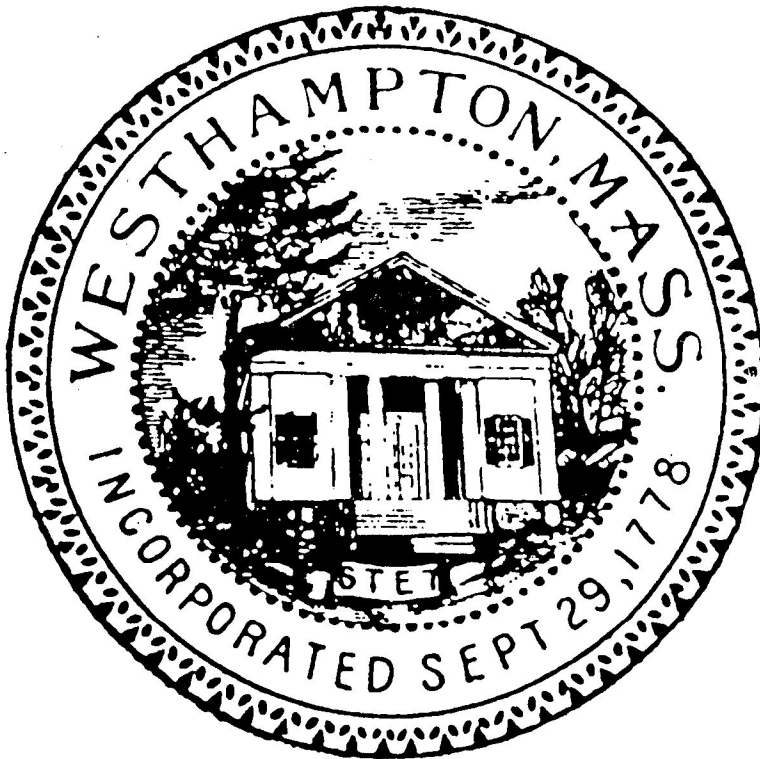


RULES & REGULATIONS
FOR THE
SUBDIVISION OF LAND



Westhampton
Massachusetts

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RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
WESTHAMPTON, MASSACHUSETTS

SECTION I. AUTHORITY

These Rules and Regulations shall be effective on and after **March 13, 1990** and so remain until modified or amended by the Westhampton Planning Board.

These Rules and Regulations are enacted by the Westhampton Planning Board under authority granted by Section 81-Q of Chapter 41 of the General Laws. For matters not covered by these Rules and Regulations, reference is made to the Subdivision Control Law, Sections 81-K to 81-GG of Chapter 41 of the General Laws, as most recently amended.

Subdivision Control Law became effective in the Town of Westhampton on **March 9, 1966**, and filed at the Registry of Deeds on November 25, 1968.

SECTION II PURPOSE

The following rules and regulations relating to subdivision control have been adopted by the Planning Board of the Town of Westhampton for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Westhampton, by regulating the laying out and construction of ways in subdivisions providing access to the 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 the Planning Board and of the Board of Appeals under the Subdivision Control Laws and under these regulations shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision; for the lessening of congestion in such ways, and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles;

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Words and Terms Defined

Alley

All public rights-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Abutter

All those property owners whose land abuts the proposed subdivision or land described in a plan believed not to require approval. It shall also mean those property owners directly across a street or road from the subject subdivision or land.

Applicant

The owner of the land proposed to be subdivided or his representative. Written consent shall be required from the legal owner of the premises. If owner is a corporation, partnership or other entity, the names of principle officers and any stockholder with more than 5% interest should be listed.

Bond

Any form of security including a cash deposit, surety bond in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Planning Board wherever a bond is required by these regulations. Specifically, these shall include a bank pass book and an insurance bond.

Building

Any structure built for the support, shelter, or enclosure of persons, animals, chattles, or movable property of any kind, and includes any structure.

Building Inspector & Zoning Enforcement Officer

The person designated by the local government to enforce the Zoning By-law.

Certified

"Certified by (or endorsed by) a Planning Board", as applied to a plan or other instrument required or authorized by the subdivision control law to be recorded, shall mean bearing a certification or endorsement signed by a majority of the members of a Planning Board, or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the register of deeds and recorder of the land court, signed by a majority of the Board.

Collector Road

A road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

Consultant or Consulting Services

Includes but is not limited to: architects, biologists and other environmental experts, chemists, engineers, geologists, landscape architects, planners, lawyers, sanitarians, and surveyors.

Cul-De-Sac

A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Date of Submission

Shall either be the date of the next regularly scheduled Planning Board meeting in the case of personal delivery, or the date of mailing if the plan is submitted by registered mail, or date of receipt by the Town Clerk.

Definitive Plan

The maps, drawings and overlays accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Board as a condition of the approval of the plat. It shall include a map, four acetate overlays, a Development Impact Statement, together with all other forms, documents drawings, information, filing fees, and reimbursement payments required by these regulations.

Developer

The owner of land proposed to be subdivided or his representative. A certified letter of representation shall be required from the legal owner of the premises.

Development Impact Statement (DIS)

A documented, written analysis of a proposed subdivision which contains all information provided by Appendix A of these Regulations, and which provides the Planning Board and its agents or consultants with information necessary for plan review. The DIS is prepared by the applicant.

Easement

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer or Surveyor

A person registered by the Commonwealth of Massachusetts to perform professional civil engineering or land surveying services.

Frontage

That side of a lot abutting on a street or way and through which primary access is obtained. Corner lots must provide frontage and setback conformity on both streets.

Grade

The slope of a road, street, or other public way, specified in percentage (%) terms.

Board of Health

The agency and/or person designated by the Governing Body to administer the health regulations of the local government, and authorized to issue approval of subdivisions as required under the Subdivision Control Law.

Individual Sewage Disposal System

A septic tank, (see page titled "Sewage Disposal System") or any other approved sewage treatment device approved by the Board of Health.

Joint ownership

Joint ownership among persons shall be construed as the same owner, (constructive ownership) for the purpose of imposing subdivision regulations.

Lot

"Lot" shall mean an area of land in one ownership, with definite boundaries, used, or available for use, as the site of the one or more buildings.

Master Plan

A comprehensive plan for development of the local government, prepared and adopted by the Planning Board, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Monument

See: Section VII (F) for definition.

Owner

The owner of record as shown by the records in the Hampshire County Registry of Deeds or Land Court.

Planning Board

"Planning Board" shall mean a planning board established under section eighty-one A, or a board of selectmen acting as a planning board under said section, or a board of survey in a city or town which has accepted the provisions of the subdivision control law as provided in section eighty-one N (81-N) or corresponding provisions of earlier laws, or has been established by special law with powers of subdivision control.

Preliminary Plan

A plan of a subdivision submitted by the applicant showing sufficient information as specified in Section IV (A), to form a clear basis of discussion and clarification of its general contents and for the preparation of a Definitive Plan. Specifically, it shall include a map, a draft Development Impact Statement, together with all other forms, documents drawings general information, filing fees and reimbursement payments required by these regulations.

Public Improvement

Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or bikepath, other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.

Recorded

"Recorded" shall mean recorded in the registry of deeds of the county or district in which the land in question is situated, except that, as affecting registered land, it shall mean filed with the recorder of the land court.

Registrar of Deeds

"Registrar of deeds" shall mean the registrar of deeds of Hampshire County and, when appropriate, shall include the recorder of the land court.

Registry of Deeds

"Registry of deeds" shall mean the registry of deeds of the Hampshire County, and when appropriate, shall include the land court.

Right-of-Way

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for other special uses. The usage of the term "right-of-way" for landplattting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Road Dead-End

A road or a portion of a street with only one (1) vehicular-traffic outlet.

Sale

Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Same Ownership

Ownership by the person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Shade Tree

A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

State Construction Standards, Massachusetts DPW Construction Standards

These specifications are published by the Massachusetts Department of Public Works. They are entitled: Standards Specifications for Highways and Bridges, and include all supplements, updates, revisions or future editions covering substantially the same subject matter. (All matters left open or undetermined by these specifications shall be specified by the Board on a case by case basis.)

Subdivision Control

"Subdivision control" shall mean the power of regulating the subdivision of land granted by the subdivision control law.

Utilities

Private or municipal services to be furnished underground within the subdivision, including telephone, cable TV, electric light and power, gas lines sanitary sewers, water drains, water pipes and appurtenances.

B. Plan Believed Not to Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under Subdivision Control Law may submit an original mylar and ten copies thereof, ten (10) copies of a Form A application (see Appendix A) and the appropriate Filing Fee (see Appendix B) to the Planning Board, accompanied by the necessary evidence to indicate that the plan does not require approval under Mass. General Laws, Chapter 40A.

Said original mylar shall include the following identifying information:

Name and address of the owner(s) of record;

Name of applicant if different from owner(s) of record;

Present zoning classification of the parcel of land;

Westhampton Assessors map and parcel numbers;

Hampshire County Registry of Deeds book and page numbers;

Signature and stamp of the certified land surveyor responsible for preparation of the plan.

Said applicant (or representative) shall file, by delivery at a regularly scheduled Planning Board meeting or by registered mail, a notice with the Town Clerk stating the date of submission for such determination, accompanied by ten copies of said application. The applicant shall deliver the appropriate filing fee to the Planning Board on the night of the regularly scheduled Planning Board meeting.

If all required items are not submitted, the Planning Board shall determine that the application is incomplete and shall not sign the submitted plan.

