



Appendix to the Rules and Regulations Governing the Subdivision of Land In Upton, Massachusetts

Last Amended Date: 2002
Zoning Bylaw References 2006

Upton Subdivision Rules and Regulations

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Appendix A

Upton Planning Board Subdivision Processing Forms

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Application For Endorsement Of Plan Believed Not To Require Approval

Date _____

To the Planning Board of the Town of Upton:

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

1. The accompanying plan is not a subdivision because the plan does not show a 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 and set backs of at least such distance as is presently required by the Upton Zoning By-law under Section 4.0.
3. The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument 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 and set backs as required by the Upton Zoning By-law under Section 4.0.
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings were standing prior to the date when the subdivision control law went into effect in the Town of Upton 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 attached.
5. Other reason or comment: Attachments [See M.G.L., Chapter 41, Section 81-L]

Location & Description of Property _____

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

Dated _____, _____ and recorded in _____

Registry of Deeds, Book _____, Page _____

Or Land Court Certificate of Title No. _____

Registered in _____ District Book _____

Page _____ and Assessor's book _____, Page _____

Applicant's Name & Signature _____

Applicant's Address _____

Applicant's Phone day) _____ (evening) _____

Applicant's E-Mail Address _____

Owner's Name & Signature _____

Owner's Address _____

Received by Town Clerk

Date _____

Time _____

Signature _____

Determination That Subdivision Approval Is Not Required

Upton Planning Board

Date:

Town Clerk
Town of Upton
Upton, Massachusetts

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

Applicant:
Applicant's Address:

Owner:
Owner's Address:

Plan titled:
Plan date:
Location and description of land:

You are hereby notified that the plan submitted by the above applicant on said day of: _____
Accompanied by a Form-A application, note attachment, for determination by the Board was endorsed.
The submitted plan was endorsed by the majority of the Board on date _____ for the following
reason(s):

Select one or more of the reasons below.

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 and set backs of at least such distance as is presently required by the Upton Zoning By-law under Section 4.0.
3. The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument 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 and set backs as required by the Upton Zoning By-law under Section 4.0.
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings were standing prior to the date when the subdivision control law went into effect in the Town of Upton 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 attached.

Upton Planning Board, Chair

Cc: Zoning Enforcement Officer
Applicant

Determination That Subdivision Approval Is Required Upton Planning Board

Date:
Town Clerk
Town of Upton
Upton, Massachusetts

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

Applicant:
Applicant's Address:

Owner:
Owner's Address:

Plan titled:
Plan date:
Location and description of land:

You are hereby notified that the plan submitted by the above applicant on date: .
Accompanied by a Form-A application, note attachment, for determination by the Board was not endorsed.
On date _____ the majority of the Board determined that subdivision approval is required and that the plan shows a subdivision for the following reason(s):

Select one or more of the reasons below.

1. The division of the tract of land shown on the accompanying plan is a subdivision because not every lot shown on the plan has frontage and set backs of at least such distance as is presently required by the Upton Zoning By-law under Section 4.0.
2. The conveyance or other instrument which adds to / takes away from / changes the size and shape of, lots in such a manner so that the lot affected is left without frontage and set backs as required by the Upton Zoning By-law under Section 4.0.
3. The lot(s) shown on the plan does not front on one of the three types of ways specified in M.G.L., Chapter 41, Section 81L.
4. The lot(s) shown on the plan does not have adequate access from the way to the buildable portion of the lot.
5. The way on which the proposed lot(s) front was determined to be inadequate.

Upton Planning Board, Chair

Cc: Zoning Enforcement Officer
Zoning Board of Appeals
Applicant

Non-Endorsement of ANR Plan Upton Planning Board

Date:

Town Clerk
Town of Upton
Upton, Massachusetts

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

Applicant:
Applicant's Address:

Owner:
Owner's Address:

Plan titled:
Plan date:
Location and description of land:

You are hereby notified that the plan submitted by the above applicant on date:
Accompanied by a Form-A application for determination by the Planning Board dated:
The submitted plan was not endorsement by the Planning Board for the following reason.

