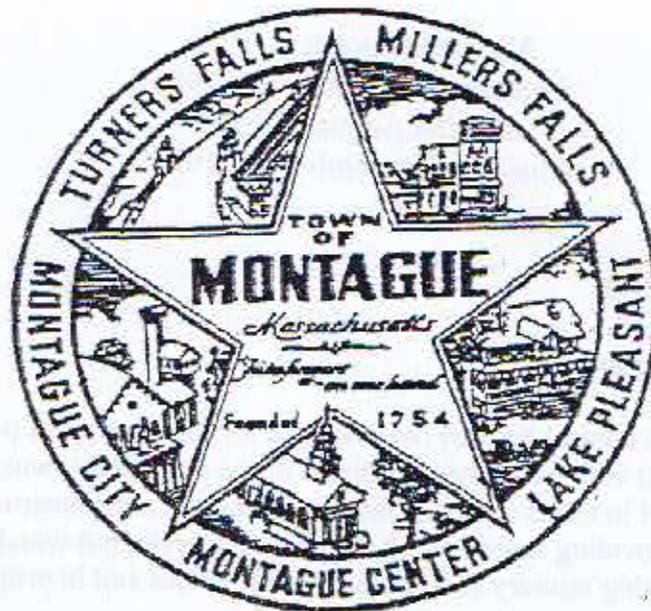


# SUBDIVISION REGULATIONS



Montague Planning Board

\$8.00

A true copy:

Attest:

Town Clerk, Montague

RULES AND REGULATIONS  
GOVERNING THE SUBDIVISION OF LAND  
MONTAGUE, MASSACHUSETTS

(Adopted under the Subdivision  
Control Law, Sections 81-K to 81-GG  
inclusive, Chapter 41, G.L.)

Adopted October 4, 1972  
Amended September 22, 1986  
Amended August 19, 1989  
Amended September 11, 1989

**SECTION I. INTRODUCTION**

**Sec. 1.1 Purpose of the Law.**

The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas.

The powers of a planning board and of a board of appeals under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by way that will be safe and convenient for travel; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions. Such powers may also

(Montague Subdivision Regulations)

be exercised with due regard for the policy of the commonwealth to encourage the use of solar energy and protect the access to direct sunlight of solar energy systems. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendations of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivisions of land, provided, however, that such board may, when appropriate, waive, as provided for in section 81-R, such portions of the rules and regulations as is deemed advisable. (See Section 81-M of Chapter 41, G.L.)

**Sec. 1.2 Authority.**

Under the authority vested in the Planning Board of the Town of Montague by Section 81-Q of Chapter 41 of the General Laws, said Board hereby amends the rules and regulations governing the subdivision of land in the Town of Montague following public hearing on September 11, 1989. These amended regulations supersede all previous RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

**Sec. 1.3 Interpretation of Rules and Regulations.**

The Town of Montague shall not be held responsible for any individual interpretation of these rules and regulations. The provisions of these regulations shall be the minimum requirements adopted for the promotion of health, safety and welfare of the people of the Town of Montague. These regulations are not intended to repeal, abrogate, annul, or in any manner interfere with any existing laws, covenants, or rules. It is provided, however, where these regulations impose a greater restriction than is required by such existing laws, covenants, or rules, that the provisions of these regulations shall govern.

**Sec. 1.4 Plan Filing at Registry.**

No plan, whether of a subdivision or not, shall be accepted at the Registry of Deeds or Land Court unless it has been endorsed by the Planning Board (or in special cases is accompanied by a Town Clerk's certificate) as either being approved or not requiring approval.

**Sec. 1.5 Building Permits.**

No Building Permit will be issued for lots in a subdivision unless the subdivision plans have been endorsed and any conditions endorsed on the plan have been satisfied or waived.

**Sec. 1.6 Street Acceptance.**

Street acceptance and installation of municipal services on any way within a subdivision but not shown on an endorsed subdivision plan can be done only with a two-thirds vote of the Town Meeting.

**Sec. 1.7 Basic Requirements.**

No person shall make a subdivision within the meaning of the Subdivision Control Law of any kind within the Town of Montague, or proceed with the plotting, improvement, sale of lots in a subdivision, or the construction of ways, or the installation of Town Services therein, unless and until a Definitive Plan has been submitted, approved, and endorsed by the Planning Board as hereinafter provided.

## SECTION II DEFINITIONS

- Sec. 2.1 **Subdivision** shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided, provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town of Montague, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Town of Montague's Zoning By-law for erection of a building on such a lot. Conveyances or other instruments adding to, taking away from, leave any lot so affected without said required, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the Town into separate lots on each of which one such building remains standing, shall not constitute a subdivision.
- Sec. 2.2 **Subdivision Control** shall mean the power of regulating the subdivision of land granted by the Subdivision Control Law. (See Section 81-L of Chapter 41, G.L.)
- Sec. 2.3 **Applicant** shall include an owner or his agent or representative, or his assigns.
- Sec. 2.4 **Preliminary Plan** shall mean a plan of a proposed subdivision or resubdivision of land drawn on tracing paper, or a print thereof.
- Sec. 2.5 **Definitive Plan** shall mean the plan of a subdivision meeting the requirements of these subdivision regulations for submission, with appropriate and complete application, submitted to the Board for approval, to be recorded in the Registry of Deeds or filed with the Land Court when approved by the Board, all as distinguished from a Preliminary Plan.
- Sec. 2.6 **Street** shall mean a public way, or private way open to travel by the general public, or a way shown on a plan of a subdivision duly approved by the Planning Board.

- Sec. 2.7 General Laws (Abbreviated G.L.) shall mean the General Laws of Massachusetts; in case of rearrangement of the General laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.
- Sec. 2.8 Easement shall mean a right acquired by public authority or other person to use or control property for a utility or other designated public or private purpose.
- Sec. 2.9 Lot shall mean an area of land in one ownership or one leasehold with ascertainable boundaries established by deed or deeds of record, or a segment of land ownership defined by lot boundary lines on a land division plan duly recorded, said plan having been either approved by the Planning Board under the Subdivision Control Law, or endorsed by the Planning Board "Approval Under the Subdivision Law not Required."
- Sec. 2.10 Lot Frontage shall mean the continuous straight line distance between the side lot lines at the street line.
- Sec. 2.11 Lot Width shall mean the width of a lot, measured at the street building setback line, measured parallel to the lot frontage.
- Sec. 2.12 Right-of-way shall mean the width, between property lines, of a street, alley, crosswalk, or easement.
- Sec. 2.13 Screening A screen shall consist of one of the following:
- (a) Plant materials, at least three feet in height at the time of planting, which are of a type that may be expected to form a year-round dense screen and will reach a height in maturity of at least five feet. A screen of this type shall not be higher than eight feet.
  - (b) A masonry wall or wooden or fabricated fence from five to six feet in height, at least fifty percent solid, designed in an attractive manner to obscure any view.
  - (c) Any existing growth of trees and shrubs if in the judgment of the Planning Board such growth provides equivalent screening.
- Sec. 2.14 Municipal Service shall mean public utilities furnished by the Town and Districts in which a subdivision is located.
- Sec. 2.15 Planning Board shall mean the Planning Board of the Town of Montague; also hereinafter referred to as the Board.
- Sec. 2.16 Engineer or Surveyor shall mean Registered Professional Engineer or Registered Land Surveyor in the Commonwealth of Massachusetts

Other definitions shall be those appearing in General Laws, Chapter 41, Section 81-L as amended from time to time. If any definition appearing above is inconsistent with that appearing in General laws, Chapter 41, Section 81-L as amended from time to time, the latter definition shall govern.

## SECTION III PLANS FOR SUBDIVISION OF LAND

- A. General (Sec. 3.1)
- B. Plans Believed to Require Endorsement Only (Sec. 3.2)
- C. Subdivisions
  - 1. Preliminary Plans (Sec. 3.3)
  - 2. Definitive Plans (Sec. 3.4)

### **Sec. 3.1      General.**

Only those plans which constitute "subdivisions" as that term is defined in Section 2.1, require the approval of the Planning Board. However, all plans, whether "subdivisions" within the meaning of the law or not, must have either approval as a subdivision, or endorsement that they do not require approval, before they will be accepted for recording at the Registry of Deeds or registration at the Land Court. Plans intended for review at any meeting of the Planning Board must be forwarded to the office of the Town Clerk not later than 4:00 P.M. five working days prior to the Planning Board meeting. The day of the next regular Board meeting shall be considered to be the date of submission for all plans, except that the date of mailing shall be the date of submission for Definitive Plans sent by registered mail to the Planning Board, care of the Town Clerk.

### **Sec. 3.2      Plans believed to require endorsement only.**

#### **3.2.1      Endorsements.**

The applicant for such endorsement must submit to the Planning Board an original plan and two copies, including locus map showing major transportation routes and other major landmarks and Form A, "Application for Subdivision Believed Not to Require Approval" with a description of the intended use of the land.

The applicant must also notify the Town Clerk by either delivering or sending by registered mail, a notice giving the date of submission, description of the land sufficient for location (including Tax Assessor's map and parcel number) and the name and address of the owner.

In order to be considered, it is the intent of the subdivision control law that any subdivision plan filed with the Planning Board shall receive approval if said plan conforms to the recommendation of the Board of Health and to the reasonable rules and regulations of the Planning Board pertaining to subdivisions of land; provided, however, that section 81-R, MGL, such portions of the rules and regulations as deemed advisable.