If the notice is given by delivery, the Town Clerk, if requested, shall give a written receipt thereof.

If the Planning Board determines that the plan does not require approval, it shall without a public hearing and without unnecessary delay endorse on the plan the words "Approval Under the Subdivision Control Law Not Required."

Where the Board determines that in its opinion adequate access (as contemplated by Section 81M of the Subdivision Control Law) does not exist, then the Board shall determine that the plan does require approval under the Subdivision Control Law.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of submission of said plan so inform the applicant and return the reproducible original of the plan.

The person submitting the plan may appeal the decision by requesting that the Planning Board reconsider its findings. Reconsideration would be adopted when a majority of the Board so votes. Written requests for reconsideration must be submitted no later than fourteen days after the date of the vote. The person submitting the plan has the final right of appeal to the Superior Court of the Commonwealth of Massachusetts, provided that the appeal is entered in the Town Clerk's office no later than twenty (20) days after the decision was filed.

If the Planning Board fails to act upon a plan submitted under this section within twenty-one (21) days after submission, it shall be deemed to have been determined that approval under the Subdivision Control Law is not required.

C. Subdivision

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, until a Definitive Plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided, or ninety (90) days have elapsed without action by the Board, in accordance with Chapter 41 of the General Laws, as amended, and subsequently recorded at the Hampshire County Registry of Deeds and, in the case of registered land, with the recorder of Land Court.

In the case of an industrial subdivision, both preliminary and definitive plans are required.

D. Zoning

Subdivisions shall meet the requirements pertaining to lot size, frontage, and all other requirements under existing zoning laws. No subdivision rules can dictate the size, shape width, frontage or use of lots except that they shall be in compliance with all applicable zoning requirements.

E. One Dwelling Per Lot

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

F. Engineering

The Definitive Plan shall be prepared by a Registered Land Surveyor. Construction details shall be designed by a Registered Professional Engineer, as specified by the Commonwealth of Massachusetts.

SECTION IV. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. PRELIMINARY PLAN

1. General.

Prior to the submission of a Preliminary Plan, a developer is encouraged to discuss his/her intentions with the Planning Board. A Preliminary Plan of a subdivision may be submitted by the subdivider for discussion and approval by the Board. The submission of such Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. A properly executed application Form B (see Appendix A) shall be filed with the Preliminary Plan submitted to the Planning Board. As well as, a certified check for the required fee listed in Appendix B will be submitted to the Board.

The applicant, who shall be the owner and/or his agents, shall file either by registered mail to the Town Clerk or at a regularly scheduled meeting of the Planning Board, a statement indicating the date of submission for such approval of a Preliminary Plan and accompanied by ten (10) copies of the completed Form B application and ten (10) copies of the Preliminary Plans.

Such plan must be filed to allow the Board forty-five (45) days in which to study and make recommendations toward the preparation of the Definitive Plan. It is strongly recommended that a Preliminary Plan be filed in every case, especially where the developer intends to submit a series of definitive plans for approval over a period of time, or where the developer intends to develop only a part of the total contiguous parcel. In this case, the Preliminary Plan shall show the future intended use or alternate uses for that part of the parcel not to be developed at the present time. In both cases, the Preliminary Plan will show proposed divisions, uses, and other improvements of the entire contiguous parcel.

Prior to the submission of the Preliminary Plan to the Planning Board, the subdivider should discuss the plan with the Conservation Commission, School Committee, Fire Department, Board of Health, Police Department and Highway Department to obtain their recommendations. These recommendations may be incorporated in the Preliminary Plan with any changes and additions suggested by the Board.

All Preliminary Plans approved by the Planning Board must be followed by a Definitive Plan for final approval within twelve months of approval of the Preliminary Plan. After that time, the preliminary approval will be null and void if a definitive plan has not been submitted. If changes in the Zoning Bylaw have occurred and the definitive plan has not been submitted within seven months of the date of approval of the Preliminary Plan, then the Definitive Plan must be submitted in compliance with current zoning regulations.

If, in the judgement of the Board, consulting services are necessary or appropriate, the applicant shall, prior to a determination on the Preliminary Plan by the Board, submit a certified check to be deposited into a revolving account in order to reimburse the consultant for the full cost of such services. This fee shall be determined as shown in Appendix B. All such consultants shall be selected by the Board.

2. Contents

The Preliminary Plan must have sufficient information about the subdivision to form a clear basis for discussion of its problems and the preparation of the Definitive Plan. Any person submitting a Preliminary Plan of a subdivision to the Planning Board for approval shall file the following:

- * A reproducible original drawn at a scale of one inch to each forty (40) feet and ten (10) contact prints, not larger than twenty-four inches by thirty-six inches in size. This plan must meet the Registry of Deeds standards.
- * Ten copies of the application Form B, appended hereto, signed by the applicant and providing all information requested;

* Ten (10) copies of the Development Impact Statement;

* A colored overlay illustrating the features in the following color scheme:

Roads - dark gray;
Streams and waterbodies - blue;
Wetlands - solid red;
Wetland 100' Buffer Zone - dotted red;
One hundred year flood plains - orange;
Open space and recreation areas - green;
Pedestrian and bicycle paths - brown;
Subdivision boundaries - black
Aquifer/Watershed district boundaries - dotted blue

* The applicant shall also file one copy each of the plan, application Form B, and the draft Development Impact Statement with the Board of Health, and obtain a receipt therefore, using the form appended hereto.

The following information must be shown on the preliminary Plan:

- a. The subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";
- b. The names of the record owner and the applicant and the name of the designer, registered engineer and/or registered surveyor;
- c. The names of all abutters, as determined from the most recent tax list;
- d. The existing and proposed lines of streets, ways easements and any public areas within the subdivision in a general manner;
- e. The proposed system of drainage, including adjacent existing natural waterways, in a general manner;
- f. The approximate boundary lines of proposed lots, with approximate areas and dimensions;
- g. The names, approximate location and widths of adjacent streets;

- h. The topography of the land in a general manner, using contours of two (2) feet for slopes less than ten percent (10%) and five foot contours for slopes greater than ten percent (10%);
- i. A sketch of surrounding areas which may be affected by the proposed subdivision showing drainage, property lines, and access in a general way;
- j. An assessor's map of the site depicting all zoning districts therein;
- k. The completion of the Development Impact Statement (see Form G).
- l. Other major site features such as swamps, bodies of water, wetlands, floodplains, stone walls, fences, buildings trees over twelve (12) inch diameter; and rock outcroppings.
- m. An index plan at a scale of one inch equals two hundred feet, or 1 inch equals one hundred feet;
- n. The applicant shall prepare acetate overlays in order to expedite the Planning Board's Review.

3. Approval Procedure.

- a. The Preliminary Plan, when submitted, will be studied by the Board and other Boards as deemed necessary, to determine whether it is in compliance with the requirements of design adopted by the Board. Within forty-five (45) days after submission, the Board and the Board of Health will tentatively approve, not approve, or approve with modification the Preliminary Plan noting thereon its action and any changes which should be made. One (1) copy will be returned to the subdivider with the date of said approval or disapproval noted thereon, and the Town Clerk shall be notified of said action. Failure of the Board to act upon a Preliminary Plan within forty-five (45) days after the submission thereof shall be deemed to constitute approval of such plan.

- b. Approval of a Preliminary Plan shall be tentative and shall not be construed as approval of the definitive subdivision and no such plan shall be recorded.

SECTION V DEFINITIVE PLAN

A. General.

The Definitive Plan shall be governed by the Subdivision Regulations in effect at the time of submission of the Preliminary Plan, provided that the Definitive Plan was submitted within seven months of the Preliminary Plan, otherwise, the Definitive Plan shall be governed by the zoning in effect at the time of submission of the plan.

At the time of the request for approval of the subdivision a Definitive Plan and Plan Profile sheets shall be submitted. Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

1. A record of the legal owner of the land and a letter with the name of the authorized agent if applicable;
2. One original drawing of the Definitive Plan Map; the original drawing and the original of the Development Impact Statement, which shall have a space for the signatures of the Planning Board, and shall be returned to the applicant after the approval or disapproval by the Planning Board;
3. Ten (10) contact prints; three of the prints shall have the significant features illustrated in the following color scheme:

Roads - dark gray;
Streams and Waterbodies -blue;
Wetlands - solid red;
Wetlands 100' buffer zone - dotted red;
One hundred year flood plains - orange;
Open space and recreation areas - green;
Pedestrian and bicycle paths - brown;
Subdivision boundaries - black;
Aquifer/Watershed District boundaries - dotted blue

4. Filing fee as calculated in Appendix B, in the form of a certified check or money order made payable to: "Town of Westhampton, Massachusetts", to cover the cost of notices and inspections, and written evidence that said filing fee has been paid to an appropriate Town official;
5. Application Form C, appended hereto, signed by the owner and/or applicant and providing all information requested;
6. An original and ten (10) copies of a Development Impact Statement, prepared by the developer in accordance with the requirements of listed in Appendix A;
7. Designers Certificate Form D, appended hereto, signed by a registered engineer and registered land surveyor and providing all information requested;
8. Certified List of Abutters Form H, appended hereto, signed by the applicant and providing all information requested.
9. One set of three overlays shall be prepared on acetate at the same scale as the Definitive Plan Map; these overlays shall illustrate the following features:
 - Overlay #1 - One hundred year flood plains, wetlands, watershed districts and aquifer recharge areas;
 - Overlay #2 - Soils (including soil types), slopes greater than 10%
 - Overlay #3 - Vegetation types;
 - Overlay #4 - Building Envelopes;

The applicant, who shall be the owner and/or his agents, shall file either by registered mail to the Town Clerk or at a regularly scheduled meeting of the Planning Board, a statement/letter indicating the date of submission for such approval of a Definitive Plan, accompanied by ten (10) copies of the completed Form C application, and ten (10) copies of the Definitive Plans, as well as one set of mylars for said plans and the appropriate filing fee as specified in Appendix B.