Upton Planning Board

_____, Chair

Duplicate copy sent to applicant:

Application for Approval of a Preliminary Plan

Date: _____

To the Upton Planning Board:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, submits for approval a proposed subdivision shown on a plan

Titled: _____

Designed by: _____

Dated: _____ Revised: _____

Applicant's Name & Signature: _____

Applicant's Address: _____

Applicant's Phone: _____

Applicant's E-Mail Address: _____

Owned by: _____

Address: _____

Concerning the property located: _____

Number of proposed lots: _____ Total acreage of tract: _____ acres

Said applicant hereby submits said plan as a preliminary subdivision plan in accordance with the Rules and Regulations of the Upton Planning Board and makes application to the Board for approval of said plan.

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

by deed dated _____ and recorded in the Worcester County District Registry of Deeds Book _____, Page _____, registered in the Worcester County Registry District of the Land Court. Certificated of Title Number:

Received by Town Clerk

Date: _____

Time: _____

Signature: _____

Received by Board of Health

Date: _____

Time: _____

Signature: _____

Certificate of Approval of a Preliminary Plan Upton Planning Board

Date: _____

Town Clerk
Town of Upton
Upton, Massachusetts

It is hereby certified by the Planning Board of the Town of Upton, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____ it was voted to approve / approve with modification a preliminary subdivision plan;

Titled: _____

Designed By: _____

Dated: _____ Revised: _____

Submitted by: _____

Address: _____

Owned by: _____

Owners Address: _____

Originally file with the Planning Board on date: _____

Concerning the property located: _____

And showing _____ proposed lots and a total acreage of tract _____

Modifications:

1.

Upton Planning Board

_____, Chair

A true copy, attest: _____ Clerk, Upton Planning Board

Duplicate copy sent to applicant:

Certificate of Disapproval of a Preliminary Plan Upton Planning Board

Date: _____

Town Clerk
Town of Upton
Upton, Massachusetts

It is hereby certified by the Planning Board of the Town of Upton, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on date _____, it was voted to disapprove a preliminary subdivision plan;

Titled: _____

Designed by: _____

Dated: _____ Revised: _____

Submitted by: _____

Address: _____

Owned by: _____

Address: _____

Originally filed with the Planning Board on date: _____

Concerning property located: _____

And showing _____ proposed lots and a total acreage of tract _____

Following reasons:

1.

Upton Planning Board

_____, Chair

A true copy attest: _____ Clerk, Upton Planning Board

Duplicate copy sent to applicant:

Application for Approval of Definitive Subdivision Plan Upton Planning Board

Date: _____

To the Planning Board of the Town of Upton:

The undersigned hereby applies for the approval of said definitive plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations Governing the Subdivision of Land.

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, submits for approval a proposed subdivision shown on a plan;

Titled: _____

Designed by: _____

Dated: _____ Revised: _____

Applicant's Name & Signature: _____

Applicant's address: _____

Applicant's phone: _____

Applicant's E-Mail Address: _____

Owned by: _____

Address: _____

Concerning the property located: _____

Number of lots proposed: _____, and a total acreage of tract: _____ acres.

The undersigned's title to said land is derived from

By deed dated _____ and recorded in the Worcester County District Registry of Deeds Book _____, Page _____, registered in the Worcester County Registry District of the Land Court, Certificate of Title Number _____; and said land is free of encumbrances except for the following: _____

Received by Town Clerk

Date: _____

Time: _____

Signature: _____

Received by Board of Health

Date: _____

Time: _____

Signature: _____

Certificate of Approval of a Definitive Plan Upton Planning Board

Date _____

Town Clerk
Town of Upton
Upton, Massachusetts

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

Titled _____
Designed by _____
Dated _____

Submitted By _____
Address _____

Owned by _____
Address _____

Originally filed with the Planning Board on date _____
Concerning the property located _____
And showing _____ proposed lots and a total acreage of _____

Conditions.

