above described land, which mortgage is dated
_____, 20__, and recorded in said Deeds, Book _____, Page
_____, for consideration paid, hereby releases unto the Town of Westport
forever from the operation of said mortgage, the rights and easements hereinabove granted and
assents thereto.

Authorized Signature of Mortgagee

Owner

IN WITNESS WHEREOF we have hereunto set our hands and seals this
_____ day of _____, 20__.

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

On this ____ day of _____, 20__, before me, the undersigned Notary Public,
personally appeared _____, proved to me through
satisfactory evidence of identification, which were _____

_____ to be the
person(s) whose name is signed on the preceding or attached document and acknowledged to me
that he/she signed it voluntarily for its stated purpose.

NOTARY PUBLIC
My commission expires: _____

NOTE: This conveyance is not effective until accepted by Town Meeting.

Application No. _____



Town of Westport
Planning Board
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Westport, MA 02790

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planning@westport-ma.gov

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Form M – REFERRAL FORM

Application No. _____

Date _____

FROM: WESTPORT PLANNING BOARD

TO:

_____ Board of Health
_____ Building Inspector
_____ Conservation Commission
_____ Fire Department
_____ Highway Surveyor
_____ Police Department
_____ Board of Selectmen
_____ Zoning Board of Appeals

_____ Assessor's
_____ 911 Coordinator

Please return no later than _____.

A public hearing is scheduled for _____.

**Please provide your comments and recommendations on the _____ "place
public hearing notice here"**

In accordance with Section III of the Planning Board's site plan/subdivision rules and regulations, this plan has been submitted to your department for review and recommendations. Please consider the following subject area(s), among others, in your review of this plan:

Note: Please check off applicable subject area(s) to be reviewed.

_____ Water system	_____ Open space
_____ Sewer system	_____ Street lights
_____ Road design and layout	_____ Street names
_____ Wetlands, floodplains	_____ Health
_____ Fire protection	_____ Utility system:
_____ Police protection	_____ gas
_____ Engineering specifications	_____ electric
_____ Drainage	_____ telephone
_____ Other _____	

Please RETURN To Planning Board No Later Than _____.

FORM M-1 PLAN REVIEW FORM

Application No. _____

Date _____

FROM: _____

TO: **The Westport Planning Board**

A public hearing is scheduled for _____.

SUBJECT: **Comments and recommendations** on the _____ application of ____ place
contents of public hearing notice here – *same as form M.*

The undersigned recommends:

_____ approval
_____ approval with modifications
_____ disapproval

of the above-named subdivision plan insofar as its area of jurisdiction is concerned. The reasons
for this recommendation are as follows:

Name of officer, agency or board

Note: The Planning Board will take into consideration any recommendations made
hereon before taking final action on the definitive subdivision plan. Lack of a timely
report by any officer, agency, or board will be so recorded in the minutes of the Planning
Board.



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Planning Board
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Form N
CONTROL FORM FOR PROCESSING
SUBDIVISION PLAN AND CONSTRUCTION

Application No. _____ Date _____

Plan Entitled: " _____ " for _____

LAND LOCATED:

PLANS BY:

Applicant:

OWNER:

Submission Date (S) _____
Received: Checks: _____ Forms _____ Plans _____ Drainage Calcs: _____
Boards: _____

Plan Review Request to	Date Sent	Date Received
<u>BUILDING DEPARTMENT</u>	_____	_____
<u>CONSERVATION COMMISSION</u>	_____	_____
<u>HIGHWAY DEPT</u>	_____	_____
<u>POLICE DEPARTMENT</u>	_____	_____
<u>FIRE DEPT</u>	_____	_____

FORM N
PAGE 2 of 3

Definitive/Prelim./Site Plan

Dates

Approval Deadline Date (S+135 days)	_____
Hearing Date (H)	_____
Date of letters to abutters (H-14 days)	_____
Approval or Disapproval Date (A)	_____
Date Approval filed with Town Clerk	_____
Appeal Deadline Date (A-20 days)	_____
Date of Performance Guarantee Agreement& Book & Page	_____
Date Record Plans endorsed	_____
Date Plans Recorded & Book & Page	_____
Date of Amendments or Extensions to Original Performance Guarantee	_____
Description of Amended Performance Guarantee	_____
Date of Amendment Modification or rescission of Approval	_____
Date of As-built	_____
Date of Form-R	_____
Other	_____

Releases

Lot Numbers	Date of Lot release	Description of performance guarantee
-------------	---------------------	--------------------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Date of Final Release _____