The Board's Secretary is authorized to endorse the approval of the Board on a plan presented under this section.

Any person is encouraged to discuss his plan with one or more members of the Board.

The endorsement under this section may include a statement of the reason approval is not required. (See Section 81-P of Chapter 41, G.L.)

### 3.2.1.1 Plan Submissions.

In order to be considered by the Board, all plans for which endorsement is requested shall show all of the following:

1. North Point, date and scale.
2. Any existing structures on the land and dimensions of yards relating to such structures;
3. Names of all abutters as they appear in most recent tax list;
4. Existing and proposed lines of streets, ways, lots, easements and public or common areas;
5. Sufficient data to determine location, width, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground, with areas of lots and lot numbers;
6. Location of all permanent bounds properly identified as to whether existing or proposed;
7. The entire area in which the division takes place including all lots affected by an increase or decrease;
8. Location of all buildings or structures must be shown, including those underground, whether publicly or privately owned;
9. Any existing structures on any remaining adjoining land owned by the applicant and dimensions of yards relating to such structures;
10. Plan must have the following legend:

Planning Board Approval Not Required  
Montague Planning Board

By \_\_\_\_\_, Secretary

Date \_\_\_\_\_

### 3.3.2 Fees.

See Administrative Fees. Section 6.6

### 3.2.3 Endorsements by Planning Board.

The Planning Board shall endorse such plan as not requiring approval unless it shows a subdivision as defined in Section 81 L, Ch. 41, GL.

### 3.2.4 Notice to Town Clerk.

The Planning Board must act and notify the Town Clerk within fourteen (14) days of submission, or they are deemed to have determined that approval was not required.

## Sec. 3.3 Preliminary Plans for Subdivision Requiring Approval

### 3.3.1 General.

To save costly changes in detailed engineering drawings, it is suggested but not required that a Preliminary Plan of any proposed subdivision be submitted so that any differences between the developer and the Town may be resolved at an early stage.

At this stage, arrangements for sanitary sewerage disposal, performance guarantees, and required installation of facilities shall be discussed in a general manner with the appropriate Town agencies. This shall be directed through the Planning Board to the Board of Health, the Fire Chief, the Town Planner, Town Attorney, Highway Superintendent or the Conservation Commission if it is appropriate.

### 3.3.2 Initial Discussion.

A subdivider may appear at any regular meeting of the Board to discuss a sketch and to make a written request that a date be set for the submission of a preliminary plan. The purpose of the sketch is to introduce the subdivision to the Board without detailed drawings or engineering, to give an opportunity for the Board to point out problems requiring further study and to arrange a date for a discussion of the preliminary plan.

### 3.3.3 Submissions.

#### 3.3.3.1 Plans.

The subdivider submits seven (7) copies of a Preliminary Plan of a subdivision to the Planning Board and one (1) copy to be submitted to the Board of Health. One copy is retained by the Planning Board and the remaining copies are used by the Water Department, Water Pollution Control, Highway Superintendent, and Town Planner and Conservation Commission for discussion and approval, modification, or disapproval by each Board.

#### 3.3.3.1.1 Contents.

The Preliminary Plan may be drawn with either ink or pencil on a horizontal scale of one inch to each one hundred (100) feet or such other scale as the Board may approve to show details clearly and adequately, two copies shall be filed on regular print paper not exceeding 24" x 36" in size, and shall contain the following information:

1. The subdivision name, boundaries, north point, date, scale, legend, block for approval and title - "Preliminary Plan";

2. Names of the record owner, applicant, and the Professional Civil Engineer, Land Surveyor, or other designer of preliminary layout;
3. Names of all abutters as they appear in most recent tax list, including names of owners of land separated from the subdivision only by a street;
4. The existing and proposed lines of streets, sidewalks, ways, easements, and any public areas within the subdivision;
5. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision;
6. Location of all existing structures and buildings together with major site features such as stone walls;
7. The location, size and direction of flow of existing and proposed sewers, culverts, and storm drains;
8. Boundary lines of all proposed lots or divisions of land, their approximate areas and dimensions. Lots to be numbered in sequence.
9. The topography of the land in a general manner as well as a study of the natural surface and subsurface drainage and its effect on the total project design;
10. Proposed connection with existing water supply or alternative means of providing water supply to the subdivision;
11. Where owner or subdivider also owns or controls unsubdivided land adjacent to that shown on the preliminary plan, the applicant shall submit a sketch plan showing a possible or prospective street layout for such adjacent land.

In addition, to promote better understanding, it is requested that the following be submitted:

1. A drawing at a scale of 1" = 1000', showing the outline of the tract being subdivided, streets in the vicinity of the subdivision sufficient to locate the subdivision on town base maps, and streets and reserved open spaces proposed within the subdivision.
2. In the case of a subdivision covering less than all of the land owned by the subdivider in the areas of the subdivision, a plan showing in a general manner the proposed overall development of all of said land;
3. Preliminary findings, in a general way, of the Environmental impact Analysis if required by Section 4.7

### 3.3.3.2 Application Form.

The applicant submitting a Preliminary Plan shall file by delivery or Certified Mail a notice with the Town Clerk stating the date of submission for such approval of a Preliminary Plan accompanied by a copy of Form B.

### 3.3.3.3 Fees.

See Administrative Fees, Section 6.6

### 3.3.4 Review By Board.

The Preliminary Plan will be studied by the Board which within sixty (60) days after submission, shall tentatively approve, disapprove, or approve with modifications, the Preliminary Plan, noting thereon its action and any changes which should be made, including reference to the Board of Health. The plan will be returned to the applicant.

**NOTE:** Tentative approval does not constitute approval of a subdivision and a Preliminary Plan may not be recorded in the Registry of Deeds. Provided that a Definitive Plan is duly submitted within seven (7) months from the date of submission of the Preliminary Plan, the subdivision rules and regulations in effect at the time of submission of the Preliminary Plan shall govern the Definitive Plan, and if the Definitive Plan is ultimately approved, the zoning provisions in effect at the time of submission of the Preliminary Plan shall govern the land shown for five years from the date of endorsement of the subdivision plan (See Section 6, Chapter 40A, G.L.)

### 3.3.5 Acceptance and Approval of Proposed Facilities by Municipal Agencies Prior to Submission of Definitive Plan.

The applicant, before submission of his final application and definitive plan, shall obtain written approval of the sizes, locations and other permanent layout provisions for proposed facilities to be shown on the definitive plan, and written verification of the sizes and locations of existing facilities to be shown on said plan, from the agency and for the facilities listed below:

1. The Board of Health, for any proposed project, sewage disposal works or water system or systems.
2. The Board of Water Commissioners of appropriate Fire and Water District, for any special water supply facilities for fire protection where there is to be no public hydrant system.
3. The Board of Water Commissioners of appropriate Fire and Water District for written verification of the location and sizes of existing water mains and written approval of proposed locations and sizes of water mains, if in the fire district, as shown in the definitive plan.

4. The Superintendent of Highways for written verification of the location, sizes and grades of existing streets, right-of-way, easements, water mains outside the appropriate Fire District, sewer mains and storm drainage facilities as shown on the definitive plan.
5. The Superintendent of Highways for written approval of proposed locations, sizes and grades of streets, right-of-way, easements, water mains outside the appropriate Fire District, sewer mains and storm drainage facilities as shown on the definitive plan.
6. The Superintendent of Highways for written verification of estimates, secured by the applicant, of the cost of performing the various items of work as estimated by a engineer or contractor satisfactory to the board. These estimates, as approved, will be for consideration in determining the amount of bond to be furnished if a performance bond is to be filed.
7. The approval and verification required above from any agency may be indicated by appropriate signatures on the original copy of the definitive plan or by an appropriate statement from the agency addressed to the Board and referring to said plan by subdivision name, date and name and address of owner or subdivider.

**Sec. 3.4 Definitive Plans.**

**3.4.1 General.**

In applying for approval of a Definite Plan. The following must be filed with the Planning Board:

1. A properly executed application Form C;
2. Seven (7) copies of the Definitive Plan;
3. Evidence of Title;
4. Environmental Impact Statement.

**Board of Health:**

1. Two copies of the Definitive Plan.

**Town Clerk:**

1. Notice and copy of application Form C

**Definitive Plan Submission Requirements.**

The Definitive Plan shall be prepared by a registered Land Surveyor and/or registered Civil Engineer on material that has an opacity so as to allow consistent diazo and microfilm reproduction. All plans shall be prepared using compatible ink with excellent cohesiveness which will produce a permanent bond and result in a plan with long term durability.

The Definitive Plan shall be drawn at a horizontal scale of one inch to each one hundred (100) feet or such other scale as the Board may approve to show details clearly and adequately, seven (7) copies shall be filed on regular print paper not exceeding 24" x 36" in size, and shall contain the following information:

1. Subdivision name, boundaries, north point, date and scale.
2. Name and address of record owner, subdivider, surveyor and engineer.
3. Location and names of all abutters as they appear in most recent tax list.
4. Existing water courses.
5. Sufficient data to determine the location, direction, width, and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. The areas of all lots shall be shown, and all lots shall be numbered.
6. Location of all permanent monuments properly identified as to whether existing or proposed.
7. Location, names and present widths of streets bounding or approaching the subdivision.
8. Indication of purpose, with, and location of easements outside of the road lines.
9. Suitable space for recording the action of the Planning Board and the Town Clerk.

(Items 10, 11, 12 & 13 may be submitted on the same sheet as the Definitive Plan or on separate sheets).