1.

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

Planning Board
_____, Chair

A true copy, attest: _____ Clerk, Upton Planning Board

Duplicate copy sent to Applicant

Certificate of Approval With Modifications of a Definitive Plan Upton Planning Board

Date _____

Town Clerk
Town of Upton
Upton, Massachusetts

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

Titled: _____

Designed by: _____

Dated: _____ Revised: _____

Submitted By: _____

Address: _____

Owned by: _____

Address: _____

Originally filed with the Planning Board on date: _____

Concerning the property located: _____

And showing _____ proposed lots and a total acreage of _____ acres

Modifications:

1.

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

Upton Planning Board

_____, Chair

A true copy, attest: _____ Clerk, Upton Planning Board

Duplicate copy sent to Applicant

Certificate of Disapproval of a Definitive Plan Upton Planning Board

Date _____

Town Clerk
Town of Upton
Upton, Massachusetts

It is hereby certified by the Planning Board of the Town of Upton Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to disapprove a definitive subdivision plan.

Titled: _____

Designed By: _____

Dated: _____ Revised: _____

Submitted By: _____

Address: _____

Owned By: _____

Address: _____

Originally filed with the Planning Board on: _____

Concerning the property located: _____

Showing _____ proposed lots and with a total acreage of _____

The plan fails to conform to the Planning Board's Rules & Regulations or the recommendations of the Board of Health in the following respects:

- 1.

Upton Planning Board
_____, Chair

A true copy, attest: _____ Clerk, Upton Planning Board

Duplicate copy sent to Applicant

Designer's Certificate

Date: _____

To the Planning Board of the Town of Upton:

In preparing the plan titled “_____” and dated _____. I hereby certify that the above named plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Upton Massachusetts and required by the rules of Massachusetts Registries of Deeds and my source of information about the location of boundaries shown on said plan were one or more of the following.

1. Deed from _____ to _____
Dated _____
And recorded in the _____ Book, _____ Page _____
2. Other deeds and plans, as follows

3. Oral information furnished by

4. Actual measurements on the ground from a starting point established by

5. Other sources

Registered Land Surveyor

Name _____

Address _____

Seal

Registration No. _____

Signed _____

Registered Professional Engineer

Name _____

Address _____

Seal

Registration No. _____

Signed _____

Registered Professional Land Architect / Land Planner

Name _____

Address _____

Seal

Registration No. _____

Signed _____

Amendments, Modification or Rescission of Approval of a Definitive Subdivision Plan

Date: _____

Upton Planning Board:

On the motion/petition of _____, dated _____ and in accordance with M. G. L., Chapter 41, Section 81-W, it is hereby certified by the Planning Board of the Town of Upton, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, held on _____, it was voted to amend/modify/rescind the approval of the definitive

subdivision plan of land

Titled: _____

Owned by _____

Designed by _____ plan(s) dated _____

Revised by _____ revised date _____

Recorded at the Worcester County Registry of Deeds, Plan Book _____ Page _____

Performance guarantee being _____ and recorded Book _____ Page _____

Land located _____ and showing _____ proposed lots

By making the following amendments/modification(s)/by rescinding the approval for the following reasons:

1.

All prior conditions of approval shall remain in full force and effect until such time as they are met pursuant to M.G.L., Chapter 41, Section 81-W, this Amendment/Modification/ Rescission shall take effect when duly recorded by the Planning Board at the Worcester County Registry of Deeds the plan or originally approved, or a copy thereof, a certified copy of this vote making such Amendment/Modification or Rescission, and any plan or other document referred to in this vote. Said recording to be at the expense of the applicant in the case of Amendment or Modification.