Certificate of Completion _____

INSPECTIONS DATE	TYPE	SIGNATURE OF INSPECTOR WHEN INSPECTION COMPLETE
1. _____	Cleaning, Grubbing & Excavation	_____
2. _____	Drainage System	_____
_____	Water System	_____
_____	Sewer System	_____
_____	Underground utilities	_____
3. _____	Backfill, fill and rough grading	_____
4. _____	Gravel base	_____
5. _____	Bituminous Concrete	_____
_____	Binder course Curbs/berms	_____
6. _____	Bituminous Concrete	_____
_____	Surface Course	_____
7. _____	Sidewalks	_____
_____	Loam and seed	_____
_____	Street trees	_____
_____	Road signs	_____
_____	Street lights	_____
_____	Fire hydrants	_____
_____	Fire alarm system	_____
_____	Other	_____
8. _____	Bounds	_____
9. _____	Final inspection	_____
_____	Final Clean-up	_____



Town of Westport

Planning Board
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Form O RELEASE OF MUNICIPAL INTEREST

Application No. _____

Date: _____

CERTIFICATE OF PARTIAL/COMPLETION AND PARTIAL/RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURED BY DEPOSIT OF MONEY

The undersigned, being the majority of the Planning Board of the Town of Westport, Massachusetts, hereby PARTIALLY/releases the cash surety held under a FORM G Agreement dated _____ for the plan "_____" dated _____ and revised through _____, recorded with Bristol County Registry of Deeds S.D. in Book ___, Page ____.

Pursuant to Section 81-U of Chapter 41, M.G.L. and in consideration of FULL/PARTIAL completion of said construction and installation at municipal services, the Town of Westport, a Massachusetts municipal corporation, acting through its Planning Board, hereby FULLY/PARTIALLY releases its interest in the performance surety referred to above in the sum of \$ _____ plus any interest accrued (remove the following if a FULL release) **retaining a balance of \$ _____ (if any)** for the remaining construction of ways and installation of Municipal Services.

Duly executed as a sealed instrument this ____ day of _____.

Signatures of a Majority of the Planning Board of the Town of Westport

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

On this ____ day of _____ 20__, before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Planning Board of the Town of Westport.

NOTARY PUBLIC

My commission expires: _____



Town of Westport
Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

Form OSRD

Application No. _____

Date _____

Application for Open Space Residential Development (OSRD)

All applications for Open Space Residential Development (OSRD) Approval shall be submitted to the Planning Board and shall be reviewed by the Board following normal procedures as established in M.G.L., Chapter 41, Section 81K to 81GG "The Subdivision Control Law" The tract may be a subdivision or a division of land pursuant to Massachusetts General Law Chapter 41: Section 81-P. Applicant should refer to Article 18 of the Town of Westport Zoning By-Laws for information in preparing their submittal packet.

Project Name _____

Location of Site _____

Map _____ **Lot** _____

Zoning District(s) (Including all overlay districts): _____

Target date to begin construction: _____

Please Complete

1. Name of Applicant(s): _____
Address: _____
Mailing Address: _____
Telephone: _____
E-mail Address: _____
2. Name of Property Owner(s): _____
Address: _____
Mailing Address: _____
Telephone: _____
E-mail Address: _____
3. Engineer Name: _____
Address: _____
Telephone: _____
E-mail Address: _____

4. Surveyor Name: _____
 Address: _____
 Telephone: _____
 E-mail Address: _____
5. Landscape Architect Name: _____
 Address: _____
 Telephone: _____
 E-mail Address: _____
6. Attorney Name: _____
 Address: _____
 Telephone: _____
 E-mail Address: _____

At your pre-application meeting, staff will identify which items are required for submittal. An appointment must be scheduled to submit this application. Please call (508) 636-1037 to schedule your appointment.

**This document constitutes a Public Record under
 Massachusetts General Law Chapter 66: Section 10.
 Public inspection and copies of records; presumption; exceptions.**

Submittal Requirements

All Graphics And Plans Shall Be To Scale and Dimensioned. All Documents shall be presented in 24" X 36" Size and Folded.

Description of documents required for complete application.