10. Existing and proposed topography at two-foot contour intervals whenever it is deemed necessary.
11. Existing and proposed center-line profiles or proposed streets and of intersecting streets for at least 100 feet each side of the intersection of the street center-lines at a horizontal scale of 1" = 100' and a vertical scale of 1" = 4', or such other scales acceptable to the Board. Elevations shall be indicated every 50' on straight grades and every 25' on vertical curves. All elevations shall refer to the U.S. Coast and Geodetic Survey datum where available. Profile stationing shall be referenced to a plan drawing.

12. Proposed layout (including cross sections and profiles) or sewage disposal systems, storm drainage and water supply, including invert elevations, slopes, capacity, and velocity.
13. Where sewage disposal is to be by individual on-site sewage disposal systems, the Definitive Plan shall be accompanied by a feasibility report of the proposed Sanitary Sewage systems certified by a Registered Civil Engineer.
14. Indication of all areas believed to be subject to control under the Wetland Protection Act, Section 40 of Chapter 131, G.L.
15. Identification of zoning districts
16. A locus plan of the subdivision, showing the outline of the parcel being subdivided, the pattern of streets within it, streets in the surrounding area, and zoning district and overlay district boundaries, at the same scale as the Tax Assessor's map which includes the parcel (1" = 100' or 1" = 200').
17. An overlay at the same scale as the Definitive Plan showing the SCS interpretation of suitability for on-site sewage disposal, or showing USGS surficial geology, or both.
18. Test pit logs for locations selected by the Planning Board and shown on one of the above overlays, with not more than one pit per four proposed lots, selected to reveal general patterns of subsurface characteristics, after consultation with the Board of Health and the Conservation Commission.
19. Where connection to the public water system is not proposed, information indicating why such connection is not feasible, description of provisions to be made for water for fire fighting, and information adequate to allow determination of compliance with Section 5.8 requirements regarding potable water quality and quantity.
20. An erosion Control Plan, indicating the erosion control measures to be employed, including description of locations of temporary stockpiles, spoil areas, temporary drainage systems, slope stabilization techniques, sediment basins, etc., and narrative description of how erosion from individual lots onto streets and into drainage systems is proposed to be controlled. Review comments on the Plan by the Conservation Commission and by the Soil Conservation Service or by others acceptable to the Board as expert in soil erosion.

### 3.4.3 Sewer Extension Permits.

Under the provisions of Section 43 of the General Laws, an application (Form WPC-P-1) must be submitted by the applicant to the Massachusetts Water Resources Commission, Division of Water Pollution Control, for a permit to allow construction of any sewer extensions of a public sewerage system, including construction plans for pumping stations, forced mains, siphons and other appurtenances.

It shall be the responsibility of the applicant to prepare said application, submit it for signature to the Board of Health and forward the completed application form to the Division of Water Pollution Control.

#### 3.4.4 Wetland Protection Act.

In accordance with Chapter 131 Section 40 of the General Laws, no person shall remove, fill, dredge or alter any bank, beach, dune flat, marsh, meadow or swamp bordering on any existing creek, river, stream, pond, lake or any land under said waters or subject to flooding without filing a written Notice of Intention to perform said work with the local Conservation Commission and State Departments of natural Resources and Public Works.

In order to determine if the proposed subdivisions, or parts thereof, are subject to the provisions of the Wetlands protection Act, the planning Board will, where it deems necessary, submit a copy of the Definitive Plan to the Conservation Commission. The Conservation Commission shall, to the extent practicable, file a report with the planning Board not later than forty-five (45) days after receipt of the plan stating that the proposed plans (1) are not subject to the provisions of the Wetlands Protection Act, or (2) the Wetlands Protection Act applies to certain designated areas. In the event the plan shall be governed by said Act, the Planning Board shall include in its decision for approval a condition that the applicant shall obtain approval from the Conservation Commission prior to any construction activity in the affected areas.

#### 3.4.5 Environmental Impact Statement.

The applicant shall submit a statement of environmental impact, the purpose of which is to enable the officials of the Town to determine what methods are used by the applicant to promote the environmental health of the community and to minimize adverse effects on the natural resources of the Town. This shall accompany any land subdivision plan of five (5) or more lots.

In preparing the statement, the applicant should refer to the maps and publications of the Soil Conservation Service, U.S. Department of Agriculture. The statement should include specific references to the appropriate plans and maps sufficient for the location of information. The statement should be a technical document with references for all statements whenever possible.

In reviewing the statement, the Town boards will consider the degree to which water is recycled into the ground, the maintenance and improvement of the flow and quality of surface waters; the preservation or promotion of wildlife refuges, historic sites, unique geological, botanical and archaeological features, existing or potential trails and accesses to open space areas; and the health and safety of the inhabitants of the area. The Planning Board may waive any section, or sections, of the statement which it deems inapplicable to the proposed project. The developer should discuss the requirements with the Board prior to preparation of the statement, preferably prior to the submission of a preliminary plan.

The Statement shall include the following:

1. Physical Environment.

- a. Describe the general physical conditions of the site, including vegetation, topography, unusual geologic, scenic and historical features, trails and open space links and indigenous wildlife.
- b. Describe how project will affect these features.
- c. Provide a complete physical description of the project, and relationship to surrounding area.

2. Surface Water and Soils.

- a. Describe location, extent and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the project.
- b. Describe the methods to be used during construction to control erosion and sedimentation; i.e., use of sediment basins and type of mulching, matting, or temporary vegetation; describe approximate size and location of land to be cleared at any given time and length of time and exposure; covering of soil stockpiles; and other control methods used. Evaluate effectiveness of proposed methods on the site and on the surrounding areas.

3. Describe the temporary and permanent methods to be used to control erosion and sedimentation. Include description of:

- a. Any areas subject to flooding or ponding;
- b. Proposed surface drainage systems;
- c. Proposed land grading and permanent vegetative cover;
- d. Methods to be used to protect existing vegetation;
- e. The relationship of the development to the topography;
- f. Any proposed alterations of wetlands as defined in Ch.131, Sec. 40, M.G.L.;
- g. Any existing or proposed flood control or wetland easements;
- h. Estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the soils.

4. Completely describe sewage disposal methods. Evaluate impact of disposal methods on surface water, soils and vegetation.

5. Sub-surface Conditions.
  - a. Describe any limitations on proposed project caused by sub-surface soil and water conditions, and methods to be used to overcome them.
  - b. Describe procedures and findings of percolation tests conducted on the site, if applicable.
  - c. Evaluate impact of sewage disposal methods on quality of sub-surface water.
6. Town Services
  - a. Describe estimated traffic flow at peak periods and proposed circulation pattern.
  - b. Describe locations and number of vehicles accommodated in parking areas.
  - c. Describe effect of project on police and fire protection services.
  - d. Describe effect of project on existing public services.
  - e. Describe effect of project on educational services.
  - f. Describe effect of the project on the town water supply and distribution system.
7. Human Environment.
  - a. Provide a tabulation of proposed buildings by type, size, (number of bedrooms, floor area), ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, parking and other paved vehicular areas, and usable open space.
  - b. State proximity to transportation shopping and educational facilities.
  - c. Describe proposed recreational facilities, including active and passive types; and age groups participating, and state whether recreational facilities and open space are available to all Montague residents.
8. General Impact.
  - a. Summarize briefly environmental impact on entire town with supporting reasons.

### 3.4.6

#### Review by Board of Health as to Suitability of the Land.

At the time of filing of the Definitive Plan, the subdivider shall also file with the Board of Health two contact prints of the Definitive Plan, dark line on white background. The Board of Health shall, within forty-five days after filing of the Plan, report to the Planning Board in writing approval or disapproval of said plan. The Board of Health shall determine whether the land involved can be used in whole or in part for whether the land involved can be used in whole or in part for the subdivision. The greatest stress will be laid on soil condition for septic systems and upon the effects of surface and subsurface drainage as dangers to health. In those subdivisions to be serviced by municipal sewer, the Board of Health's failure to report within 45 days shall be deemed approval. In those subdivisions to be serviced by septic systems, the Board of Health must give its decision before any Planning Board approval can be granted. If the Board of Health disapproves said plan or portion thereof, it shall make specific findings as to which, if any, of the lots shown on said plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and where possible, shall make recommendations for the adjustment thereof.

Applicant's Civil Engineer should be prepared to discuss the effects of surface and subsurface drainage and their effect not only on individual lots but between lots. The Planning Board is concerned about underground springs and heavily compacted soils.

The Board of Health may require as a condition of the subdivision approval that a performance bond or deposit of money or negotiable securities be furnished by the subdivider to guarantee the construction of surface drainage improvements recommended by the Board. Such performance guarantee may be released only after completion of the work to the satisfaction of the Board is not limited to lots as shown on the subdivision plan, but may in appropriate cases consider areas outside the subdivision.

### 3.4.7

#### Public Hearing.

1. Before approval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Planning Board at least 14 days prior thereto by advertisement in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing or if there is no such newspaper in the town, then by posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan appearing on the most recent tax list.
2. The applicant and his engineer and surveyor shall be present at the public hearing.
3. A hearing by the Conservation Commission may be required under the provisions of the Wetlands Protection Act, Chapter 131, Section 40, of the General laws.