The Amendment/Modification/ Rescission of the approval of this plan does/does not effect the lots in the subdivision, which have been sold or mortgaged in good faith and for a valuable consideration. The consent of the owner(s) of lots, and of the holder(s) of the mortgage or mortgages affected are attached.

Note to Clerk: The Planning Board should be notified immediately of any appeal to the Superior or Land Court on this subdivision Amendment/Modification/Rescission of the approval made within the statutory 20-day appeal period.

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

A true copy, attest

Clerk, Upton Planning Board

Duplicate copy sent to applicant

Upton Planning Board

Covenant

Date:

Upton, Massachusetts

Known all men by these presents that the undersigned has submitted an application dated _____ to the Upton Planning Board for approval of a definitive plan of a subdivision of land

Titled: _____

Designed by: _____

Dated: _____ Revised: _____

Owned by: _____ Address: _____

Concerning the land located: _____

Showing Proposed Lots and with a total acreage of _____ acres

The undersigned has requested the Upton Planning Board to approve such plan without requiring a performance bond.

In consideration of said Planning Board of Upton in the County of Worcester approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the Town of Upton as follows:

1. That the undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

**If there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner of record must sign the covenant.*

2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:

- a. The application for approval of definitive plan (form C).
- b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
- c. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, and dated _____.
- d. The definitive plan as approved and as qualified by the certificate of approval.
- e. Other document(s) specifying construction to be completed, namely:

- 1.
- 2.
- 3.
- 4.
- 5.

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

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

For title to the property, see deed from _____, dated _____ recorded in Worcester County Registry of Deeds, Book _____, Page _____ or registered in Worcester County Land Registry as Document Number _____, and noted on Certificate of title number _____, in Registration Book _____, Page _____.

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

The mortgage is dated _____ and recorded in Worcester County Registry of Deeds, Book _____, Page _____, or registered in Worcester County Land Registry as Document number _____, and noted on certificate of title number _____, in Registration Book _____, Page _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

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

In witness whereof we have hereunto set our hands and seal this date: _____

Owner: _____

Spouse of Owner: _____

Mortgagee: _____

Acceptance by a majority of the Upton Planning Board.

One acknowledgement must be completed for each of the following:

- Upton Planning Board
- Owner or Owners
- Spouse of the Owner
- Mortgagee

Commonwealth of Massachusetts

Date: _____

Worcester County, ss

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

Signature of Notary Public: _____

Commission expires: _____

Performance Secured by Deposit of Money

Date _____

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

Titled: _____

Designed by _____, dated: _____

Owned by: _____

Address: _____

Land located: _____

and showing _____ proposed lots.

Know all men by these presents that the applicant hereby binds and obligates himself, his or its executors, administrators, devisees, heirs, successors and assigns to the town of Upton, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of _____ dollars, and has secured this obligation by depositing with the Treasurer of the Town of Upton a deposit of money in the above sum to be deposited in a subdivision escrow account in the name of the Town of Upton. The deposit of money is to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C), dated _____
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and dated _____
3. Conditions included in the Certificate of Approval issued by the Planning Board and dated _____
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other document(s) specifying construction or installation to be completed, namely, (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a deposit of money)

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

Upon completion by the applicant of all obligations as specified herein, on or before _____, or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, the deposit of money including all interest accrued thereon shall be returned to the applicant by the Town of Upton and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the deposit of money may be applied in whole, or in part, by the Planning Board for the benefit of the Town of Upton to the extent of the reasonable cost to the Town of Upton of completing such construction of installation as specified in this agreement. Any unused money and the interest accrued on the deposit of money will be returned to the applicant upon completion of the work by the Town of Upton.

The Town of Upton acting by and through its Planning Board hereby agrees to accept the aforesaid deposit of money in the amount specified in this agreement as security for the performance of the project as aforesaid.