Req'd Rec'd

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Completed project application for OSRD. |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Application Fee- \$_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Consulting Engineer's Fee - \$_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Notarized, written authorization from the property owner <i>if</i> someone other than the property owner is making the submittal. |

Application No. _____

- ☐ ☐ 5. Narrative describing the development proposal.
- ☐ ☐ 6. Current Title Report - not older than 30 days.
- ☐ ☐ 7. Deed or conveyance.
- ☐ ☐ 8. Legal Description.
- ☐ ☐ 9. Assessor's map with parcel(s) and project location clearly marked.
- ☐ ☐ 10. Conceptual Site Plan with the address and vicinity (locus) map of the site.
- 24" x 36" – 2 copies
 - 11" x 17" – 12 copies
- ☐ ☐ 11. Conceptual Landscape Plan - location of all proposed and existing plantings.
- 24" X 36" – 2 copies
 - 11" x 17" – 12 copies
- ☐ ☐ 12. Landscape Architect's Certificate (see page 9)
- ☐ ☐ 13. Color Context Aerial (24" x 36" – 1 copy) - not more than one year old with Context Site Plan superimposed.
- ☐ ☐ 14. Color photos of the existing conditions. (Please see separate form for directions.)
- ☐ ☐ 15. Archeological Resources. The applicant should verify that development is not going to adversely affect or impact an archeological or protected species site. Please provide letters of verification from the following:
- MA Division of Fisheries and Wildlife Natural Heritage
<http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm>
 - MA Historical Commission
<http://www.sec.state.ma.us/mhc/mhchpp/tsdhpp.htm>
- ☐ ☐ 16. Historical Property (If site is a existing or potential historic property, please provide Narrative proposing the plan to preserve the historic character, or compliance with the existing preservation plan.)
- ☐ ☐ 17. List of certified abutters within a 300-foot radius of perimeter of site.

Application No. _____

- ☐ ☐ 18. Letters describing service availability from utility service providers.
- NSTAR Gas 800.592.2000
 - New England Gas Co. 800.544.4944
- ☐ ☐ 19. Proposed Codes, Covenants and Restrictions (CC&R's).
- ☐ ☐ 20. Phasing Plans, if project is to be developed in phases.

Engineering and Related Data

- ☐ ☐ 21. Surveyor's Certificate (see page 7)
- ☐ ☐ 22. Engineer's Certificate (see page 8)
- ☐ ☐ 22. Alta Survey (not older than 30 days).
- 24" x 36" – 1 copy
- ☐ ☐ 23. Topography Map.
- 24" x 36" – 1 copy
 - 11" x 17" – 6 copies
- ☐ ☐ 24. Soils Report
- ☐ ☐ 25. Cuts and Fills site plan.
- ☐ ☐ 26. Drainage/Storm Water Management Report (3 copies).
- ☐ ☐ 27. Current FEMA issued flood map for Bristol County dated 07/07/2009.
- ☐ ☐ 28. Water Study Report (3 copies).
- ☐ ☐ 29. Traffic Impact Study (3 Copies).
- Trip Generation Comparison may be sufficient with consulting engineer's approval.
- ☐ ☐ 30. Open Space Residential Development Open Space Analysis.
- ☐ ☐ 31. Proposed Development Envelope Concept Plan.
- ☐ ☐ 32. Form D - Designer's Certificate

Application No. _____

Architectural Plans & Related Requirements

- ☐ ☐ 33. Elevations: Show all sides of all building(s) and indicate building heights & label all materials and colors on plans.
- ☐ ☐ 34. Streetscape elevations (Include landscaping).
- ☐ ☐ 35. Floor plans.
- ☐ ☐ 36. Sign details.

Lighting Plan

- ☐ ☐ 37. Lighting Site Plan (include landscape lighting, building lighting, and all other lighting.)
- ☐ ☐ 38. Manufacturer cut sheets of all proposed lighting shall be submitted on full size 24" X 36" sheets.

APPLICANT IS RESPONSIBLE FOR SUBMITTING THE FOLLOWING IN PDF FORMAT

- Conceptual Site Plan
- Landscape Plan
- Context Aerial with Conceptual Site Plan superimposed
- Proposed Development Envelope Concept Plan
- Elevations
- Floor Plans
- Lighting Site Plan

The undersigned Applicant(s) hereby submit(s) the accompanying plan of land, entitled _____ that was prepared by _____ and that is dated _____ (the "design"), for Open Space Residential Design (OSRD) approval under the OSRD Zoning By-law and the Planning Board's Rules and Regulations, in the belief that the design conforms to the OSRD Bylaw and the Planning Board's Rules and Regulations as set forth below.

1. The applicant agrees that the OSRD bylaw's 45-day decision period commences only when the Planning Board formally votes to acknowledge the Development Plan as being substantially complete.
2. The applicant agrees that the design is based on the four-step §18.4 a OSRD Development Plan Design, and understands that he will be required to demonstrate as such during the public hearing.