### 3.4.8

#### Performance Guarantee.

##### 1. With Bond and Surety.

Within forty-five (45) days after the submission of a definitive plan, the subdivider shall, except as hereinafter provided, file with the Board, a bond in form satisfactory to the Board and conditioned upon the completion of all required improvements within two (2) years from the date of approval of the definitive plan, unless the Board shall prescribe a different period. Said bond shall be in an amount recommended by the Superintendent of Highways and approved by the Board and of sufficient penal sum in the opinion of the Board to cover the cost of such improvements and so drawn as to insure their satisfactory completion. It shall be executed by the subdivider as principal and a surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety.

**Note: As a preliminary, the Board may require applicant to secure approval as to form from other Town officials by means of check list.**

##### 2. With Bond and Deposit.

At the election of the subdivider, the deposit of money or negotiable securities, satisfactory to the Board and in an amount approved by it, may be filed in lieu of said surety company with the bond as aforesaid.

##### 3. Without Bond but with Conditions.

Instead of filing a bond or depositing surety, the subdivider may request approval of his definitive plan on condition that no lot in the subdivision shall be sold and no building shall be erected thereon until improvements specified are constructed and installed so as to serve the lots adequately. The Board may require the Owner of the land being subdivided, to execute, deliver and record an agreement with the Board binding upon such land, to perform such condition. Such condition shall be endorsed upon the plan or contained in a separate vote or agreement which shall be referred to on the plan and recorded in the Registry of Deeds. If the improvements have been completed to the satisfaction of the Board, the Board may then execute and deliver to the subdivider such Release, which shall be in form for recording in the Registry of Deeds. Thereafter, the conditions relating to such lots and so released, shall terminate.

### 3.4.9

#### Certificate of Approval.

##### 1. Action of Board.

The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or by certified mail to the applicant.

Copies also shall be sent to the Superintendent of Highways, Board of Health and Board of Selectmen or Building Inspector

If the Board modifies or disapproves such plan, it shall state in its vote the reason for its action and refer to the statutory right of appeal.

If the plan is approved without modification, except for conditions of approval, the Board will return to the applicant the original of the plan as approved, with endorsements and with conditions of approval referred to thereon. One black line print will be delivered to the Commissioner of Public Works, one to the Board of Assessors, and a third retained for the records of the Planning Board.

## 2. Final Approval of Plan.

Final approval shall be endorsed on the original drawing of the definitive plan by the signature of a majority of the Board after receipt of a satisfactory bond by the Town Treasurer, but not until the statutory appeal period has elapsed. (Section 81-V of Chapter 41 of the General Laws provides for an appeal period of twenty (20) days.)

### 3.4.10 Filing at Registry of Deeds and/or Land Court.

The subdivider shall file with the Registry of Deeds and/or the Land Court, the approved plan bearing the endorsement of the Board and shall notify said Board, stating date of filing, book number and page number.

### 3.4.11 General.

The showing on a Definitive Plan of any street or other public space to which the public is to have access shall be considered an offer of dedication.

The Board may at any time require the subdivider to show by preliminary plan, or otherwise, the general proposed layout of any adjoining lands owned by him for which Definitive plan is not to be filed.

### 3.4.12 Fees.

See Administrative Fees, Section 6.6

### 3.4.13 Approval Not Acceptance.

Approval of a definitive plan does not constitute layout of Town acceptance of any ways, nor does subsequent release of security upon completion of such ways constitute layout of Town acceptance of any street which action is reserved by Statute to the Town Meeting.

## SECTION IV DESIGN REQUIREMENTS

### Sec. 4.1 Streets.

#### 4.1.1 General.

#### 4.1.2 Location and Alignment.

1. All streets in the subdivision shall be designed so that in the opinion of the Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.
2. The proposed streets shall conform to any Master or Study Plan adopted in whole or in part by the Board.
3. All proposed streets shall conform in alignment with existing streets as far as practicable. The layout as developed must insure a convenient traffic pattern with connections adequate to permit a free circulation of vehicular traffic.
4. Provision satisfactory to the Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided. Temporary dead-end streets, laid out to permit future projection, shall conform to the provisions of alignment, width and grade that would be applicable to such streets if extended.
5. There shall be no reserve strips controlling access to streets, except where, in the opinion of the Board, such strips will be in the public interest. The control of such strips shall be assigned to the Town under conditions approved by the Board. The subdividing of land shall be such as to provide each lot, by means of either a public street way or permanent easement, with satisfactory access to an existing public highway or to an accepted town street or shown on an already approved subdivision.

#### 4.1.3 Design Guidelines.

All subdivisions shall be designed and improvements made by the developer consistent with the requirements of **Section V**. Design and Construction shall do the following:

1. Reduce, to the extent reasonable possibly, the following:
  - a. volume of cut and fill;
  - b. area over which existing vegetation will be disturbed; especially if within 200 feet of a river, pond, or stream, or having a slope of more than 15%;
  - c. number of mature trees removed;
  - d. extent of waterways altered or relocated;
  - e. visual prominence of man-made elements not necessary for safety or orientation
  - f. erosion and siltation;
  - g. flood damage.

2. Increase, to the extent reasonably possible, the following:

- a. use of collector streets to avoid traffic on streets providing house frontages;
- b. visual prominence of natural features of the landscape;
- c. vistas and water views from public ways.

#### 4.1.2 Design Standards.

### DESIGN STANDARDS

#### Streets

Layout Width	60 ft.
No. of Moving Lanes	2
Width of Lanes	20 ft.
Total Width of Pavement (Curb to Curb)	40 ft.
Sidewalk Width	4.5 ft.
Curb Material	*Granite or Concrete

#### Horizontal Alignment

Curve at center-line minimum radius	150 ft.
Grade (a) Maximum	7%
(b) Minimum	0.5%
Safe stopping sight distance - minimum	200 ft.

#### Intersections

Angle - minimum	60 degrees
Offsets (Street jogs) - minimum	200 ft.
Radius of edge of layout	40 ft.
Sight stopping distance - minimum	200 ft.

#### Cul-de-sacs

Length - Maximum	500 ft.
Minimum turn around diameter (layout)	120 ft.
Minimum turn around diameter (roadway outer edge)	100 ft.
Maximum turn around diameter (roadway inner edge)	40 ft.

\*As required by Planning Board

#### 4.1.3

##### Access.

No subdivision plan shall be approved unless its street system will connect with:

1. a way legally accepted by Town Meeting vote, or
2. a way established by County, State or Federal authority, or
3. a way established by a subdivision plan approved in accordance with the Subdivision control law, or any other way in existence on the date the Subdivision Control Law became effective in Montague if determined by the Planning Board to be sufficient for the needs for access and utilities to serve potential needs of land abutting on or to be served thereby without reduction in the level of traffic service or creation of hazard.

Furthermore, no subdivision plan, potentially containing more than five(5) dwelling units, shall be approved unless the Planning Board, following its public hearing and consultation with the Police Chief, appropriate Fire District, Highway Superintendent, and Selectmen, determine that access to the subdivision over streets to which the subdivision connects will, by the time of occupancy of the subdivision, be adequate in light of the expected traffic without reduction in the level of service or creation of hazard.

#### Sec. 4.2

##### Open Spaces.

Where appropriate, the Planning Board may require reservation of open space for up to three (3) years upon completion of the subdivision to give the Town an opportunity to purchase it for park or recreation purposes. The planning Board shall not require reservation of more than ten (10) percent of the gross area of the subdivision for such purposes. The subdivider shall have just compensation for any land taken or required for Town use. (Chapter 41, General laws, Section 81-Q, Chapter 79, G.L.)

#### Sec. 4.3

##### Protection of Natural Features.

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets which, if preserved, will add attractiveness and value to the subdivision.

#### Sec. 4.4

##### Easements.

Easements for utilities across lots or centered on rear or side lot lines shall be provided, when necessary, and shall be at least twenty (20) wide.

Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board requires that there be provided a storm water easement or drainage right-of-way of adequate width (minimum of twenty (20) feet) to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

Sec. 4.5

Street Trees.

1. It is desired that streets created in a subdivision be lined with trees spaced at 40 - 50 feet apart. Where full grown healthy trees can be retained, it is preferred that this be done, and where additional trees are needed to accomplish the desired end result, they shall be nursery grown, of not less than 1 1/2" caliper as measured one (1) foot above the root collar, and they shall be of a species approved by the tree warden. Trees shall be planted on each side of every street in a subdivision and in a tree line established by the tree warden. The planting season shall be from March 15 to May 15 and from August 15 to October 15. New trees and existing trees that die within three (3) years from the date of planting, or from the date of acceptance of the street for existing trees, shall be replaced by the subdivider. In the event an existing tree dies within the three-year period, it shall be cut down and removed by the subdivider and the stump shall be cut to a point at least 12" below the ground level. Its replacement shall be as described for a new tree. An existing tree on a new lot that is within 20 feet of the street right of way shall be deemed to be the same as if it were on the tree line established by the tree warden. A sum of money shall be included in the performance bond for the replacement of trees, if needed.
2. The subdivider is urged to consult with the Conservation Commission prior to the cutting of any trees in his subdivision. It is the opinion of the Board that existing trees be cut only as a last resort and not merely for convenience.

Sec. 4.6

Fencing.

Fencing shall be required in subdivisions abutting limited or controlled access highways or expressways, or other limited or controlled access roads. Fencing may be required in other areas where physical features require such safety.

Sec. 4.7

As-Built Plans.

As-Built plans showing the location, grades, and other significant information regarding utilities shall be prepared by the applicant and turned over to the Superintendent of Highways following the final approval of the improvements as hereinafter provided. This may be done by submitting Mylars of the original submittal.

Sec. 4.8

Variances.