Performance Secured by A Surety Company

Date _____

Agreement made this date between the Town of Upton and _____,
hereinafter referred to as "the applicant", of _____;
And _____, a corporation duly organized and existing under
the law of the state of _____ and having a usual place of business at _____, hereinafter
referred to as "the surety", to secure construction of ways and installation of municipal services in the subdivision
of land shown on a plan

Titled: _____

Designed by: _____, dated: _____

Owned by: _____

Address: _____

Land located: _____

And showing _____ proposed lots.

Know all men by these presents that the applicant and the surety hereby binds and obligate themselves, their, or
its executors, administrators, devisees, heirs, successors and assigns, jointly and severally to the town of Upton, a
Massachusetts municipal corporation, acting through its Planning Board, in the sum of _____
dollars, and have secured this obligation by depositing with the Treasurer of the Town of Upton a surety bond to
secure the above sum of money, said surety bond to be used to insure the performance by the applicant of all
covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C), dated _____
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and
dated _____
3. Conditions included in the Certificate of Approval issued by the Planning Board and
dated _____
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other document(s) specifying construction or installation to be completed, namely, (specify other documents, if
any, and list lots secured if only a part of the subdivision is secured by a deposit of money)

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

Upon completion by the applicant of all obligations as specified herein, on or before _____,
or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant,
the deposit of money including all interest accrued thereon shall be returned to the applicant by the Town of
Upton and this agreement shall become void. In the event the applicant should fail to complete the construction
of ways and installation of municipal services as specified in this agreement and within the time herein specified,
the deposit of money may be applied in whole, or in part, by the Planning Board for the benefit of the Town of
Upton to the extent of the reasonable cost to the Town of Upton of completing such construction of installation as
specified in this agreement. Any unused money and the interest accrued on the deposit of money will be returned
to the applicant upon completion of the work by the Town of Upton.

The Town of Upton acting by and through its Planning Board hereby agrees to accept the aforesaid deposit of
money in the amount specified in this agreement as security for the performance of the project as aforesaid.

Performance Secured By Bank Passbook

Date:

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

Titled: _____

Designed by: _____

Dated: _____ Revised: _____

Owned by: _____

Address: _____

Concerning the property located: _____

Number of proposed lots: _____ and a total acreage of tract: _____ acres.

Know all men by these presents that the applicant hereby binds and obligates himself, his or its executors, administrators, devisees, heirs, successors and assigns to the Town of Upton, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of \$_____ dollars, and has secured this obligation by depositing with the Treasurer of the Town of Upton, a deposit of money in the above sum represented by Bank Passbook(s) No.# _____

with an order drawn on the bank: _____

Address: _____ Payable to the order of the Town of Upton.

The deposit of money is to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval of a Definitive Plan (Form C), dated:
 2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and dated 30 September 1970, as amended through the date of the application:
 3. Conditions included in the Certificate of Approval issued by the Planning Board and dated:
 4. The definitive plan as qualified by the Certificate of Approval; and
 5. Other document(s) specifying construction or installation to be completed, namely, (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a deposit of money).
- 5.1

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

Upon completion by the applicant of all obligations as specified herein, on or before _____, or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant and the bank, the bank passbook shall be returned to the applicant by the Town of Upton and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the deposit of money may be applied in whole, or in part, by the Planning Board for the benefit of the Town of Upton to the extent of the reasonable cost to the Town of Upton of completing such construction of installation as specified in this agreement. Any unused money and the interest accrued on the deposit of money will be returned to the applicant upon completion of the work by the Town of Upton.

The Town of Upton acting by and through its Planning Board hereby agrees to accept the aforesaid deposit of money in the amount specified in this agreement as security for the performance of the project as aforesaid.

Conveyance of Easement and Utilities

Date: _____

Name of Owner: _____,

Address: _____, Worcester County,

Massachusetts; for the consideration of _____,

hereby grants, transfers and delivers unto the town of Upton, a municipal corporation in Worcester County, the following:

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

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

For grantor's title see deed from _____ dated _____, and recorded in _____ District Registry of Deeds, Book _____, Page _____, or under Certificate of Title No. _____ registered in _____ District of the Land Court, Book _____, Page _____ This is not a homestead property.