Application No. _____

3. The applicant acknowledges that any application approved under the OSRD Bylaw, based on the submitted design, is valid for only two years.
4. The applicant acknowledges that any subsequent OSRD Definitive Subdivision Plan will only be permitted if it is proven to be substantially compliant with the corresponding OSRD By-law.

By signing below, the parties agree that the above documentation has been submitted and received.

Applicant Signature

Owner Signature

Date

Date

Application No. _____

SURVEYOR'S CERTIFICATE

I hereby certify that I performed an on the ground survey on _____ (date(s) of the survey) upon which the design was based, that I have reviewed the Town Of Westport's OSRD By-law, Article 18, and the Planning Board's applicable Rules and Regulations and that the survey conformed to all applicable requirements of federal, state and local law and all applicable professional rules and regulations and the requirements of the Town Of Westport OSRD Bylaw and the Planning Board Rules and Regulations.

(In the event that the design does not conform to all requirements, the surveyor shall submit a letter indicating each way in which the design does not conform and why.)

SIGNED AND SEALED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS _____ DAY OF _____, 20__.

Signature of Registered Surveyor
Print Name: _____

Application No. _____

ENGINEER'S CERTIFICATE

I hereby certify that I prepared the design, that I have reviewed the Town Of Westport's OSRD By-law, Article 18, and the Planning Board's applicable Rules and Regulations, that the design was prepared based upon a ground survey performed on (date(s) of survey) _____ by _____, and that, to the best of my knowledge and belief, the design conforms to all of the requirements of the Norwell OSRD Bylaw and the Planning Board Rules and Regulations. (In the event that the design does not conform to all requirements, the engineer shall submit a letter indicating each way in which the design does not conform and why.)

SIGNED AND SEALED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS ____ DAY OF _____, 20__.

Signature of Registered Engineer

Print Name: _____

Application No. _____

LANDSCAPE ARCHITECT'S CERTIFICATE

I hereby certify that I prepared the design, that I have reviewed the Town Of Westport's OSRD By-law, Article 18, and the Planning Board's applicable Rules and Regulations, that the design was prepared based upon a ground survey performed on (date(s)): _____ by _____, and that, to the best of my knowledge and belief, the design conforms to all of the requirements of the Town Of Westport OSRD Bylaw, Article 18, and the Planning Board Rules and Regulations.

(In the event that the design does not conform to all requirements, the Landscape Architect shall submit a letter indicating each way in which the design does not conform and why.)

SIGNED AND SEALED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS _____ DAY OF _____, 20__.

Signature of Landscape Architect

Print Name: _____

Application No. _____

The undersigned, being the applicant, or owner of all land included within the proposed **Open Space Residential Development (OSRD) Conceptual Plan** has submitted a complete application to the Westport Planning Board entitled:

Date of Conceptual Plan _____

Prepared by _____

of _____

Number of lots proposed on Conceptual Plan, and having a minimum of five lots

Parcel size _____ (total acres or square feet)

Date of accepted submittal packet _____

The undersigned's title to said land is derived from deed dated _____

- Recorded in the Bristol County Southern District Registry of Deeds on
Date _____ Book _____ Page _____
- or*
- Registered in the Bristol County Southern District Registry of Land Court,
Certificate of Title No. _____.

Received by Town Clerk; Westport, Massachusetts

Date _____

Time _____

Signature of Town Clerk _____

Applicant or Owner's signature _____

Applicant or Owner's address _____

Applicant or Owner's phone _____

Applicant or Owner's e-mail _____

Application No. _____

The undersigned, being the applicant, or owner of all land included within the proposed **Open Space Residential Development (OSRD) Conceptual Plan** has submitted a complete application to the Westport Planning Board entitled:

Date of Conceptual Plan _____

Prepared by _____

of _____

Number of lots proposed on Conceptual Plan, and having a minimum of five lots

Parcel size _____ (total acres or square feet)

Date of accepted submittal packet _____

The undersigned's title to said land is derived from deed dated _____

- Recorded in the Bristol County Southern District Registry of Deeds on
Date _____ Book _____ Page _____
or
- Registered in the Bristol County Southern District Registry of Land Court,
Certificate of Title No. _____.

A copy of the application and plan were received by Westport Board of Health:

Date _____

Time _____

Signature _____

Application No. _____



Town of Westport
Planning Board
856 Main Road
Westport, MA 02790

www.westport-ma.gov
planning@westport-ma.gov

Tel: (508) 636-1037
Fax: (508) 636-1031

FORM P

Application No. _____

Date _____

TOWN CLERK'S CERTIFICATE OF NO APPEAL

I certify Notice of Approval of this plan by the Planning Board on _____

was received by me on _____ and that no notice of appeal was received by

me during the 20 days next after receipt of said notice.