The applicant shall, prior to a determination on the Definitive Plan by the Board, deposit into a revolving account an amount as determined in Appendix B, to be withdrawn as needed in order to reimburse the consultant for such services. All consultants shall be selected by the Board. Any remaining funds shall be returned to the developer, once the final release has been voted on by the Planning Board.

B. Contents.

The Definitive Plan Map shall be clearly and legibly drawn in black India ink upon mylar or similar material. The plan shall be at a scale of one inch equals forty feet (1"=40') or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes may not exceed 36"x42" for construction plans and shall be no larger than 24"x36" for those sheets of the Definitive Plan that are to be recorded in the Hampshire County Registry of Deeds. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. Suitable space shall be provided on the plan to record the action of the Board and the signatures of the members of the Board. The data required below may be on separate sheets as clarity and sound practice dictate. The Definitive Plan shall contain the following information:

1. Subdivision name including the way or ways on which it is situated, boundaries, the true or magnetic north point, date, scale, bench mark and datum. All elevations to refer to U. S. C. & G. S. bench marks if within 500 feet of the subdivision.
2. Legend denoting any signs and symbols used on the plan and not otherwise explained.
3. Name and address of record owner, subdivider, and surveyor. The seal and certificate number of the surveyor shall appear on the Definitive Plan.

When the applicant is listed as a legal corporation, any stockholder with more than 10% interest and/or holding a key operation position, must be identified.

4. Names and mailing addresses of all abutters as they appear in the most recent tax list or a subsequent deed.

5. Key plan, showing location of the subdivision at a scale of one inch equals one thousand feet (1"=1000') and an accurate index plan at a scale of one inch equals two hundred feet (1"=200') or one inch equals one hundred feet (1"=100').
6. All information required on the Preliminary Plan.
7. Existing and proposed topography at a two foot contour intervals for gentle slopes (less than 10%) and at a five foot contour intervals for steep slopes (greater than 10%); elevations, expressed in feet above MSL (or current equivalent) shall be provided at a ten foot intervals.
8. Zoning districts of all areas shown on the plan.
9. Street frontage, areas of lots with lot numbers and reference to the Town Assessors's Map and Parcel numbers of land to be developed.
10. Watercourses, wetlands, one hundred year flood plains, ponds, marshes, rock outcrop, stone walls, trees of over twelve (12) inch caliper (unless otherwise specified by the Board) and other significant natural features.
11. Subsurface conditions on the tract, location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water, and location and results of soil percolation tests. If individual sewage disposal systems are proposed results must be shown on a separate sheet. The above percolation tests on each lot within the subdivision shall be made by and at the expense of the developer and shall be in accordance with the Board of Health rules and the State Sanitary Code as applicable.
12. Size and location of existing and proposed water supply facilities.
13. Size and location of all fire hydrants, water lines between hydrants, pumps, and source(s) of water for fire fighting.

14. Location of all the following improvements unless specifically waived in writing by the Board: street paving, sidewalks, street lighting standards, all utilities above and below ground (i.e. telephone, cable TV, gas), curbs, gutters, fences, storm drainage, and all easements.
15. A storm drainage system shown including invert and rim elevations of all catch basins and man-holes together with surface elevations of all waterways within the subdivision at 100 foot intervals and approximate depth of water at these points. Surface elevation and approximate depth of water at the annual high water line shown at each point where drainage pipe ends at a waterway.

Drainage calculations shall be prepared by the applicant's engineer, including design criteria used, drainage area and other information sufficient for the Board to check the size of any proposed drain, culvert or bridge. There shall be no increase in runoff pre-development to post-development. Any difference in runoff rates shall be retained on-site to be infiltrated into the ground.

16. Existing and proposed lines of roads, ways, easements, and public or common areas within the subdivision. (The proposed names of the proposed streets shall be shown in pencil until they have been approved by the Board of Selectmen.)
17. Data concerning the length, radii and central angles of all the horizontal curves; the bearing and length of every street and way line, all lot and boundary lines, sufficient to permit reproduction of the same on the ground. All bearings to be referred to a magnetic meridian, an established deed, or some appropriate meridian.
18. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest town, county or state monument on an accepted way, and monuments at all points of curvature and changes in direction of street side lines, or where designated by the Town Engineer and/or Consulting Engineer.

19. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access road leading from the subdivision to the nearest public road.
20. A sketch plan, acceptable to the Board, showing a possible or prospective street layout for any adjacent land owned or controlled by the owner or the applicant of the subdivision.
21. Profiles of proposed streets and storm sewers shall be drawn with:
 - a. A horizontal scale of one inch to forty feet (1"=40') and a vertical scale of one inch to four feet (1"=4').
 - b. Existing grade of road center line in fine black solid line.
 - c. All elevations based on the U. S. Coast and Geodetic Survey bench marks, or in their absence, an appropriate datum.
 - d. Proposed center line grades with precise elevations at PVC, PVT, high point, and low point with precise stationing.
 - e. Rates of gradient shown in percentages.
 - f. All existing intersection walks and driveways as shown on both sides.
 - g. All center lines, street lines and curb lines of streets for 200 feet either side of each intersection on a connecting street.
 - h. Profiles showing vertical location of existing and proposed drainage lines and other utility crossings as well as required new waterways. Sizes of all pipes, slopes of all storm lines, invert and rim elevation of each man-hole or catch basin shall be shown. Profiles shall include proposed lines even if the new work is outside the subdivision. Water mains will be shown in profile to demonstrate sufficient cover and clearance of other structures.

22. Cross sections and construction details shall include:
 - a. Roadway section showing paving, crown, berm, shoulder, tie to right of way line, width, walk, etc.
 - b. Details for catch basins, man-holes, endwalls, etc. or specific references to the appropriate sections of the State Construction Standards.
23. The location and names of adjacent subdivisions and the names of all abutting subdivision owners as shown on the most recent tax list.
24. The names in pencil, of widths, exterior lines of proposed ways, all property lines within one hundred (100) feet of any proposed street or streets, and the boundaries of other public places or areas within the subdivision shown on the Assessors Maps of the Town of Westhampton.
25. Spaces for the attestation signatures of the members of the Planning Board and the Town Clerk.
26. The plan shall not be altered after the filing of the application form except under the direction of the Board and so indicated on the tracing.

C. 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 a contact print of the Definitive Plan, dark line on white background. Such Board of Health shall, within forty-five days after the plan is so filed, report to the Planning Board in writing, approval or disapproval of said plan, and, in the event of disapproval, shall make specific findings as to which, if any, areas shown on such 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 adjustments thereof. Failure of such Board or officer to report shall be deemed approval by such Board or officer. Such health board or officer shall send a copy of such report, if any, to the person who submitted said plan.

When the definitive plan shows that no public or community sewer is to be installed to serve any lot thereon, approval by a Board of Health or officer shall not be treated as, nor deemed to approval of a permit for the construction and use of any lot for an individual sewage system. Approval of a definitive plan for a subdivision by a Board of Health or officer shall not be treated as, nor deemed to be, an application for a permit to construct or use an individual sewage system on any lot contained therein.

If the report of the Board of Health or Board or officer having like powers and duties shall so require, the approval by the Planning Board shall be on condition that no building or structure shall be built or placed upon the areas designated without consent by such Board of Health or officer. In the event approval by the Board of Health is by failure to make a report, the Planning Board shall note on the plan that health approval is by failure to report.

D. Wetlands Protection Act

No activity of any kind, subject to regulation under the Massachusetts Wetlands Protection Act or any local wetlands by-law may be carried out unless approved in accordance with that Act and/or by-law.

In order to determine if the proposed subdivisions, or parts thereof, are subject to the provisions of the Wetlands Protection Act or a local wetlands by-law, the Planning Board shall submit a copy of the Definitive Plan to the Conservation Commission, together with a request that the Conservation Commission file a report with the Planning Board within forty-five (45) days following submission of the plan. Said report should state that the area within the proposed subdivision is:

(a) not subject to the provisions of the Wetlands Protection Act or a local wetlands by-law; or

(b) The Wetlands Protection Act or a local by-law applies to certain indicated areas.

In the event that in the opinion of the Conservation Commission the Act or by-law does apply, 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 activity within the affected areas. If the Conservation Commission does not make a report to the Board, said condition shall provide that no activity of any kind subject to regulation under the Wetlands Protection Act or a local by-law may be carried out unless approved in accordance with that act and by-law.

The making of a report by the Conservation Commission to the Planning Board concerning a proposed Definitive Plan shall not be treated as, nor deemed to be approval of, an Order of Conditions or any other approval provided by the Wetlands Protection Act or regulations issued thereunder, or by any local wetlands by-law; and a request by the Planning Board for such a report shall not be treated as, nor deemed to be a Notice of Intent or any other application provided by the Wetlands Protection Act or regulations issued thereunder, or by any local wetlands by-law.