The Board may at its discretion vary the foregoing rules, provided it can be done in such a way as to protect the public interest and general welfare. These regulations are not intended to inhibit constructively original departure from conventional subdivision practices, and will not be used to prevent the development of creative designs of new types, provided that the developer can demonstrate to the Board the superior worth to the community of his design where it departs from the standards set forth in this Section.

**Sec. 4.9**      **Lots.**

All lots shown on the plan shall comply in area, frontage and other requirements of the Zoning By-Law of the Town.

**Sec. 4.10**      **Cleaning Up.**

The entire area must be cleaned up so as to leave a neat and orderly appearance free from debris and other objectionable materials. All catch basins shall be properly cleaned out.

**SECTION V**      **REQUIRED GENERAL ROAD IMPROVEMENTS AND SPECIFICATIONS**

**Sec. 5.1**      **General.**

The following improvements shall be made by the subdivider without expense to the Town.

**Sec. 5.2**      **Street Obstructions.**

The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.

**5.2.1**      **Sub-surface Removal.**

All loam, clay, peat or other yielding material shall be removed beneath all street layouts to a depth specified by the Town Engineer and shall be replaced with a granular material acceptable to the Highway Superintendent.

**5.2.2**      **Fill Types Allowable.**

Whenever it is necessary to install fill to bring a roadway to sub-grade, said fill shall be of a granular material satisfactory to the Highway Superintendent. All fill shall be placed in nine (9) inch layers compacted to not less than ninety-five percent (95%) of maximum dry density as specified in the Massachusetts State D.P.W. Standards. The developer shall be responsible for the costs of all soil testing and analysis required by the Highway Superintendent.

**5.2.3**      **Ground Water.**

Wherever ground water is encountered within four (4) feet of the proposed roadway surface or wherever the soil type indicates the possibility of a capillary rise of water in the sub-grade soil, sub-drains shall be installed under both shoulders of the roadway. The design and depth of the sub-drains shall be in accordance with specifications of the Montague Highway Department.

5.2.4 **Rock Excavations.**

Wherever rock is encountered, it shall be excavated to a depth of two (2) feet below the sub-base of the roadway for the full width of the street layout. The excavated rock shall be replaced with a granular material satisfactory to the Highway Superintendent.

5.2.5 **Sub-Base.**

Roadways shall be brought to the bottom of the sub-base elevation prior to the installation of the water mains, storm drains, sanitary sewers or other utilities.

5.2.6 **Sub-Base Compaction.**

The Gravel Base and Sub-Base of the roadway shall be compacted to not less than ninety-five percent (95%) of maximum dry density.

5.2.7 **Curbs.**

Curbing, where required, should be either standard granite, pre-cast concrete, or bituminous concrete except that all catch basins should have granite drop inlets.

Where Bituminous Concrete Curbs are allowed, the curb type shall be approved by the Superintendent of Highways before installation. Bituminous concrete Curbs, with a width of twelve inches (12") and minimum pitch of three inches (3") to five inches (5"), may be allowed where grades are less than three percent (3%).

Sec. 5.3 **Roadway Material Requirements.**

The structure of the roadway will be composed of the following items:

Bituminous Concrete Pavement: the material used for roadway pavement shall be Class I Bituminous Concrete Type I-1 applied in two courses. All work shall conform to the requirements of Section 460 of the Massachusetts D.P.W. Standard Specifications for both the binder and top courses. All materials shall conform to Section M3 of said Standard Specifications. The top course shall not be applied until one winter season has passed since the completion of all underground work such as water mains, sewers, drains, gas mains, electric ducts, telephone ducts, and other utilities. Base: The material used for a sub-base shall be a bank run or crushed gravel that meets with the approval of the Highway Superintendent and shall conform to the requirements of Section M1.03.1 of the Massachusetts D.P.W. Standard Specifications.

Sub-grade (sand borrow): When sand borrow is required below the sub-base, the material used shall conform to Section M1.04.0 Type B of the Massachusetts D.P.W. Standard Specifications and shall be compacted to ninety-five percent (95% of maximum dry density.

**5.3.1 Subsurface Soil Data.**

**5.3.1.1 Soil Information.**

The Board may require subsurface soil information to evaluate the adequacy of the roadway design. Such information may include test pits, borings, or probings along each proposed street, primarily at locations such as cut sections, areas of questionable foundation material, and areas of potentially high groundwater elevations. The requirements for and location of test pits shall be established by the Board during the Preliminary Plan Review process. If a Preliminary Plan did not precede the Definitive Plan submittal, test pit data will be required at locations every 800' along roadway center-lines, plus areas where the proposed grade is 3' or more below existing grade and probings will be required along the center-line and side-line at 25' intervals where the roadway crosses wetlands or other areas of unsuitable material.

**5.3.1.2 Soil Test Pit Specifications.**

Borings and test pits shall be to a depth of at least 4' below finished grade and the logs submitted to the Board shall indicate their location and ground elevation, a classification of the soil strata by depth, depth at which ground water or rock, if any, is encountered and the date of the test.

**5.3.1.3 Probings.**

Probings shall be used to determine the depth of unsuitable material and the data shall be submitted to the Board on a 1" = 20' scale drawing showing the roadway center-line (with stations and sidelines, and test locations with existing ground elevations and the depths of unsuitable materials.

**5.3.1.4 Planning Board Present.**

All subsurface soil investigations shall be made in the presence of a representative of the Planning Board or their designated agent.

**5.3.1.5 Registered Engineer.**

All soil logs to be submitted to the Board shall be stamped by a Registered Professional Engineer.

**5.3.2 Street Cross-Section/Drainage/Grade and Slope Stabilization Requirements:**

**5.3.2.1 Drawn to Scale.**

Typical Street cross-section for each class of street within the subdivision, drawn at 1" = 4', showing location of all elements within the street right-of-way, and typical cross-sections of any altered drainage courses or off-street paths shall be drawn.

5.3.2.2

Easements, etc.

Drainage calculations, evidence of ownership, language of any easements, covenants, or restrictions applying or proposed to apply to the area being subdivided, rights and easements obtained for utilities or drainage outside of the subdivision, description of erosion control methods to be employed shall be presented.

5.3.2.3

Drain Pipe, Manholes, Catch Basins.

Drain pipes and related manholes and catch basins shall be constructed in conformity with the specifications and requirements of the Highway Department.

Sec. 5.4

Roadway Design Standards.

5.4.1

Roadway Classification.

Secondary:	Serving lots less than 2 acres	- 25 homes
	Serving 2+ acre lots	- 50 homes
Principal:	Serving lots less than 2 acres	-25 homes
	Serving 2+ acre lots	-50 homes
	Serving any non-residential use	

5.4.2

General.

In general, the roadway structure designs for secondary or principal streets shall be in accordance with the following, unless otherwise required the Superintendent of Highways.

The sub-grade shall be classified as follows:

1. Poor: Sub-grade soils which become quite soft and plastic when wet. Included in this classification are those soils having appreciable amounts of clay, silt, and fine sand where frost penetration of the sub-grade is expected.
2. Medium: Sub-grade soils which retain a moderate degree of firmness when saturated. Included are such soils as fine sand, silty sand and sandy gravel with some silts and clays.
3. Good to Excellent: Sub-grade soils which retain a substantial amount of their load supporting capacity when saturated shall be classified as good. Included are clean sand and gravel free from detrimental amounts of plastic silts and clay.

**REQUIRED ROADWAY STRUCTURE**

Type of Roadway	Item	Pavement Section	Depth of Section in inches for sub-grade type		
			Poor	Medium	Good
Secondary	400	Bituminous Concrete Top Course	1"	1"	1"
	460	Bituminous Concrete Binder Course	2"	2"	2"
	or 405 410	Processed Gravel Base Course	6"	6"	6"
	401	Gravel Borrow Sub-Base	18"	12"	6"
Principal	400	Bituminous Concrete Top Course	1"	1"	1"
	400	Bituminous Concrete Binder Course	2"	2"	2"
	or 405 410	Processed Gravel Base Course	9"	9"	9"
	401	Gravel Borrow Sub-Base	18"	12"	6"
	105	M1.04.0 Type B Sand Borrow	12"	0"	0"

**Sec. 5.5 Gutters.**

Paved gutters shall be installed at the discretion of the Highway Superintendent, as deemed necessary due to special conditions of topography, drainage or alignment.

**Sec. 5.6 Sidewalk.**

Bituminous concrete or cement concrete sidewalks shall be installed having a width of not less than four and one-half (4-1/2) feet, if deemed necessary by the Superintendent of Highways. All sidewalk construction shall conform to specifications determined by the Montague Highway Superintendent. As a minimum standard, as sidewalk should be placed, if deemed necessary, on at least one side of the roadway.

Sec. 5.7

Utility Wires.

- a. All utilities wiring as well as transformers and other distribution and control devices shall be buried in the ground.
- b. Utility wires and cables, other than those going across roads and those leading directly to individual consumer installations, shall be buried within the road right of way in a strip four and one-half (4-1/2) feet wide running parallel to the edge of the right of way, unless soil or terrain requires a different location. No wires or cables may be installed under the traveled portion of the right of way except where crossing a road, and there ducts must be used.
- c. Copies of all plans showing the location of all buried wires or cables and water and sewer connections are to be presented by the subdivider before any paving of roads is started, one copy to be filed with the Planning Board, one with the Town Clerk, one with the Selectmen and one with the Superintendent of Highways.
- d. If underground installation is found by the Planning Board to be unreasonably costly to the developer, all overhead utility wires and related equipment shall be centered as much as possible on rear or side lot lines, unless this provision is waived by the Board. Easements shall be provided as outlined in Section 4.4.