Date _____

Town Clerk
Westport, Massachusetts

Plan name: _____

Plan date: _____

Type of Plan: _____

Owner: _____

Address: _____

Applicant: _____

Address: _____

Date application filed with Planning Board: _____

Date application approved: _____

Date application filed with Town Clerk: _____

Original to Planning Board



Town of Westport
Planning Board
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Form Q

Application No. _____

Date _____

INSPECTION PROCEDURES

To Applicants or Subdividers of Land in Westport, Massachusetts

Reference is made to Section V-A, 2, of the Rules and Regulations Governing the Subdivision of Land in Westport, Massachusetts which reads as follows:

“In order that a Registered Professional Engineer may properly inspect the work as it progresses, the applicant or subdivider will keep him informed at all times of the progress of the work, as set forth in the Town of Westport Planning Board Rules & Regulations Governing the Subdivision of Land, and will continuously provide safe and convenient access to all parts of the work for inspection by a Registered Professional Engineer or by such persons as he may designate for that purpose. No work will be approved that has been covered before such inspection.”

To assure compliance with the provisions of this paragraph, the following procedure, which has been approved by the Planning Board, must be followed:

1. The developer must notify the Registered Professional Engineer in writing before the start of construction.
2. The developer must notify the Registered Professional Engineer when underground utilities and drainage are installed in order that inspection may be carried out before any backfilling is done.
3. The subgrade must be approved by the Registered Professional Engineer before the application of the gravel base course. At the Registered Professional Engineer's discretion, he may require the developer to provide soil tests by an independent soils engineer to determine the nature of sub-soil conditions.
4. The gravel base course must be approved by the Registered Professional Engineer before the application of bituminous concrete (street or sidewalk).
5. The developer must notify the Registered Professional Engineer at the start of each application of bituminous concrete on the street and sidewalk and of placement of curbing.

FORM Q
PAGE TWO

6. The developer must submit a certified copy of a Registered Professional Engineer's field notes showing survey work for stone bound locations.
7. The developer must submit a certified copy of a Registered Professional Engineer's field survey notes on line and grade of underground utilities and drainage as constructed.
8. The developer must submit a certified copy of a Registered Professional Engineer's field notes showing "as built" final cross section of roadway.

The release of the Covenant or bond is contingent up compliance with the above procedure.

Signed & Received by _____
Print name _____
Date _____

Print Applicant's Name _____
Applicant's Address _____

Applicant's Phone _____
Applicant's Email _____

Owner (if other than Applicant) Name _____
Owner's Address _____

Owner's Phone _____
Owner's Email _____

Application No. _____



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Form R

Application No. _____

Date _____

ENGINEER'S REPORT

From: _____, Registered Professional Engineer

To: Planning Board, Town of Westport, MA.

1. The undersigned, a registered professional engineer licensed in the state of Massachusetts, certifies that the construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled: _____, by: _____, address: _____, land located: _____, and showing _____ proposed lots, have:

DATE INSPECTED AND FINDINGS

- a. 12' gravel foundation:
(TABLE A, Sec. h (1)) _____
- b. Surface Course of Road:
(TABLE A, Sec. h (2)) _____
- c. Grade stakes:
(TABLE A, Sec. d.) _____
- d. Subdrains:
(TABLE A, Sec. e.) _____
- e. Drainage System:
(TABLE A, Sec. f.) _____
- f. Water and gas mains :
(TABLE A, Sec. g.) _____
- g. Construction conforms with Definitive Plan: _____
- h. Area cleared:
(Sec. V-B1.) _____
- i. Center line and width of street:
(Sec. V-B2.) _____
- j. Finished grade, surface and curbing:
(Sec. V-B3.) _____
- k. Sides graded, seeded, loamed:
(Sec. V-B4., Table A X Section) _____

Continued.....

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Please note: All information should be typed, or printed legibly, not handwritten.

DATE INSPECTED AND FINDINGS

l. Concrete bounds:

(Sec. V-B6.)

m. Sidewalks, as required:

(Sec. V-B7, and Table A.)

n. Storm Drainage:

(Sec. V-C.)

o. Utilities:

(Sec. V-E.)

p. Wetlands:

(Conservation Commission)

q. Wells and sewage systems:

(Board of Health)

2. The following comments are hereby submitted concerning the listed inspections:

Signature of Registered Professional Engineer

Registration Number: _____

(SEAL)

Address

Phone Number

E-mail

NOTE: Items "a" through "o" refer to the Town of Westport's Planning Board Rules and Regulations Governing the subdivision of Land" dated September 28, 1981 and revisions thereto.