E. Review by Other Town Agencies

The Planning Board shall, upon submission of a Definitive Plan, transmit one copy to Assessors' Department; the Fire Department; the Highway Department; the Police Department the Conservation Commission; the School Committee; Board of Health and consultants selected by the Board for their review. Comments and recommendations shall be made to the Planning Board within forty-five days following receipt of a copy of the plan.

F. Public Hearing

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Board. Notice of the Time and Place, and of the subject matter sufficient for identification, shall be given by the Board at the expense of the applicant by

advertisement in a newspaper of general circulation in the Town of Westhampton once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.

G. Final Approval

Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board but not until:

- (1) the statutory twenty (20) days appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed;
- (2) the Town is reimbursed the full cost of all consulting services rendered up to the time of approval of the plan;
- (3) a performance guarantee is submitted and approved as provided in Appendix A of these Regulations; the developer is to provide the Town with a satisfactory performance guarantee within thirty (30) days after the twenty (20) day appeal period has expired, and upon acceptance of the guarantee, the plan will be endorsed within thirty (30) days by the Planning Board.
- (4) A check to cover the filing fee for any and/or all covenants to be filed at the Hampshire County Registry of Deeds.

H. FAILURE OF THE BOARD TO ACT

Failure of the Planning Board either to take final action or to file with the Town Clerk a certificate of such action regarding a plan submitted by an applicant within ninety (90) days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the Planning Board with the Town Clerk.

I. Approval is not Acceptance

Approval of the Definitive Plan, or subsequent release of security upon completion of construction, does not constitute the laying out or acceptance by the Town of Westhampton of streets and easements within a subdivision. Compliance with the existing laws of the Commonwealth and by-laws and procedures of the Town of Westhampton are all required before acceptance of any street or easement. Such acceptance is at the discretion of the Town.

J. Performance Guarantee

1. Amount of Guarantee

Before endorsement of approval of a Definitive Plan for a subdivision, the subdivider shall provide a performance guarantee in accordance with this section, in an amount which, in the judgement of the Board, is sufficient to cover all of the following:

- a. the cost of improvements;
- b. reimbursement to the Town for the full cost of all supervision, inspection, and consulting services provided by the Town or Board;

- c. a twenty-five percent (25%) contingency fund. The contingency fund shall be calculated by first totalling the amounts estimated by the Board to cover the costs in section 2, above, and multiplying that total times 1.25. The formula shall be as follows: (cost of improvements + reimbursement to the Town) x 1.25 = amount of performance guarantee.

2. METHODS OF GUARANTEE

Before endorsement of its approval of a plan, the Planning Board shall require that the construction of ways and the installation of municipal services be secured by one, or in part by the other, or the methods described in the following clauses (a) and (b), which method may be selected and from time to time varied by the Planning Board:

- a. By a proper bond or a deposit of money, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots and the improvements specified in Section Six. The Planning Board may require that the time be specified within which such construction and installation shall be completed.
- b. By a covenant, (see Form E), executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgages deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot and/or the entire subdivision as decided by the Planning Board; and provided, further that nothing therein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or, of all lots not previously released by the Planning Board. A deed of any part of the subdivision in violation thereof shall be voidable by the grantee prior to the release of the covenant by not later than three years from the date of such deed.

Any covenant given under the preceding paragraph and any condition required by the Health Board or officer shall either be inscribed on the plan or contained in a separate document referred to on the plan.

3. REDUCTION OF BOND

The penal sum of any such bond, or the amount of any deposit held under clause (1) above, may, from time to time, be reduced by the Planning Board and the obligations of the parties there to released by said Board in whole or in part. Each request must be accompanied by the fee as established in Appendix B.

K. COMPLETION OF WAYS AND SERVICES

Upon the completion of the construction of ways and the installation of municipal services in accordance with the rules and regulations of the Planning Board, security for the performance of which was given by bond, passbook deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant shall send by registered mail to the Town Clerk and the Planning Board a written statement, including an engineer's certificate with his official seal and Form G. Such engineer shall certify that subdivision construction has been completed in conformance with the Town of Westhampton Rules and Regulations Governing the Subdivision of Land, including but not limited to evidence of soil and road grade and core testing samples and shall bear the stamp of said engineer.

Acceptance of said final inspection report and subsequent release of final bonding shall be contingent upon receipt by the Westhampton Planning Board of a letter from the Town/Consulting Engineer which indicates concurrence with the final consulting report.

L. FAILURE TO ACT ON COMPLETION

If the Board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the town clerk the details wherein said construction or installation fails to comply with its rules and regulations.

If the Board fails to act within forty-five days after the receipt by said clerk of said statement all obligations under the bond shall cease and terminate by operation of law. Any deposit shall be returned and any such covenant shall become void. In the event that said forty-five days period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

M. RELEASE OF LOTS, LENDER GUARANTEES CONSTRUCTION

Before the Board shall consider a request for final release of lots and/or funds, from Covenant, Bond or Agreement, the following shall have been submitted:

1. Two copies of the Definitive Plan, revised into an As-Built Plan, showing centerline elevation at fifty (50) foot intervals of roads as built, all inverts of drainage system as installed, all utilities as installed shall be furnished to the Board prior to the release of the Performance Bond.
2. Notice from the Fire Department that provision has been made for a fire prevention system in accordance with that Department's requirements.
3. The applicant shall also furnish one set of mylars for the final "As-built" plan to be filed with the Planning Board.

N. RESPONSIBILITY FOR WAYS AND EASEMENTS

1. The subdivider shall retain title to the fee of each street, sidewalk and easement or appurtenant to the subdivision until conveyed and accepted by the Westhampton Town Meeting or duly incorporated homeowner's association, or for at least two (2) years after completion of required improvements, whichever is less. Notation of this requirement shall be placed on the Definitive Plan as well as on the final Decision of the Westhampton Planning Board.
2. Security in an amount equal to at least twenty-five percent (25%) of the total cost of required road improvements shall be posted in an interest bearing account and retained by the Town of Westhampton to ensure construction adequacy, not to be released until the fee in each street, sidewalk or easement has been conveyed as above, or until two (2) years have elapsed since satisfactory completion of all improvements.
3. In no instance shall bonding or covenants be released for the final road course and sidewalks until said work has withstood one full winter season. Partial or Final release for this work may be requested of the Planning Board in April of the calendar year subsequent to the completion of ways and walks.
4. Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town upon failure of the performance for which any such bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

SECTION VI. DESIGN STANDARDS

A. Suitability of the Land

No plan of a subdivision of land in any of the districts designated under the Zoning By-law shall be approved, unless, after adequate investigation, the Board determines that the land can be used with adequate light and air and water supply and used without danger to health and that the plan will not detract from the value and attractiveness of abutting property.

The design and layout of a proposed subdivision should be guided by the goals and objectives of any existing Master Plans or statements of goals and objectives for the Town of Westhampton.

B. Suitability of Ways

1. Location and Alignment.

- a. 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.
- b. 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.
- c. Reserve strips or land locked parcels prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips or parcels shall be in the public interest.
- d. Street jogs with centerline offset of less than one hundred and twenty-five (125) feet shall be avoided. Streets should be continuous and in alignment with existing streets as far as practicable.

Provision should be made for the proper projection of streets, if adjoining property is not subdivided.

- e. The minimum centerline radius of curved streets shall be one hundred (100) feet. Greater radius may be required for principal streets.
 - f. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than eighty (80) degrees. All curb lines shall be rounded by curbs having a radius of not less than thirty (30) feet unless otherwise approved by the Planning Board.
 - g. Property lines at street intersections shall be rounded when necessary to allow for a curb radius of not less than thirty (30) feet.
 - h. Streets shall not be built within one hundred (100) feet of any watercourse on the subdivision site except when a stream crossing has been approved by the Conservation Commission. A street may cross land which is flood prone provided the lots served may be reached by another means of access which is not subject to periodic flooding.
2. Width. The minimum width of street rights-of-way shall be fifty (50) feet. Greater width shall be required by the Board when deemed necessary for present and future vehicular travel.
3. Grade. Grade of streets shall not be less than 0.5%. Grades shall not be more than 8.0% for streets.
4. Vertical Curves. Minimum vertical curves may be required to be designed to permit safe sight distances, as required by State Standards, or in the judgment of the Board and/or the recommendation of the Town/Consulting Engineer at all abrupt changes in grade and at street intersections.

5. Dead-end Streets.

- a. Dead-end streets shall not be longer than five hundred (500) feet unless the Board may be separate vote waive this requirement if a greater length is needed.
- b. Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred forty (140) feet, and a property line diameter of at least one hundred sixty (160) feet. These requirements may increase when plantings are used in the center of the turn-a-round, to insure that municipal vehicles have proper clearance. The required width of roadway shall be continued around the cul-de-sac with an island retained in the center. Granite curbing shall be used around the entire outside perimeter of the cul-de-sac. If granite curbing is used around the inside perimeter, it shall be granite edging with a sloped face.

6. Adequate Access From a Public Way.

When a determination is made by either the Planning Board or the Town/Consulting Engineer that the width of a public way is inadequate to carry the additional traffic of a proposed subdivision having its access from said public way, the Board may require an Applicant to do any or all of the following:

- a. To dedicate a strip of land for the sole purpose of widening the public way to a width of not less than that required by the Town's Rules and Regulations governing the Subdivision of Land.
- b. To make physical improvements to and within such public way in accordance with the same standards required within the subdivision, including but not limited to resurfacing of said way, repairing of failed or inadequate drainage systems, and widening of existing access to the subdivision.