And (to be completed if a mortgage exists) _____

Name and address _____
the present holder of a mortgage on the above described land, which mortgage is dated _____, and recorded in said Deeds, Book _____, Page _____, for consideration paid, hereby releases unto the Town of Upton forever from the operation of said mortgages, the rights and easements hereinabove granted an assents thereto.

Authorized Signature of Mortgagee

Owner

In Witness whereof we have hereunto set our hands and seals this (date) _____

Commonwealth of Massachusetts

Worcester County, ss (date) _____

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

Notary Public: _____

My commission expires: _____

Note: This conveyance is not effective until accepted by town meeting.

Release of Municipal Interest in Subdivision Performance Security

Date _____

Planning Board of the Town of Upton, Massachusetts

Subdivision Name: _____

Owner: _____

Owner's Address: _____

Applicant, if other than owner: _____

Applicant's Address: _____

Date of Subdivision Plan: _____

Designer of Plan: _____

Land Located: _____

Plan Recorded: Worcester District Registry of Deeds book _____, page _____

Plan Registered with the Worcester Registry District of the Land Court Numbered _____

Type of Performance Security: _____

Covenant, dated: _____

Covenant recorded: Worcester County Registry of Deeds Book _____, Page _____

Or

Covenant registered: Registered Land Office of Worcester County Registry of Deeds as Docket

No. _____

Bond, agreement dated: _____

Surety Company: _____

Address of Surety _____

Deposit of money, agreement dated: _____

Bank, if bank passbook: _____

Address of Bank: _____

The undersigned, being a majority of the Planning Board of the Town of Upton have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been fully and satisfactorily completed by the applicant in accordance with the Board's rules and regulations to serve the following enumerated lots and/or Construction Phase:

Pursuant to Section 81-U of Chapter 41, M.G.L. and in consideration of completion of said construction and installation, the Town of Upton, a Massachusetts municipal corporation, acting through its Planning Board, hereby releases its interest in the performance security referred to above for the amount of \$ _____ and all interest accrued.

Duly executed as a sealed instrument this date _____

Signed by a Majority of the Planning Board of the Town of Upton

COMMONWEALTH OF MASSACHUSETTS

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

Notary Public _____

My commission expires _____

- Duplicate copy to:
Applicant
(Surety, if bond agreement)
(Bank, if bank passbook)
Planning Board
Town Clerk
Town Treasurer
Board of Selectmen

Inspection Form

Upton, Massachusetts

Name of Subdivision: _____

Street: _____

<u>Item</u>	<u>Type of Inspection</u>	<u>Approved</u>	<u>Signature of Inspector</u>	<u>Date</u>
1	Clearing, Grubbing & Excavation			
2	Erosion Control			
3	Drainage System			
4	Water System			
5	Sewer System			
6	Under Ground Utilities			
7	Back Fill & Rough Grade			
8	Gravel Base			
9	Bituminous Binder Course			
10	Curbs / Berms / Gutters			
11	Bituminous Surface Course			
12	Sidewalks			
13	Loam & Seed			
14	Street Trees			
15	Road Signs			
16	Street Lights			
17	Fire Hydrants			
18	Bounds & Monuments			
19	Final Inspection			
20	Final Clean Up			

Appendix B

Planning Board Fee Schedule, as of March 2000

<u>Item</u>	<u>\$ Amount</u>	<u>Description</u>
ANR's \$100/lot Form "A"	\$100/lot \$ 50/parcel	Filing Fee, non refundable Filing Fee, non refundable
Preliminary Plan, Std Form "B"	\$1,500 + \$50/lot \$1000 + \$200/lot	Filing Fee, non refundable Engineering Review, refundable
Preliminary Plan, O.S. Form "B"	\$1,500 + \$50/lot \$1,000 + \$200/lot	Filing Fee, non refundable Engineering Review, refundable
Definitive Plan, Form "C" With Form "B"	\$2,500 + \$150/lot \$1,000 + \$250/lot	Filing Fee, non refundable Engineering Review, refundable Construction Inspection, refundable
Definitive Plan, Form "C" Without Form "B"	\$4,000 + \$200/lot \$1,000 + \$450/lot	Filing Fee, non refundable Engineering Review, refundable Construction Inspection, refundable