Sec. 5.8

Water and Sewer.

1. Water mains, hydrants, and other fittings, may be required. Specifications for construction shall meet the approval of the appropriate water supply agency. These requirements do not imply any responsibility on the part of the Town or Planning Board that such water supply agency furnish the development with any services or facilities.
2. Sanitary sewers, with manholes and other appurtenances, shall be constructed and installed within the subdivision if public sewers are available or proposed on an existing street with which a street in the subdivision intersects or to which access may be obtained by easement as necessary to provide all lots therein adequate sewer disposal.

The grade and depth of the proposed sewer main including the diameter and type of pipe used shall be determined by the Board pursuant to recommendations of the Superintendent of Highways. This requirement shall include the number and type of manholes, if any, to be constructed within the subdivision. The maximum distance between manholes shall be two hundred and fifty (250) feet.

3. Proper connections shall be made with the existing system of the appropriate Water and Fire Districts or with existing public sewer system (or terminating at the point designated by the Superintendent of Highways for future connection to a proposed public sewer).

4. Where property adjacent to the subdivision is not subdivided, provision shall be made for proper projections of the systems by continuing appropriate water and sewer mains to the exterior boundaries of the subdivision as required by the Board at such size and grade as determined by the Superintendent of Highways to allow for their proper projections.
5. The subdivider shall provide all necessary materials except for such materials, if any, as the Town agrees to furnish. Materials furnished by the Town shall remain the property of the Town at all times. The Town will furnish materials only when the subdivider is required to construct or install water and/or sewer mains, which in the opinion of the Superintendent of Highways, are required to have a capacity substantially greater than is necessary to serve the subdivision alone. In such cases, the value of the materials furnished by the Town shall not exceed the extra cost resulting from providing the additional capacity.
6. Municipal services are considered available as follows:
  - a. For water supply within the appropriate Water and Fire Districts.
  - b. For sewage disposal existing and proposed as shown on the Utilities Map of the Town on file with the Board.
7. Service connections for water and sewer from the main structures in the street to the exterior layout lines thereof shall be installed for each lot shown on the plan, whether or not there is a building thereon. Any deviation of this requirement necessitated by unusual topographic or technical difficulties, shall be only with the specific approval of the Superintendent of Highways.
8. The installation of water and sewer systems, including methods of construction and quality of materials used, shall be subject to the approval of the Superintendent of Highways.

**Sec. 5.9 Monuments.**

1. Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent monuments are necessary.
2. Such Monuments shall be of stone or concrete unless another type is specifically approved by the Board. Monuments shall be not less than four (4) feet in length with a 3/8-inch drill hole in the center, and not less than four (4) inches square in cross section. No monuments shall be installed until all construction which would destroy or disturb them is completed.

**Sec. 5.10**      **Street Signs.**

Street signs bearing the name of the street as indicated on the Definitive Plan, shall be erected at all intersections of streets in the subdivision to conform to the type being then used by the Town, subject to the approval of the Superintendent of Highways. At all points where a private street within the subdivision intersects with an existing public way, a sign in conformance with the then standard practice of the Town, regarding private ways, shall be erected, subject to the approval of the Superintendent of Highways.

**Sec. 5.11**      **Shoulders.**

1. Stabilized grass shoulders having a width of at least eight (8) feet shall be constructed on each side of the roadway.
2. Such shoulders shall consist of at least four (4) inches of good quality loam, rolled and seeded, laid on at least nine (9) inches of well compacted and approved base material, and shall have a finished grade in relation to the finished grade of the roadway as determined by the Superintendent of Highways.
3. No utility poles or trees shall be retained or placed within the required shoulders so as to be closer to the edge of the paved roadway than eight (8) feet.

**Sec. 5.12**      **Side Slopes.**

1. The area in back of the shoulders shall be graded so that the slope shall not exceed a maximum of two (2) feet horizontal to one foot vertical to a point where it coincides with the finished grade of abutting lots.
2. Loam shall be applied to a depth of not less than four (4) inches, rolled and seeded.

**Sec. 5.13**      **Drainage.**

1. Adequate disposal of surface water shall be provided. Catch basins and culverts shall be built in conformity with specifications of the Superintendent of Highways on both sides of the roadway on continuous grades at intervals of not more than 400 feet, at low points and sags in the roadway, and near the corners of the roadway at intersecting streets.
2. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right of way, where feasible, or in the perpetual unobstructed easements of appropriate width.
3. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Superintendent of Highways shall approve the design and size of facility frequency" storm under conditions of total potential development permitted by the zoning by-law in the watershed. A lesser year frequency storm calculation may be

allowed where downstream flooding problems are minimal. In any event, the Soil Conservation Service Modified Soil Cover Complex Method will be used to determine runoff.

4. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Selectmen and/or Superintendent of Highways. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
5. Land subject to flooding or land deemed by the Board of Health to be uninhabitable shall not be approved by the Planning Board for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board and the Board of Health to remedy said hazardous condition.

## **SECTION VI ADMINISTRATION**

### **Sec. 6.1 Resubdivision.**

Either on its own motion or on petition of any person interested, the Board may modify, amend, or rescind the approval of a plan of a subdivision, or require a change in such plan as a condition of retaining the status of an approved plan.

In the case of such modification, amendment or rescission, the same procedure, rules and regulations shall apply, in so far as apt, as for an original plan.

### **Sec. 6.2 Dwellings.**

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the Town, without the consent of the Board, and such consent may be made conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

### **Sec. 6.3 Variation.**

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgement of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

**Sec. 6.4 Appeals.**

Appeals may be taken to the Superior Court in accordance with Chapter 41 G. L. Section 81-BB.

**Sec. 6.5 Inspection and Control.**

1. At the points hereinafter indicated, the construction of required streets and other improvements shall be inspected:
  - a. The installation of underground utilities and services shall be inspected by the Town's appointed agent before the backfilling of trenches or other covering of structure.
  - b. The roadway shall be inspected by the Town's appointed agent upon completion of the subgrade, base course, binder and surface course prior to each required construction step.
  - c. The sidewalk shall be inspected by the Town's appointed agent upon completion of the subgrade, base course, finish surface, and loam strip prior to each required construction step.
  - d. Following the completion of all the improvements required by Section 5, the subdivision shall be inspected by the Town's appointed agent.
2. Unless the approval of the work completed, including approval of materials used, to each point has been given in writing, no further work shall be done until such work is subsequently completed to the satisfaction of the Town's appointed agent, which shall be given in writing.
3. Inspection shall be requested by the applicant at least 48 hours in advance by notice to the Town's appointed agent.
4. In some instances, due to the extent or complexity of the inspection required the Town's appointed agent may be unable to act as inspector. In such a case, the Town shall engage the services of a consulting Engineer to carry out the inspections. The applicant agrees to pay the cost of the consultant fees plus a 10% administrative fee to the Town of Montague prior to approval.

**Sec. 6.6**      **Administrative Fees.** (Non-refundable)

The following fees are to be charged to the applicant for the various reviews listed in the following schedule:

Subdivision control

Endorsement by Planning Board	\$50.00 per lot subdivided
	\$50.00 per lot subdivided with no frontage
Preliminary Plan	\$.50 per linear foot of roadway frontage created by plan
Definitive Plans	\$1.00 per linear foot of roadway frontage created by plan if preceded by preliminary plan.
	\$2.50 per linear foot of roadway frontage if no preliminary plan submitted.
Inspections	\$3.00 per linear foot of roadway centerline

Such fees are to be paid in the form of a certified check made out to the "TOWN OF MONTAGUE" and are to be received at the beginning of the review period.

An additional fee of \$100.00 per hour for a maximum of two (2) hours will be charged to cover extra time spent by Town Departments such as Engineering, D.P.W., Board of Health and Town Planner, if required, to review preliminary or final plans beyond five (5) hours for either plan review.

An additional fee of \$500 will be charged for additional submittal by applicant. The fee for Subdivision Control – Definitive Plans, includes costs of advertising and legal notices.

**Sec. 6.7**      **Procedure for submission of road to Town Meeting for consideration of acceptance as a public way.**

**6.7.1**      Once the road(s) and associated public utilities are completed and the developer desires to submit it for consideration for acceptance as a public way by the town, the following procedures shall be followed:

1.      The developer shall:
  - a.      First file a written petition with the Planning Board, Town Clerk, and Selectmen;
  - b.      Secure a release of the Performance Guarantee from the Planning Board;

- c. Provide the Board of Selectmen with a legal description of the public ways and other documentation to be considered;
  - d. Provide the Board of Selectmen with a list of names and addresses of abutters, utility companies, banks holding mortgages, and the developer;
  - e. Submit in writing a request to the Planning Board to petition the Selectmen to lay out the public way.
2. The Planning Board shall have forty-five (45) days to make a recommendation. Failure by the Planning Board to make a recommendation will be construed as a positive recommendation.
  3. Upon receipt of the Planning Board's recommendation, the Selectmen will schedule a public hearing and will send notice of said hearing by certified mail to all abutters, utility companies, banks holding mortgages, and the developer at least seven (7) days prior to the date of the public hearing.
  4. Based upon results of the public hearing, Selectmen shall decide if laying out of public ways(s) is warranted.
  5. The Selectmen shall place the proposed laying out as a public way(s) on the Warrant for the next Town Meeting. A two-thirds (2/3) majority of the Town Meeting is necessary for acceptance.
  6. An order of taking will be prepared and signed by the Selectmen.
  7. The Selectmen will record the Order of Taking in the Franklin County Registry of Deeds within (30) days of the date of the Order, but not less than five (5) days after Town Meeting action.