Prior to commencement of any work as described in the aforementioned two paragraphs the Applicant shall obtain written permission from both the Highway Department and Town Engineering Departments / Consultants to proceed with improvements to access roads.

The cost of all improvements shall be borne by the Applicant. Said Applicant shall post a separate performance guarantee bond, in addition to that required for work within the subdivision, to be released by the Planning Board only upon written recommendation of the Town/Consulting Engineer.

C. EASEMENTS

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty (20) feet in width.
2. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or maintenance.
3. The subdivider shall record in the Hampshire County Registry of Deeds any necessary easements in the name of the Town of Westhampton within ninety days of the signing of the definitive plan to discharge surface water and/or to construct and maintain these utility installations before the final bond is released.

D. OPEN SPACES AND NATURAL FEATURES

Before approval of a plan by the Planning Board, said Board shall also in proper cases require the plan to show a park or parks suitably located for playground or recreational purposes or for providing light and air and not unreasonable in area in relation to the area of the land being subdivided and the prospective uses of such land, and if so determined said Board shall by appropriate endorsement on the plan require that no building may be erected on such park or parks for a period of not more than three (3) years without its approval. It is also recommended that due regard 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 property.

Land designated for open space or park purposes shall not include wetlands, ledge or other land unsuitable for playground or recreation use.

Any open space, park, or playground shall be provided with a minimum of two hundred and fifty (250') feet continuous frontage on a street. Pedestrian ways will be required to provide access from each of the surrounding streets, if any, on which the open space, parks and playground has no frontage. Further, such parks and playgrounds may be required to have maintenance provided for by covenants and agreements acceptable to the Board, until such time (if any) as public acquisition may be accomplished by the community, but in no case longer than three (3) years.

All natural features such as trees over sixteen inch diameter, water courses, one hundred year flood plains wetlands, ponds and other water bodies, marshes, stone walls scenic points and historic sites shall be preserved.

Watercourses shall be located within easements conforming substantially with the lines of their courses, whose boundaries shall not be closer than five (5) feet horizontally from the annual high water line. No building shall be constructed and no paving shall be permitted within such easement except as permitted under the Zoning By-Law. Watercourses shall remain open except at street crossings.

In any subdivision the developer may grant to the Town a conservation restriction over any portion of the subdivision providing the area subject to the restriction has the approval of the Conservation Commission and the Board of Selectmen for public access over said property.

E. Sewerage

1. Septic Disposal Systems

No lot shall be built upon without the provision of on-lot sewage disposal facilities specifically approved by the Board of Health.

2. Storm Sewers

- a. Design storm intensity for surface runoff shall be calculated according to the methodology set forth in Technical Release 55 (TR 55), entitled "Urban Hydrology For Small Watersheds", by the Soil Conservation Service of the U.S. Department of Agriculture, or such other methodology as the Board may, in its discretion, approve. All tributary areas shall be assumed to be fully developed, unless publicly owned or deed restricted.

Street Surface drainage (storm sewers, swales) to a 50 year storm;

Detention Basins to a 50 year storm;

Watercourses, drainage ways, channels or streams to a 100 year storm;

Culverts, bridges, other water crossings to a 100 year storm.

- b. Connection of footing drains, roof drains, or storm drains to a septic disposal system is prohibited;

- c. Maximum distance between man-holes shall be 300 feet. Maximum distance for street run-off to travel along a berm or gutter to a catch basin shall be 300 feet. Maximum distance between a catch basin and a man-hole shall be 300 feet.
- d. Catch basins will be placed at street intersections to intercept surface runoff, and will be placed to prevent water from crossing the streets.
- e. Proper drainage design includes appropriate storm lines and channels to accomodate properties "upstream" and appropriate structures to preclude "downstream" damage to adjacent properties.
- f. Where a portion of a subdivision lies within an aquifer recharge area, storm drainage shall be directed, to retention basins in order to artificially recharge the ground water system.
- g. Peak storm flows and run-off at the boundaries of the subdivision development in a twenty-five (25) year frequency storm shall be no higher following development than prior to development. This provision may, in the discretion of the Board, be waived by the Board following consultation with the Conservation Commission and consideration of the ability of the receiving wetlands or waterbodies to absorb the increase and the consequences of providing detention capacity.

F. Water Supply

1. Water Wells

No lot shall be built upon without provisions of on-lot water facilities specifically approved by the Board of Health.

2. Fire Hydrants/Fire Prevention

- a. Minimum distance from the buildings shall be forty feet.
- b. Maximum feet between hydrants shall be eight hundred (500) feet, measured along the access route, provided, however, that one hydrant be located on each street.
- c. Hydrants shall be supplied with water by a well or other water source (such as a pond within a subdivision with an all-weather way for access) provided by the subdivider, with pipes between hydrants and a pump capable of supplying to the hydrants one thousand six hundred (1600) gallons per minute for a period of at least four hours. The pump and associated equipment shall be housed in a pump house with insulation and heating sufficient to protect the pump from freezing at temperatures down to -25 degrees Fahrenheit. One hydrant shall be located at the pump house.
- d. Maximum distance from any structure to a hydrant shall be 500 feet measured along the street.

G. RETAINING WALLS

Retaining walls shall be installed where deemed necessary by the Board and they shall be designed by a Registered Professional Engineer.

H. PROPOSED DEVELOPMENT OF APPLICANTS OTHER CONTIGUOUS LAND

The Board may decline to approve a plan of a subdivision if the applicant owns land contiguous to that shown on the plan and fails to furnish sufficient data to enable the Board to relate the proposed subdivision to the applicant's remaining land. Such data shall include the lines of proposed ways and lots and approximate grades and such other detail as the Board may reasonably require.

I. COMPLIANCE WITH ZONING BY-LAWS

No plan of a subdivision shall be approved unless all of the lots shown on the plan comply with the Zoning By-law.

All lots shall be of such size and dimensions as to meet at least the minimum requirements of the Zoning By-law.

J. LOTS OF ABNORMAL SIZE

In case a tract is subdivided into parcels larger than normal building lots the Board may decline to approve the plan unless such parcels are arranged so as to allow the opening of proper future ways and logical and proper subdivision.

K. ACCESS THROUGH ANOTHER MUNICIPALITY

In case access to a subdivision crosses land in another municipality, the Board may require certification, from appropriate authorities, that such access is in accordance with the Master Plan and subdivision requirements of such municipality and that a legally adequate performance bond has been duly posted or that such access is adequately improved to handle prospective traffic.

SECTION VII. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

A. Street and Roadway.

1. All ways shall be constructed and sewers and surface water drains shall be installed therein in accordance with the Standard Specifications of the Town/Consulting Engineer/Highway Department of the Town of Westhampton, unless in a particular case the Planning Board after consultation with the Town Engineer approves in writing a variation therefrom. Inspection of road construction at various stages will be required, and will be made as directed by the Town/Consulting Engineer.

A forty-eight (48) hours written notice shall be given to the Highway Department before excavation, drainage, gravelling, sidewalks, paving or curbing installations are made in order that arrangements can be made for proper inspection of these installations.

2. The type of surfacing, including subsurfacing, of every way shall be such that, in the opinion of the Board, it will carry the expected traffic for a period of twenty (20) years, without excessive maintenance costs.
3. The entire width of each street or way which includes the proposed travelled way and tree-belt area shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation. No stumps or refuse shall be buried within the subdivision without approval of the Planning Board.
4. All trees intended for preservation shall be protected from injury by means of boxes or fenders. Trees of a variety approved by the Board shall be provided in the planting strip as specified by the Board.

5. All roadways shall be excavated to a depth of twenty-four (24) inches below the finished grade and no less than thirty-four (34) feet wide to reach the subgrade level.

All clay, loam rock, spongy material and any organic material and other yielding material shall be removed from the entire travelled way, to a depth satisfactory to the highway superintendent, and replaced with a clean well-graded gravel. This material shall be graded, compacted at six (6) inch intervals, and rolled to a firm sub-grade to conform with the approved profile.

6. All roadways shall be provided with a base consisting of 14 3/4 inches of special borrow gravel graded and compacted over the sub-grade. This special borrow shall be covered with six (6) inches of processed gravel or dense graded stone.

Any depressions that appear during and after rolling shall be filled with gravel and re-rolled until the surface is true and even.

All such roadways are to slope uniformly upward from the edges to the centerline at the rate of one-fourth (0.25) inch per foot. In the event that existing soil conditions are unfavorable, i.e. clay or swampy, an adequate roadbed shall be constructed as recommended by the Town Engineer.

7. After approval of the roadway base, there shall be applied 3 1/4 inches of Type I Bituminous Concrete compacted in two courses. The first course shall consist of two inches compacted binder material to a width of not less than thirty-two feet. The top course shall consist of 1 1/4 inches of compacted Type I Bituminous top material rolled to a smooth surface showing no ridges or depressions from the roller.

This travel surface shall be no less than thirty (30) feet wide. Bituminous concrete berms shall run along all roadway edges. Berms may be constructed on either the bindercourse of bituminous concrete or the traveled surface. The front edge of the berm shall be no less than fifteen (15) feet from the center line of the roadway. Special constructed gutters or curbs may be required under special conditions as specified by the Highway Superintendent.