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**Application for Special Permit – Common Driveway
(SP-CD)**

Application No. _____

Date _____

Article 21 of the Westport Zoning By-Laws

In an effort to preserve, protect and enhance environmentally sensitive land that might otherwise be cleared, excavated, filled and/or covered with impervious surface this bylaw seeks to minimize negative impacts on community character and improve safety and emergency access. Common driveways may be allowed by Special Permit granted by the Planning Board in accordance with the provisions of this section. A Special Permit will not be required when the common driveway is approved as part of the definitive subdivision process. For existing common driveways: a Special Permit shall be required when alterations are proposed to the common driveway.

This application form shall be filed by the petitioner with the Town Clerk. A copy of said application form including date and time of filing certified by the Town Clerk shall be filed forthwith by the petitioner with the Planning Board along with all other plans, materials and required fees. Applications shall be filed with fourteen (14) copies of the plan.

The applicability of the special permit requirement and of the particular zoning by-law to a particular proposal is discussed in Article 21 of the Westport Zoning By-Laws and the Driveways and Common Driveway Rules and Regulations (forthcoming). The petitioner should also note any other sections of the Zoning By-Laws pertaining to the proposed project.

The following sections of the application describe supplementary information that must be submitted, and those aspects of the proposed site development that will be evaluated by the Planning Board.

1. Full name of owner(s) and address of land to which this application applies:

Signature of owner(s) _____

2. Full mailing address and telephone number of owner(s) of land to which this application applies or full name, mailing address and telephone number of the applicant if different from the above:

Signature of applicant(s) _____

3. Submit with this application a listing of abutters as certified by the Board of Assessors containing full names and addresses of abutting owners of land and those directly opposite on any public or private street or way and owners of land within 300 feet of the property line, according to the most recent tax list. Also submit a certified list of abutting property owners of surrounding towns (if any) certified by the assessors of that town.

4. Location of Property: Map _____ Lot _____

5. Does your common driveway serve more than 2 lots? Yes No (*circle one*)

6. Is your common driveway part of a definitive subdivision? Yes No (*circle one*)

7. Is your common driveway part of an Approval Not required Plan? Yes No (*circle one*)

8. Is your project residential, commercial or Mixed-Use? _____

9. Length of Common Driveway (in feet)? _____

10. Width of Common Driveway (in feet)? _____

11. Turning area provided: Yes No (*circle one*) Describe _____

12. What is the separation distance (in feet) between access connections and the road? _____

13. Maximum grade of driveway? _____

14. Has the plan been prepared in accordance with Articles 21.3 through 21.11? Yes No (*circle one*) If no, please explain: _____

15. Owner's Association documents attached for Planning Board counsel review (a separate fee may be required). Yes No (*circle one*)

Application No. _____

16. Are you seeking any dimensional waivers? Yes No (*circle one*) explain:

Received by Town Clerk:

- ☐ \$ _____ Application fee
- ☐ \$ _____ Advertising
- ☐ \$ _____ Abutters Notification
- ☐ \$ _____ Consultant Review Fee
- ☐ \$ _____ Town Counsel Review Fee

Application No. _____



Town of Westport

Planning Board

856 Main Road

Westport, MA 02790

planning@westport-ma.gov

Tel: (508) 636-1037

Fax: (508) 636-1031

Application for Special Permit – Flexible Frontage for Reduced Density (SP-FF)

Application No. _____

Date _____

Article 23 of the Westport Zoning By-Laws

(approved at ATM 5/3/12)

The purpose of this Article is to reduce residential development density, reduce vehicular trips, road congestion, demand for public services and the number of curb cuts onto Town roadways; maintain the natural and cultural resources visible along these roadways; facilitate the movement of wildlife; protect traditional access to “backland” open space; and improve the design and site planning of smaller residential neighborhoods.

To achieve this, the Planning Board may issue a special permit to allow a reduction in the otherwise applicable frontage requirements on a public way or a private way that the Planning Board votes to determine has been in existence since prior to the effective date of the Subdivision Control Law in the Town of Westport and has adequate, width, grade and construction within the meaning of G.L. c. 41, §81L for the proposed development, for one or more of the lots proposed, in exchange for a corresponding reduction in development density and reliance upon common driveways, if applicable.