**Sec. 6.8 Separate and Severability.**

The invalidity of any section, clause, sentence or provision of these Regulations shall not affect the validity of any other part of these Regulations which can be given effect without such invalid part or parts.

**Sec. 6.9 Effective Date.**

These regulations and the Subdivision Control Law shall become effective in Montague when, following their adoption or amendment by the Planning Board, certified copies of these Regulations have been transmitted to the Registry of Deeds and to the Recorder of the Land Court.

(Became effective August 19, 1968)  
 (Amended October 4, 1972)  
 (Amended September 22, 1986)  
 (Amended September 11, 1989)

**FORM A**

**APPLICATION FOR A DETERMINATION OF PLANNING BOARD JURISDICTION AND FOR ENDORSEMENT THAT PLANNING BOARD APPROVAL UNDER SUBDIVISION CONTROL LAW IS NOT REQUIRED.**

---

File one completed form with the Planning Board  
And one copy with the Town Clerk in accordance  
With the requirements of Section 3.2

\_\_\_\_\_, 20 \_\_\_\_\_

To the Planning Board of the Town Of Montague

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

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Plan prepared by: \_\_\_\_\_  
(Registered Land Surveyor, Engineer)

Entitled: \_\_\_\_\_ Dated: \_\_\_\_\_

Deed of Property Recorded in the Franklin County Registry of Deeds in Book \_\_\_\_\_  
Page \_\_\_\_\_ or Land Court Certificate of Title No. \_\_\_\_\_, registered in  
\_\_\_\_\_ District Book \_\_\_\_\_, Page \_\_\_\_\_, and Town of Montague  
Assessor's Map \_\_\_\_\_ Lot \_\_\_\_\_

Location and Description of Property: \_\_\_\_\_

---

Applicant believes that Planning Board approval is not required for the following reasons: Circle the appropriate paragraphs)

1. The accompanying plan is not a subdivision because the plan does not show a division of land.
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 Montague zoning by-law under Section 5.4.3 which requires

(Montague Subdivision Regulations)

\_\_\_\_\_ feet for erection of a building on such lot; 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 theretofore approved and endorsed in accordance with the subdivision control law, namely \_\_\_\_\_ on \_\_\_\_\_ and subject to the following conditions \_\_\_\_\_
  - (c) A private way in existence on August 19, 1968; the date when the subdivision control law became effective in the Town of Montague having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, 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 lots in such a manner so that no lot affected is left without frontage as required by the Montague zoning by-laws under Section 5.4.3, which requires \_\_\_\_\_ 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 August 19, 1968, the date when Subdivision Control Law went into effect in the Town of Montague 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 comments: (Sec M.G.L., Chapter 41, Section 81-L) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Received by Town Clerk:

Planning Board Endorsement:

Date \_\_\_\_\_

Date \_\_\_\_\_

Time \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

**FORM A-1**

**PLANNING BOARD**

**TOWN OF MONTAGUE**

**DETERMINATION THAT SUBDIVISION**

**APPROVAL IS NOT REQUIRED**

\_\_\_\_\_, 20 \_\_\_\_\_

Town Clerk  
Town of Montague, Massachusetts

Re: Application for endorsement of plan believed not to require subdivision approval.

Applicant \_\_\_\_\_

Applicant's address \_\_\_\_\_

You are hereby notified that the plan entitled \_\_\_\_\_  
Submitted by the above applicant on \_\_\_\_\_, 20 \_\_\_\_\_,  
accompanied by a Form A application for a determination by the Planning Board, dated \_\_\_\_\_  
\_\_\_\_\_, 20 \_\_\_\_\_, has been endorsed by the Planning Board as follows: "Planning Board Approval  
Not Required."

MONTAGUE PLANNING BOARD

By \_\_\_\_\_, Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Duplicate Copy  
Sent to applicant:

\_\_\_\_\_

**FORM A-2**

**PLANNING BOARD  
TOWN OF MONTAGUE, MASSACHUSETTS**

**DETERMINATION THAT SUBDIVISION  
APPROVAL IS REQUIRED**

\_\_\_\_\_, 20 \_\_\_\_\_

Town Clerk  
Town of Montague, Massachusetts

Re: Application for endorsement of plan believed not to require subdivision approval

Applicant \_\_\_\_\_

Applicant's address \_\_\_\_\_

You are hereby notified that the Planning Board has determined that the plan entitled \_\_\_\_\_  
\_\_\_\_\_ submitted by the above applicant on \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_, accompanied by a Form A application for a determination by the Planning  
Board, dated \_\_\_\_\_, 20 \_\_\_\_\_, accompanied by a Form A application for a  
determination by the Planning Board, dated \_\_\_\_\_, 20\_\_\_\_\_, requires approval under the  
Subdivision Control Law and it has been determined that the plan shows a subdivision for the following  
reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MONTAGUE PLANNING BOARD

By \_\_\_\_\_, Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Duplicate Copy  
Sent to applicant:

\_\_\_\_\_

**FORM B**

**APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN**

**File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section 3.3.**

\_\_\_\_\_, 20 \_\_\_\_\_

To the Planning Board of the Town of Montague:

The undersigned, being the applicant as defined under Chapter 41, Section 81-I., for approval of a proposed subdivision on plan entitled: \_\_\_\_\_

By \_\_\_\_\_ dated \_\_\_\_\_, 20 \_\_\_\_\_ and described as follows: \_\_\_\_\_

located \_\_\_\_\_, number of lots proposed \_\_\_\_\_ total acreage of tract \_\_\_\_\_, said applicant hereby submits said plan as a Preliminary subdivision plan in accordance with the Rules and Regulations of the Montague Planning Board and makes application to the Board for approval of said plan.

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

Received by Town Clerk:  
Date \_\_\_\_\_  
Time \_\_\_\_\_  
Signature \_\_\_\_\_

Applicant's Signature \_\_\_\_\_  
Applicant's Address \_\_\_\_\_

Received by Board of Health:  
Date \_\_\_\_\_  
Time \_\_\_\_\_  
Signature \_\_\_\_\_

Applicant's phone # \_\_\_\_\_  
Owner's signature and address if not the applicant or applicant's authorization if not the owner. \_\_\_\_\_

**NOTE:** This application is not deemed to have been submitted until the following endorsement has been completed by a member of the Planning Board.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, as duly submitted under the Rules and Regulations of the Planning Board.

MONTAGUE PLANNING BOARD

By \_\_\_\_\_

(Montague Subdivision Regulations)

**FORM B-1**  
**PLANNING BOARD**  
**TOWN OF MONTAGUE, MASSACHUSETTS**  
**CERTIFICATE OF APPROVAL OF A PRELIMINARY PLAN**

\_\_\_\_\_, 20 \_\_\_\_\_

Town Clerk

Town of Montague, Massachusetts

It is hereby certified by the Planning Board of the Town of Montague, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on \_\_\_\_\_, 20 \_\_\_\_\_.

it was voted to approve/approve with modification a preliminary 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.

A true copy, attest:

\_\_\_\_\_  
Clerk, Montague Planning Board

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Planning Board

Duplicate Copy  
Sent to applicant:

\_\_\_\_\_

**FORM B-2**  
**PLANNING BOARD**  
**TOWN OF MONTAGUE, MASSACHUSETTS**  
**CERTIFICATE OF DISAPPROVAL OF A PRELIMINARY PLAN**

\_\_\_\_\_, 20 \_\_\_\_\_

Town Clerk

Town of Montague, Massachusetts

It is hereby certified by the Planning Board of the Town of Montague, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on \_\_\_\_\_, 20 \_\_\_\_\_,

it was voted to disapprove a preliminary 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 reasons.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Planning Board

A true copy, attest:

\_\_\_\_\_

Clerk, Montague Planning Board

Duplicate Copy  
Sent to applicant:

\_\_\_\_\_

FORM C

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

\_\_\_\_\_, 20 \_\_\_\_\_

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Section 3.4.

(Where alternative paragraphs are provided, applicant is to select and complete the paragraph pertinent to his case.)

To the Planning Board of the Town of Montague:

1. The undersigned applicant, being the owner of all land included within a plan of a subdivision shown on the accompanying plan, entitled:

\_\_\_\_\_ and dated \_\_\_\_\_, 20 \_\_\_\_\_, submits such plan as a definitive plan of the proposed subdivision and makes application to the Board for final approval thereof.

2. The land within the proposed subdivision is subject to the following easements and restrictions:

\_\_\_\_\_

3. There are appurtenant to the land within the proposed subdivision the following easements and restrictions over the land of others:

\_\_\_\_\_

4. A preliminary plan of the proposed subdivision, to which the accompanying plan conforms, was tentatively approved by the Board on \_\_\_\_\_, 20 \_\_\_\_\_.

A preliminary plan of the proposed subdivision was tentatively approved by the Board on \_\_\_\_\_, 20 \_\_\_\_\_, with modifications, which modifications have been incorporated in the accompanying plan.

5. The applicant agrees, if the definitive plan is approved, to construct and install all improvements within the proposed subdivision required by the "**RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN MONTAGUE, MASSACHUSETTS**" adopted by the Planning Board as in force on the date of this application, and as modified and supplemented by the work specifications and other requirements of the Superintendent of Highways set forth in the statements attached hereto. (Section 3.3.5 of Regulations)

6. The applicant further agrees to complete all said required improvements within two years from the date of approval of the definitive plan by the Board, unless the Board approves a different period of time.