8. After the base course is in place, castings should be adjusted to line and grade so as to meet the finished surface.
9. A base course of six (6) inches of good quality clean sharp gravel in the tree belt area may be required by the Board. A top course of not less than six (6) inches of good loam to form the planting strip between the edge of the pavement and the property line or sidewalk shall be required by the Board including the necessary fertilizing and seeding to ensure a good growth of grass.
10. The grade, surface and engineering aspects shall be approved in writing by the Planning Board after consultation with the Town/Consulting Engineer.
11. All roads serving a subdivision of twenty (20) lots or more will provide two direct entrances from the site as approved by the Planning Board.

B. Utilities

1. All subdivisions will provide appropriately sized surface water drainage systems, water laterals (where applicable) and fire protection systems. All systems shall be installed in accordance with the standard specifications of the Town Engineer / Highway Department of the Town of Westhampton.

- a. All houses constructed within a subdivision shall contain the necessary plumbing facilities to ensure an expeditious hookup to the appropriate service. The petitioner shall consult with the Highway Department and/or Town/Consulting Engineer pertaining to the depth and location of said laterals prior to submission of the Definitive Plan and shall include such specifications on the Definitive Plan.
 - b. The Planning Board may approve a waiver of any or all of the above requirements following consultation with the Town/Consulting Engineer, Highway Department and the Board of Health.
2. All subdivisions will tie into existing water, sewer and fire protection systems. The Planning Board will waive this ruling on a "show cause" basis.
3. All surface water drains, water, gas pipes, electrical and cable services, together with their appurtenances, within the limits of a way shall be placed underground and shall be installed after the way has been excavated to subgrade. All electrical and cable utilities shall be placed within a conduit when the service is required at a location opposite the direction in which it is lain (i.e. crossing the street). The location of these utilities shall conform to the standard design of the Town Engineer and/or Highway Department of Westhampton.
4. The subdivider shall file with the Board an agreement that, in case any of the public utilities within the ways in the subdivision are taken over by the Town of Westhampton, either through the acceptance of the street, by purchase or eminent domain, he will consider all such utilities as betterments to the property, the cost of which will have been or will be recovered in the sale price of the property, and he will receive no compensation for the same.

5. The excavation of trenches, all materials of the pipes, fittings and appurtenances, including hydrants, the methods and materials of back-filling and all other matters relating to the installation of water pipes shall conform to the requirements of the Highway Department and/or Town Engineer of the Town of Westhampton.

The installation of all water pipes shall be at the time the road is at subgrade and approved under the supervision of the Westhampton Highway Department and/or Town/Consulting Engineer, and shall be secured before continuing with the road construction. A minimum of eight (8) inch ductile iron Class 52 is required.

Hydrants are required every five hundred (500) feet, gates at every hydrant, and immediately after each hydrant and bleeder at the end of the line. These installations are to be made at the expense of the developer.

6. Connections for drain, water, gas or telephone conduit from the main structures in the way to the exterior line of the way shall be constructed for each lot whether or not there is a building thereon, except that the Board may waive such requirement, in whole or in part. If a lot is to be used for a park, playground or for any other similar purpose, such connections may be required.
7. Adequate disposal of surface water shall be provided. A minimum of ten (10) inch bell and spigot pipe in sound condition shall be used. Tight joints may be required by the Board under certain conditions.

Catch basins and manholes shall be built under Massachusetts State Standards on both sides of the roadway at intervals of not more than three hundred (300) feet on contiguous grades, and at low points and sags in the roadway, and near the corner of the roadway at intersecting streets. Under no conditions will a set of basins be more than six hundred (600) feet apart with a high point between the sets. The grade of drainage pipes shall be designed so that a minimum pitch of four tenths (0.4) of one (1) foot per one hundred (100) feet is obtained. All back fill shall be of clean gravel fill or other suitable and approved materials and free from large stones. The use of any debris in backfilling is prohibited.

C. Sidewalks and Bicycle Paths.

1. In residential subdivisions, sidewalks of not less than five (5) feet in width shall be constructed on both sides of the street within the street right-of-way, abutting the property line and in conformity with specifications of the Planning Board.

The sidewalk grade shall generally be parallel to the center line and not more than twelve (12) inches above roadway center line grade. Sidewalks shall be sloped to the roadway at all street intersections for a distance of not less than thirty (30) inches from the roadway edge.

Sidewalks shall be constructed of concrete using wood frames of not less than four (4) inches in depth and placed five (5) feet wide consisting of the following:

- (a) A gravel base upon the sub-grade, wetted and compacted to a depth of six (6) inches with a self-propelled roller of not less than five (5) tons. Stones larger than one and one-half inches (1.5) shall NOT be used;
- (b) Portland cement of a 1 2-3 mixture (4000 psi) shall be poured, monolithic, to a thickness of four (4) inches;

- (c) One pound of lamp black shall be added to each cubic yard of concrete to provide a uniform coloring throughout;
- (d) A dummy joint shall be scored every five (5) feet with a three-eighths (3/8) inch bituminous fiber expansion joint provided every twenty (20) feet.
- (e) At all driveways, the concrete shall be of a minimum depth of six (6) inches and reinforced with four (4) inch square wire mesh or equivalent.

2. Bituminous concrete sidewalks may be substituted with specific approval of the Planning Board providing they meet the following specifications:

- (a) A gravel base compacted to no less than six (6) inches, compacted with a five (5) ton roller.
- (b) Bituminous concrete shall be compacted to a depth of at least six (6) inches consisting of two courses. The base course must be at least three (3) inches, compacted by a five (5) ton roller. The finish course must be at least one (1) compacted inch in depth and rolled to a uniform grade, free from any depressions greater than 1/4 inch in depth.

Provisions for barrier free access must be provided at regular intervals. The slope of property abutting the highway right-of-way sidewalk shall be maintained at not greater than the ratio of one (1) vertical to five (5) horizontal for a distance of not less than ten (10) feet. The sidewalk base shall be constructed concurrently with the base of the roadway and the bituminous concrete for sidewalks shall be installed at the same time that it is installed in the roadway.

The Planning Board may require bicycle paths from four (4) to eight (8) feet in width within a subdivision.

D. Fire Fighting Systems

The Board shall require a fire prevention system to be installed when a subdivision consists of ten (10) or more lots. This requirement also includes the extension of existing subdivisions to a total number of lots, greater than ten (10). This shall be constructed in accordance with Section VI (F) (2) (a - d, inclusive) of Westhampton's Subdivision Rules and Regulations.

E. Trees and Plantings

1. Existing Trees

Trees on the site, especially those over twelve (12) inches in diameter should be preserved. following is a list of recommended measures for the protection of trees:

- a. There should be no operation of heavy equipment or storage of any materials under said tree within its natural drip line.
- b. Wherever possible no grading or filling should be done within the drip line.
- c. Supplemental irrigation should be provided to all trees as needed during the summer months to insure healthy maintenance.
- d. No black top paving or vehicle parking should be located under evergreen trees. No more than twenty (20) per cent of the area under any deciduous trees natural drip line may be so paved.
- e. All drainage from paved areas should be directed away from root zones.

2. Street trees

- a. The subdivider is required to plant suitable broad-leaved deciduous shade trees along roads, or ways unless specifically exempted by the Board. All trees shall be the equivalent of well-rooted nursery-grown stock free of injury, harmful insects, and diseases. They shall be well-branched, and the branching structure should be sound.
- b. Acceptable types of street trees may be selected from a list in the Planning Board office in the Town Hall, which includes large-growing, medium-growing, and small-growing deciduous trees.
- c. Large growing trees shall be spaced at intervals of 45 to 55 feet, medium-growing trees at intervals of 30 to 40 feet, and small-growing trees at intervals of 20 to 30 feet. Trees on one side of the street may be set either opposite or diagonally to trees on the opposite side.

If overhead wires are present, large or medium-growing trees to be planted within the set-back area of the property rather than adjacent to the paved way. Small-growing trees with low-branching characteristics should be planted within the front yard set-back area in all cases.

- d. Minimum acceptable sizes of trees to be planted shall be as follows:

Large-growing : 2.5" trunk diameter, caliper at 1' above ground

Medium-growing : 2.5" trunk diameter, caliper at 1' above ground

Small-growing : 9' crown height, 5' spread

- e. Planting operations shall be as specified in Section 8, Subsections A, C, E, and F, of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vine Associated Landscape Contractors of Massachusetts.
- f. Requirements for support stakes, guy wire and cable, ground anchors, hose, and wrapping material shall be those contained in Section 6 of the Recommended Standard Specifications for Planting Trees, Shrubs, and Vines, compiled and issued by the Associated Landscape Contractors of Massachusetts, Inc.
- g. The subdivider shall be responsible for maintenance of planted trees and replacement of those which have died or become diseased from the time of planting through one full growing season.

3. Bank Plantings

- a. All cut or fill bankings that tend to wash or erode must be planted with suitable, well-rooted, low-growing plantings. All plants shall be the equivalent of nursery-grown stock in good health, free from injury, harmful insects, and diseases.
- b. Acceptable planting types may be selected from a list in the Planning Board office in the Town Hall, which includes very low-growing (4" to 12"), low-growing (12" to 30"), and herbaceous plantings. Perennial grass turf installed as sod is an acceptable alternative for the planting of banks.
- c. If bank plantings are of a type which are properly spaced at close intervals, 8" to 12" of loam shall be spread over the entire bank. If the plantings are to be widely spaced they may be planted in loam pits.

- d. Mulch (wood chips or equal) shall be spread heavily among plantings for weed and erosion control.
- e. The subdivider shall be responsible for maintenance of bank plantings and replacement of those which have died or become diseased from the time of planting through one full growing season.