This application form shall be filed by the petitioner with the Town Clerk. A copy of said application form including date and time of filing certified by the Town Clerk shall be filed forthwith by the petitioner with the Planning Board along with all other plans, materials and required fees. The Planning Board is not responsible for delays due to incomplete deficient or incomplete submissions.

The following sections of the application describe supplementary information that must be submitted, and those aspects of the proposed site development that will be evaluated by the Planning Board.

1. Full name of owner(s) and address of land to which this application applies:

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2. Full mailing address and telephone number of owner(s) of land to which this application applies or full name, mailing address and telephone number of the applicant if different from the above:

3. Location of Property: Map _____ Lot _____ Zoning District: _____

4. Please provide (as an attachment) a narrative describing compliance with each aspect of Article 23.3, Design Standards:

- Retain Existing Roads and Laneways
- Reduce Potential Number of Driveways
- Preserve Stone Walls and Edge-Of-Field Vegetation
- Site Buildings Carefully
- Use Existing Vegetation and Topography To Buffer And Screen New Buildings
- Minimize Clearing of Vegetation
- Minimize Slope Disturbance
- Keep Traditional Access Open

5. A special permit may be issued so that the required lot frontage is decreased as a function of average density decrease (average lot size and upland increase) in equal proportions, to a minimum of fifty (50) feet of frontage.

- Please list lot sizes, uplands, and frontage and explain your methodology.

State the full name, mailing address and telephone of any attorney or other person who is authorized by you to appear and represent you before the Board:

Date: _____

Signature of Owner: _____

Owner's Mailing Address: _____

Owner's Telephone No _____

Received by Town Clerk

- ☐ \$ _____ Application fee
- ☐ \$ _____ Consultant Review Fee
- ☐ \$ _____ Town Counsel Review Fee
- ☐ Concurrent applications, as applicable:
 - Common Driveway Special Permit
 - Definitive Subdivision or Modification



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Application for Site Plan Approval – Low Impact Development (SPA-LID)

Application No. _____

Date _____

Article 20 of the Westport Zoning By-Laws

(approved at ATM 5/24/11)

The purpose of this bylaw is to establish minimum requirements and controls to protect and safeguard the environment, natural resources, general health, safety, and welfare of the public residing in watersheds within the Town's jurisdiction from the adverse impacts of soil erosion, sedimentation, and stormwater runoff. This section seeks to meet that purpose through the following objectives:

- A. To eliminate or reduce the adverse effects of soil erosion and sedimentation;
- B. To minimize stormwater runoff from any development;
- C. To minimize nonpoint source pollution caused by stormwater runoff from development;
- D. To provide for groundwater recharge where appropriate; and
- E. To ensure controls are in place to respond to objectives in Subsections 20.1 A and 20.1 B (of the bylaw) and that these controls are properly operated and maintained.

This application form shall be filed by the petitioner with the Town Clerk. A copy of said application form including date and time of filing certified by the Town Clerk shall be filed forthwith by the petitioner with the Planning Board along with all other plans, materials and required fees. Applications shall be filed with fourteen (14) copies of the plan.

The applicability of the site plan approval requirement and of the particular zoning by-law to a particular proposal is discussed in Article 20 of the Westport Zoning By-Laws and the Site Plan Approval – Low Impact Development Rules and Regulations (forthcoming). The petitioner should also note any other sections of the Zoning By-Laws pertaining to the proposed project.

The following sections of the application describe supplementary information that must be submitted, and those aspects of the proposed site development that will be evaluated by the Planning Board.

1. Full name of owner(s) and address of land to which this application applies:

2. Full mailing address and telephone number of owner(s) of land to which this application applies or full name, mailing address and telephone number of the applicant if different from the above:

3. Submit with this application a listing of abutters as certified by the Board of Assessors containing full names and addresses of abutting owners of land and those directly opposite on any public or private street or way and owners of land within 300 feet of the property line, according to the most recent tax list. Also submit a certified list of abutting property owners of surrounding towns (if any) certified by the assessors of that town.

4. Location of Property: Map _____ Lot _____

5. Does your project have a land disturbance of 40,000 square feet or more? Yes No (*circle one*)

LAND DISTURBANCE ACTIVITY - Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface, including: grading, digging, culling, scraping, excavating of soil, placement of fill materials, paving construction, substantial removal of vegetation, any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

6. Is your project a definitive subdivision? Yes No (*circle one*)

7. Is your project residential, commercial or mixed-use? _____

8. **Plan and Narrative:** The applicant shall submit a plan to the Planning Board that illustrates how the LID site design standards found in Article 20.5 were utilized to the maximum extent feasible and explains any site and financial constraints which limited application of items 1 through 10 and how items 11 and 12 were considered for implementation. Please attach to application.