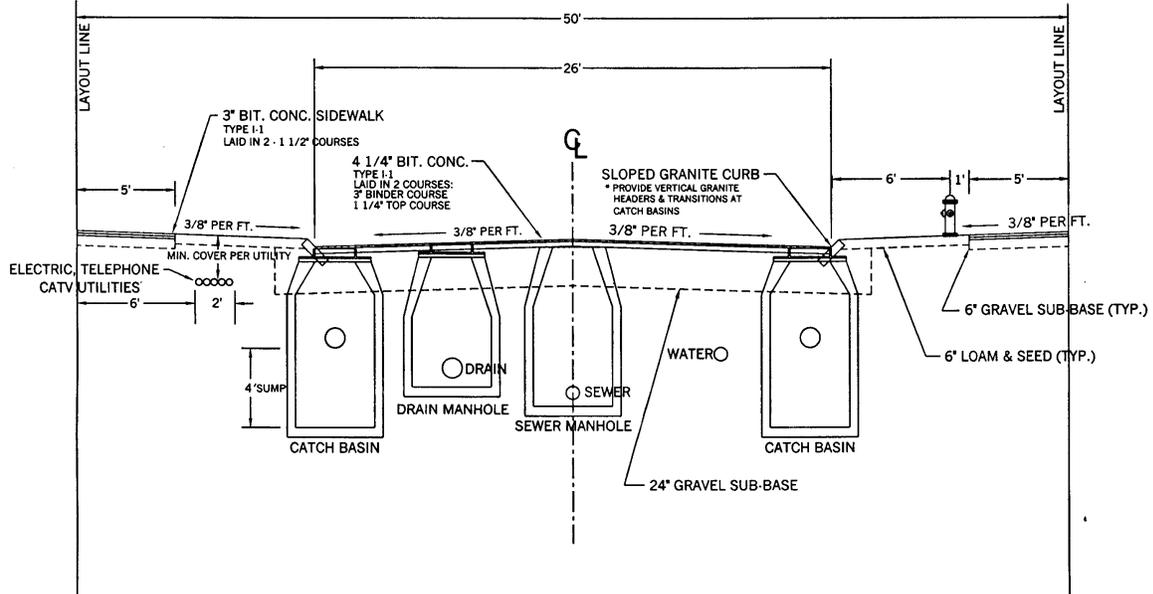
Appendix C

Illustrations & Cross Sections

Index

C-1	Minor street cross section
C-2	Granite curbing (not available on website at this time)
C-3	Plan of Land (not available on website at this time)

STANDARD CROSS SECTION MINOR STREET 50' LAYOUT



- NOTES:
1. CATCH BASINS SHALL BE PRE-CAST CONCRETE.
 2. SEWER MAINS SHALL BE A MINIMUM OF 8" IN DIAMETER.
 3. WATER MAINS SHALL BE A MINIMUM OF 8" IN DIAMETER.
 4. STORM WATER DRAIN PIPE SHALL HAVE A MINIMUM OF 4' COVER AND BE 12" MINIMUM IN DIAMETER.
 5. SEWER MAINS SHALL HAVE A MINIMUM OF 7' COVER.
 6. WATER MAINS AND SEWER MAINS SHALL HAVE A MINIMUM HORIZONTAL SEPARATION OF 7'.
 7. SLOPED GRANITE CURB SHALL BE INSTALLED WITH A 45° ANGLE +/- 5°.
 8. WATER MAINS SHALL HAVE A MINIMUM COVER OF 5'.

APPENDIX C-1