4. Corner Plantings

- a. Turf may be provided by seeding as well as by planting sod.
- b. Bushy shrubs and herbaceous plantings that would tend to obscure visibility are not permitted within one hundred (100) feet of the intersection of the curbs adjacent to the corner lot.

5. Cul-de-sac Plantings

The central portion of a permanent dead-end street should be landscaped. The following options are permitted:

- a. Planting with ground cover such as those listed in Section VI.L.3.b using an 8" to 12" base of loam, and spreading mulch between plants for weed control.
- b. Planting perennial grass by either sod or seed.
- c. Planting ornamental shrubs of a type acceptable to the Board.
- d. The maintenance and care of cul-de-sac central islands shall be the responsibility of the abutting property owners, through a deed restrictions.

e. Standards and Specifications:

The standards of the American Nurserymen Association and the specifications of the Associated Landscape Contractors of Massachusetts shall apply to landscaping subject to these regulations.

F. Monuments

Monuments of reinforced concrete not less than four (4) feet in length and not less than six (6) inches square at the base and four (4) inches square at the top section shall be installed in the ground on both sides of the street, at all intersections of streets and where there is a change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent monuments are necessary. All such monuments shall be installed before the final bond is release. An Engineer's or Surveyor's certificate Form F (see appendix) shall be filed with the Board stating that all monuments have been set accurately in the ground according to the approved Definitive Plan.

G. Curbing

All intersections shall have granite curbing, or acceptable alternative, for a thirty (30) foot radius. Bituminous concrete curbing shall also be installed on all streets unless specifically waived by the Planning Board.

H. Wall of Slope Support.

Where the grade of the way is above or below the grade of the adjacent land, walls or slopes shall be constructed in conformance with the approval of the Town Engineer and, in any event, sufficient in the opinion of the Board to support the way or adjacent land, as the case may be.

I. Street Signs

Street signs shall be installed by the subdivider and erected as specified by the Highway Department.

J. Street Lights

Installation of street lights shall be governed by current town practice.

K. Street Names

Proposed streets which are obviously in alignment with other streets already existing and named shall bear the names of such existing streets. All proposed street names shall be first approved by the Board of Selectmen.

L. Guard Rails

Guard rails shall be installed as required by the Board or its engineering consultant, based on State Construction Standards or the publications of the American Association of State Highway and Transportation Officials (AASHTO).

M. "As-Built Plan"

After construction of all improvements is completed, and before release of the Performance Guarantee, the subdivider shall prepare and submit to the Board three copies of the Definitive Plan, revised in an "As-Built Record Plan" at a scale of one inch equals forty feet (1" = 40'), which shall indicate the location of the following as built:

1. Street lines, showing centerline elevations at fifty (50) foot intervals;
2. Edge of traveled way, locations of paths and sidewalks;
3. All permanent monuments and bounds;
4. Location and inverts of drainage system and any utilities required to be installed by the developer;
5. Location of all other underground utilities (such as electricity and telephone); and
6. All other improvements required by these Regulations or agreed upon as a condition to plan approval.

The accuracy of such record plan shall be certified by a Registered Professional Land Surveyor.

As part of the "As-Built Plan", the developer shall submit to the Board a certification, by a Registered Professional Engineer appointed or approved by the Board, in which said engineer certifies that all construction was executed strictly in accordance with these Regulations and with all requirements agreed upon as a condition to plan approval.

N. Final Cleaning

Upon completion of the work, the subdivider shall remove from the highway and adjoining property all temporary structures, surplus material, and rubbish which may have accumulated during the execution of the work, and shall leave the subdivision area in a neat and orderly condition. Burning or burying of the rubbish and waste material is prohibited.

SECTION VIII. ADMINISTRATION

A. Authority

1. The Board shall be the administrative agency of these regulations and shall have all the powers assigned them by Section 81A to GG of Chapter 41 of the General Laws.
2. The Board may assign as their agents appropriate Town agencies or officials and may from time to time hire professional assistance to review plans and inspect improvements at the cost of the subdivider.
3. The Board on its own motion or on the petition of any interested person shall have the power to modify, amend or rescind its approval of a Plan of a subdivision, or to require a change in a Plan as a condition of its retaining the status of an approved Plan.

B. Waiver of Compliance

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the intent of the Subdivision Control Law. In waiving strict compliance the Board may require such alternative condition as will serve substantially the same objective as the standards or regulations waived.

C. Inspection

1. Inspection shall be carried out at appropriate times during the development of the subdivision and as required in the Subdivision Inspection Checklist.

The subdivider shall notify the Highway Department at least 48 hours before carrying out each operation to be inspected. Activities and operations include, but are not limited to:

- (a) the installation of drainage, water and its services;
- (b) excavation; and
- (c) the installation of roads, sidewalks and curbing.

In the event of an interrupted installation of any of the above services, it is required that the developer re-notify the Board prior to recommencing installation. Any development which progresses beyond the inspection stage without town approval will be required to turn the construction to the status necessary to perform the required inspection. Provisions for clearing operations and removal of all surplus material shall be included as a requirement for final approval.

The Planning Board may make arrangements with consultants to carry out such inspections on behalf of the Town.

The costs of inspection shall be borne by the subdivider and shall be withdrawn from the revolving account as approved by the Planning Board. Inspection costs shall include but not be limited to: on-site inspections, portal-to-portal travel, off-site analysis of plans, water testing, and soil testing. Said payments shall be deducted from the revolving account prior to endorsement of the As-Built plan.

The developer has the responsibility to insure that the approved construction plans are implemented. Use of qualified persons to furnish adequate and timely engineering supervision during construction is required. Surveillance and field revisions by Town officials or consultants appointed by the Board cannot be construed as fulfilling this responsibility.

D. Separability

If any section, paragraph, sentence, clause, or provision of these Regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these Regulations shall be deemed to remain valid and effective.

E. Amendments

These Regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing, on its own motion or by petition.

F. Invalidation by State Law

Any part of these Regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulations.

G. Forms

Appended to the regulations hereto are sample forms for the administration of these regulations. The administrative content of these forms may be revised from time to time by administrative action of the Board. Copies of these forms may be obtained from the Planning Board or the Town Clerk.

H. Additional References not included herein:

State Sanitary Code
Massachusetts Department of Public Health

Rules and Regulations
Board of Health, Westhampton, Massachusetts

Standard Specifications for Highways and Bridges
Massachusetts Department of Public Works

American Association of State Highway Officials
(AASHO)
Test Designation T99 (Method C)

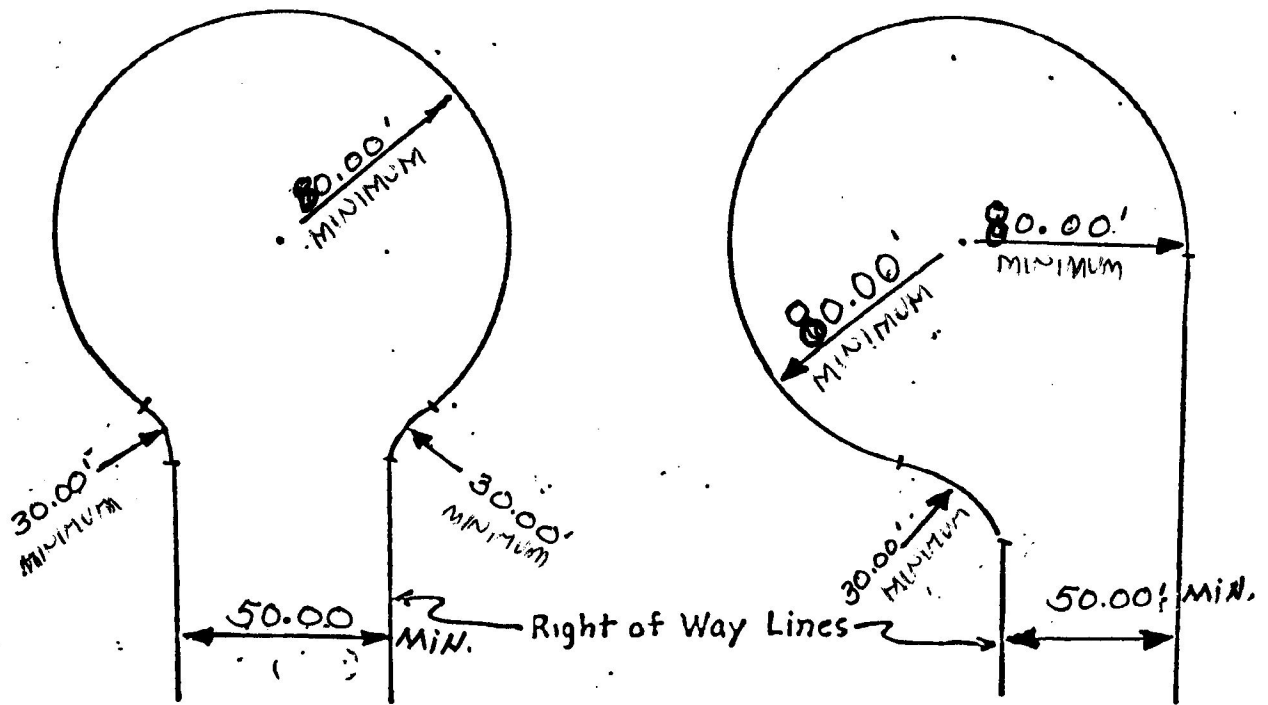
Land Court Manual of Instructions for Land Surveys
Massachusetts Engineering Department

Recommended Standard Specifications for Planting
Trees, Shrubs, and Vines, and Fine Grading and Seeding
Lawns
The Associated Landscape Contractors of
Massachusetts, Inc.