(Montague Subdivision Regulations)

7. The applicant further agrees, if this application is approved, to cause the definitive plan of the subdivision to be recorded in the Franklin County Registry of Deeds within thirty (30) days after the return of said plan to the applicant by the Board, and agrees not to sell, or to offer to sell, any of the lots within the subdivision until said plan is so recorded.
8. The applicant further agrees that if the definitive plan is approved, applicant will promptly, at any time thereafter when requested to do so by the Board, convey to the Town, in form satisfactory to the Board, title to the water mains and sewers and the prescribed easements therefore.
9. The applicant further agrees that within forty-five (45) days after the submission of the definitive plan, the applicant will cause to be filed with the Board, a bond in form satisfactory to the Board and conditioned on the completion of all required improvements in the time and manner prescribed, in a penal sum sufficient, in the opinion of the Board, to cover the cost of such work, and executed by the applicant as principal and surety company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or secured by the deposit with the Town Treasurer of money or negotiable securities, satisfactory to the Board, in an amount equal to the penal sum of the bond.

**OR**

(as an alternative to the above agreement) The applicant requests the Board to approve the definitive plan on condition that no lot in the Subdivision shall be sold and no building shall be erected or placed on any lot until the required improvements specified are constructed and installed so as to serve the lots adequately.

10. The owner's title to the land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_, 20 \_\_\_\_\_, and recorded in Franklin County District Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or under Certificate of Title No. \_\_\_\_\_, registered in Franklin County Land Registry District, Book \_\_\_\_\_, Page \_\_\_\_\_.

\_\_\_\_\_

Applicant

\_\_\_\_\_

Address

**NOTE:** This application is not deemed to have been submitted until the following endorsement has been completed by a member of the Planning Board.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ as duly submitted under the Rules and Regulations of the Planning Board.

MONTAGUE PLANNING BOARD

By \_\_\_\_\_

**FORM D**

**DESIGNER'S CERTIFICATE**

\_\_\_\_\_, 20 \_\_\_\_\_

To the Planning Board of the Town of Montague:

I hereby certify that the accompanying plan, entitled:

\_\_\_\_\_

And dated \_\_\_\_\_, 20 \_\_\_\_\_, is true and correct to the accuracy required by the Rules and Regulations of the Montague Planning Board.

\_\_\_\_\_  
Engineer or Surveyor

\_\_\_\_\_  
Address

\_\_\_\_\_

(Registration Number and Seal of Engineer or Surveyor)

FORM E

PERFORMANCE BOND-SURETY COMPANY Y

\_\_\_\_\_, 20 \_\_\_\_\_

**KNOW ALL MEN BY THESE PRESENTS:**

That we, \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_, in the commonwealth of Massachusetts, as PRINCIPAL, and \_\_\_\_\_, a corporation duly organized and existing under the Laws of the Commonwealth/State of \_\_\_\_\_ and having an established place of business in the County of \_\_\_\_\_ in the Commonwealth of Massachusetts, as SURETY, are hereby holden and stand firmly bound and obligated to the Town of Montague, A Municipal Corporation of the Commonwealth of Massachusetts, in its county of Franklin, in the full and just sum of \_\_\_\_\_ Dollars (\$ to the true payment whereof we bind ourselves and each of us, our successors and assigns, and our heirs, executors and administrators, jointly and severally, by these presents.

This Bond is subject only to the condition that if the above-bounded \_\_\_\_\_ his (its, ours) heirs, executors, administrators, successors or assigns or its surety. (Principal) Shall in all things stand to and abide by, and fully and satisfactorily observe, keep and perform within two years from the date and in the time and in the manner specified, all of the conditions, covenants, terms agreements and provisions contained in the application for the approval of a certain subdivision entitled \_\_\_\_\_, signed by \_\_\_\_\_, and dated \_\_\_\_\_, and in the order of orders (Principal) under which the approval of the Montague Planning Board has been granted or its hereafter granted then this obligation shall become null and void; otherwise it shall remain in full force and effect.

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

\_\_\_\_\_  
SURETY

\_\_\_\_\_  
PRINCIPAL

**FORM F**

**PERFORMANCE BOND-SECURED BY DEPOSIT**

**KNOW ALL MEN BY THESE PRESENTS:**

That I (we) \_\_\_\_\_ of \_\_\_\_\_  
(Applicant)

in the County of \_\_\_\_\_, in the Commonwealth of Massachusetts, hereby am (are) holden and stand firmly bound, and bind(s) and obligate (s) myself (ourselves), and my (our) successors, assigns, executors, administrators, heirs and devisees to the Town of Montague, a Municipal Corporation of the Commonwealth of Massachusetts, in its County of Franklin, in the full and just sum of \_\_\_\_\_ Dollars (\$) and has secured my (our) compliance with this obligation by the deposit with the Treasurer of said Town of said sum in money, savings bond deposit books, duly assigned, or negotiable securities, in an amount satisfactory to the Treasurer.

The CONDITION of this obligation is such that if the undersigned or his (their) successors, assigns, executors, administrators, heirs or devisees shall have within the time specified in the order of the Montague Planning Board fully and satisfactorily performed in the manner specified all the conditions, covenants, terms, agreements and provisions and contained in the application signed by \_\_\_\_\_ and dated \_\_\_\_\_, 20 \_\_\_\_\_ and in the approval of a definitive plan of a certain subdivision entitled \_\_\_\_\_ which has been granted or is hereafter granted by the Montague Planning Board, then this obligation shall be null and void; OTHERWISE it shall remain in the full force and effect, and the aforesaid security for the payment of said sum shall be and become the sole property of the Town of Montague as liquidated damages.

IN WITNESS WHEREOF the obligator has hereunto set his (its, ours) hand(s) and seal (s) this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

**FORM G**

**CONDITIONAL APPROVAL CONTRACT**

**KNOW ALL MEN BY THESE PRESENTS:**

That whereas the undersigned has (have) submitted application signed \_\_\_\_\_ and dated \_\_\_\_\_, 20 \_\_\_\_\_ of the Montague Planning Board for approval of a definitive plan of a certain subdivision entitled \_\_\_\_\_ and dated \_\_\_\_\_, 20 \_\_\_\_\_ and has requested the Montague Planning Board to approve such plan without requiring the subdivider to furnish a performance bond.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Montague Planning Board's approving said plan without requiring a performance bond, and in consideration of One Dollar (\$1.00) to the undersigned in hand paid, receipt whereof is hereby acknowledge, the undersigned contracts, covenants and agrees with the Town of Montague as follows:

1. The undersigned will not sell any lot in the said subdivision or erect, place maintain, thereon any building until the ways and other improvements necessary adequately to serve such lot have been completely constructed and installed in the manner specified in the aforesaid application an in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. The undersigned represents and covenants that the undersigned is the owner in fee simple of all the land included in the aforesaid subdivision and that there are not mortgages or encumbrances of record or otherwise on any of said land, except such as are noted below and subordinated to this contract.
3. This agreement shall be binding upon the undersigned as well as upon his (its, their) successors, assigns, executors, administrators, heirs and devisees.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land.

It is understood and agreed that lots within the subdivision shall, respectively be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Montague Planning Board and enumerating or identifying the specific lots so released.

IN WITNESS WHEREOF the undersigned has (have) hereunto set his (its, their) hand (s) and seal (s) this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

**FORM H**

**CERTIFICATE OF PERFORMANCE**

The undersigned, being a majority of the Planning Board of the Town of Montague, Massachusetts, hereby certify that the requirements for work in the ground called for by the Covenant dated \_\_\_\_\_, 20\_\_\_\_\_, and recorded in the Franklin County Registry of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_ (or registered in) \_\_\_\_\_ Land Registry District No \_\_\_\_\_, in Registry Book \_\_\_\_\_ Page \_\_\_\_\_ have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled \_\_\_\_\_ recorded with said Deeds, Plan Book \_\_\_\_\_ Page \_\_\_\_\_, (or registered in) said Land Registry District, Plan Book \_\_\_\_\_ Page \_\_\_\_\_ and said lots are hereby released from the restriction as to sale and building specified thereon. Lots designated on said Plan which are hereby released are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Majority of the Planning Board of the Town of Montague.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss \_\_\_\_\_, 20\_\_\_\_\_

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

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

\_\_\_\_\_, the present holder of a mortgage on the above described land, dated \_\_\_\_\_ and recorded with the Franklin District Registry of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_, or registered in Franklin ( \_\_\_\_\_ ) Land Registry District as Document No. \_\_\_\_\_ and noted on Certificate of Title No. \_\_\_\_\_ in Registration Book \_\_\_\_\_, Page \_\_\_\_\_.

For consideration paid, hereby subordinates said mortgage to the above contract and agrees that said contract shall have the same status, force and effect as though it had been made and recorded, or registered, before the making of said mortgage.

IN WITNESS WHEREOF this instrument has been executed in the name and on behalf of said mortgages (and its corporate seal hereto affixed by \_\_\_\_\_ its \_\_\_\_\_ hereunto duly authorized) this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss \_\_\_\_\_, 20 \_\_\_\_\_

Then personally appeared the above named \_\_\_\_\_ acknowledged the foregoing instrument to be this free act and deed (or the free act and deed of said \_\_\_\_\_) before me

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_