9. Have the plan prepared in accordance with Article 20.6? Yes No (*circle one*)

10. Owner's Association documents attached for Planning Board counsel review (a separate fee may be required). Yes No (*circle one*)

11. Has an Operation and Maintenance plan (O&M Plan) been included in accordance with Article 20.10? Yes No (*circle one*)

12. Are easements required? Yes No (*circle one*)

Please be advised: a public hearing is not required under this bylaw but the Planning Board must review the plan at a duly posted meeting. It may take several weeks for the Planning Board's consultant review engineer to make his findings to the Board.

Received by Town Clerk

- ☐ \$ _____ Application fee
- ☐ \$ _____ Consultant Review Fee
- ☐ \$ _____ Town Counsel Review Fee

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TIBBETTS/DEVELOPERS QUESTIONNAIRE

TEC PROJECT NO: _____

PROJECT NAME: _____

OWNER/DEVELOPER: _____ **TEL #** _____

ADDRESS: _____

AUTHORIZED TO REQUEST INSPECTIONS: _____
(List your contractors that you authorize here)

ADDRESS: _____

AUTHORIZED TO RECEIVE PROJECT CORRESPONDENCE:

_____ **ADDRESS:** _____

and WESTPORT PLANNING BOARD.

AUTHORIZED TO REQUEST/RECEIVE SURETY INFORMATION:

_____ **and Westport Planning Board.**

**AS A REMINDER,
NO CONSULTANT ENGINEER WORK IS TO BE PERFORMED UNLESS
SUFFICIENT FUNDS ARE ON DEPOSIT WITH THE
TOWN OF WESTPORT**

Return to Planning Board

Town of Westport

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Application and Authorization to Proceed

Application No. _____

Date _____

Applicant Name: _____

Project Name: _____

Application to Proceed with Grading, Construction and Installation of the Required Improvements for Subdivisions and Site Plan Approvals:

Date: _____

TO THE PLANNING BOARD OF THE TOWN OF WESTPORT:

The undersigned applicant(s), being the owner(s) of all land shown on the approved definitive plan or site plan entitled:

Prepared by: _____

Dated: _____ and approved by the Planning Board on _____

hereby makes an application for authorization to proceed with grading, construction and installation of the required improvements, which work will be carried on in the subdivision or site plan beginning on or about _____ in accordance with the above-mentioned Rules and Regulations of the Planning Board, recommendations of the Board of Health, conditions of plan approval by the Planning Board, covenants and other agreements between the applicant and Planning Board, Orders of Condition imposed by the Conservation Commission, and other conditions imposed by any State or Federal agency. In accordance with the provisions of the Rules and Regulations, the applicant agrees to notify the Engineer for the Planning Board, Tibbetts Engineering, of the completion of each major phase of construction, to request inspections of each phase in accordance with the Planning Board's Inspection Schedule, as applicable, and proceed with the next phase only after approval of the completed work by the Planning Board or its authorized agent. The applicant acknowledges that the Engineer for the Planning Board, Tibbetts Engineering, will require advance notice of 5 working days BEFORE THE CLOSING OF THE PLANNING BOARD MEETING AGENDA to schedule and produce an estimate for a request for bond reduction, and advance notice of 72 hours BEFORE THE CLOSING OF THE PLANNING BOARD MEETING AGENDA for a routine inspection. THE PLANNING BOARD MEETING AGENDA CLOSING ON THURSDAY AFTERNOON OF THE WEEK PRIOR TO THE TUESDAY MEETING. In addition, the applicant agrees that a complete copy of the approved plan and the conditions of approval shall be provided to all contractors and sub-contractors and be available on-site at all times during construction.

Signature of Applicant

Date

Address

In accordance with the requirements of the Rules and Regulations of the Westport Planning Board and with the recommendation of the Engineer for the Planning Board pursuant to a pre-construction on-site meeting conducted on _____, the above applicant is hereby authorized to proceed with grading, construction and of the required improvements in the above named project in accordance with the above-mentioned Rules and Regulations of the Planning Board, recommendations of the Board of Health, conditions of plan approval by the Planning Board, covenants and other agreements between the applicant and Planning Board, Orders of Condition imposed by the Conservation Commission, and other conditions imposed by any State or Federal agency.

Date: _____

Westport Planning Board Authorized Signature