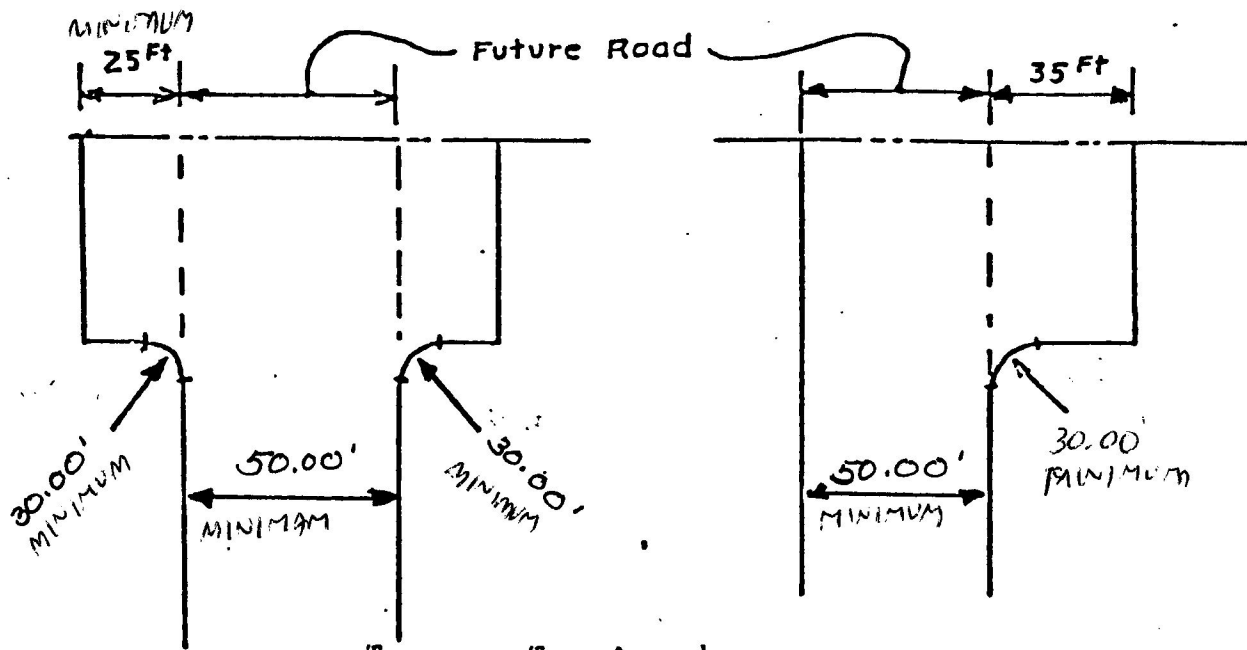
Standards of the American Nurseryman Association

The Wetlands Protection Act, General Laws, Chapter
131, Section 40 and current amendments

Typical Acceptable Turn-Arounds



Permanent Cul-de-Sacs



Temporary Turn-Arounds

A P P E N D I X I

B

F O R M S

Town of Westhampton
Planning Board

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE
SUBDIVISION APPROVAL

Application Date _____

Applicant's name

Engineer or Surveyor

Address

Address

City/Town State Zip

City/Town State Zip

Phone Number

Phone Number

Deed of Property recorded in HAMPSHIRE COUNTY REGISTRY OF DEEDS,
Book _____, Page _____

Property location & description, including Assessor's Map & Parcel
numbers:

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

The undersigned wishes to record the accompanying plan and
requests a determination and endorsement by said Board that
approval by it under the Subdivision Control Law is not required.

Signature of Owner

Date

FORM B

APPLICATION FOR APPROVAL
OF PRELIMINARY PLAN

Westhampton, Mass., _____, 19__

To the Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Westhampton for approval as a subdivision as allowed under the subdivision control law and the rules and regulations governing the subdivision of land of the Planning Board in the Town of Westhampton, Massachusetts.

1. Name of Subdivider: _____

Address: _____

Phone Number: _____

2. Name of Engineer or Surveyor: _____

Address: _____

Phone Number: _____

3. Deed of property recorded in Hampshire County Registry of Deeds:

Book _____, Page _____

4. Location and Description of Property, including Assessor's Map and Parcel numbers:

Signature of Owner: _____

Address: _____

A CERTIFIED list of names and addresses of the abutters of this subdivision is attached.

FORM C

APPLICATION FOR APPROVAL
OF DEFINITIVE PLAN

Westhampton, Mass., _____, 19__

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Westhampton for approval as a subdivision as allowed under the subdivision control law and the rules and regulations governing the subdivision of land of the Planning Board in the Town of Westhampton, Massachusetts.

1. Name of Subdivider: _____

Address: _____

Phone Number: _____

2. Name of Engineer or Surveyor: _____

Address: _____

Phone Number: _____

3. Deed of property recorded in Hampshire County Registry of Deeds:

Book _____, Page _____

4. Location and Description of Property, including Assessor's Map and Parcel numbers:

Signature of Owner: _____

Address: _____

A CERTIFIED list of names and addresses of the abutters of this subdivision is attached.

FORM D

DESIGNER'S CERTIFICATE

DATE _____

To the Planning Board:

We hereby certify that the accompanying plan,
entitled _____ and dated
_____ (latest revision) is true and correct
to the accuracy required by the Rules and Regulations
Governing the Subdivision of Land in Westhampton, MA, and is
of sound design

Registered Land Surveyor _____

Address _____

Phone Number _____

Registered Profession Engineer _____

Address _____

Phone Number _____

Signature of Owner _____

FORM E

COVENANT

The undersigned _____ of _____ County, Massachusetts, hereinafter called the "Coventor" having submitted to the Westhampton Planning Board a definitive subdivision plan entitled: _____, dated _____, made by _____, does hereby covenant and agree with said Planning Board and the successors in the office of said Board, pursuant to General Law (Ter. Ed.) Chapter 41, Section 81U, as amended, that:

1. The coventor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the coventor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that 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 any such lot subject only to that portion of this Covenant, which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. this covenant shall take effect upon the approval of said plan;
6. reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned _____
wife, husband of the coventor hereby agree that such interest as
I, we, may have in said premises shall be subject to the
provisions of this covenant and insofar as is necessary, release
all rights of tenancy by the courtesy, dower, homestead and other
interest therein.

EXECUTED as a sealed instrument this _____ day of _____ 19____

COMMONWEALTH OF MASSACHUSETTS

_____ ss. _____ 19____

Then personally appeared _____
and acknowledged the foregoing instrument to be a free act and
deed before me.

Notary Public

My commission expires _____ 19____

FORM F

CERTIFICATE OF PERFORMANCE

(Covenant Approval Release)

Westhampton, MA _____19__

The undersigned being a majority of the Planning Board of the Town of Westhampton hereby certify that the requirements for work on the ground called for by the covenant dated _____ 19__ and recorded in the Hampshire County Registry of Deeds, Book _____

Page _____ (or registered in _____ Land Registry district as Document No. _____, and noted on Certificate of Title No. _____ in Registration 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 _____, Plan _____) and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

Majority of the Planning Board of
the Town of Westhampton, MA

COMMONWEALTH OF MASSACHUSETTS

ss. _____19__

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

Notary Public

My commission expires _____19__

FORM G

ENGINEER'S - SURVEYOR'S CERTIFICATE

File one completed form with the Planning Board and one copy with the Town Clerk, accompanied by a request from the subdivider requesting release of bonds or securities on certain works and installations.

Westhampton, MA. _____, 19__

To the Planning Board:

The undersigned hereby certifies that the following described works and/or installations have been made in accordance with the Plan and Profile as designed and laid-out by me for:

Name of Subdivider: _____

Name of Subdivision: _____

Location of Subdivision:

Description of works and/or installations certified to:

Signature of Engineer or Surveyor _____

Address: _____

FORM H

CERTIFIED LIST OF ABUTTERS

Date_____

To the Planning Board:

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

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

Signature of owner

To the Planning Board:

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

Town Assessor

FORM I

PERFORMANCE BOND - SURETY COMPANY

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

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

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

In witness whereof we have hereunto set our hands and seals this

_____ day of _____, 19_____.

Principal

Surety

by _____
(title)

by _____
Attorney-in Fact

FORM J

PERFORMANCE BOND - SECURED BY DEPOSIT

Know all men/women by these present that

_____ of _____
hereby binds and obligates himself/herself and his/her respective
heirs, executors, administrators, successors and assigns, jointly
and severally, to the Town of Westhampton, a Massachusetts
municipal corporation, in the sum of _____
dollars, and has secured this obligation by the deposit with the
Treasurer of said Town of Westhampton of said sum in money or
negotiable securities.

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

In witness whereof the undersigned has hereunto set his hand
and seal this

_____ day of _____, 19____.

FORM K

MAINTENANCE BOND - SURETY COMPANY

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

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

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

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

Principal

Surety

by _____
(title)

by _____
Attorney-in Fact

FORM L

MAINTENANCE BOND - SECURED BY DEPOSIT

Know all men/women by these present that

_____ of _____
hereby binds and obligates himself/herself and his/her respective
heirs, executors, administrators, successors and assigns, jointly
and severally, to the Town of Westhampton, a Massachusetts
municipal corporation, in the sum of _____
dollars, and has secured this obligation by the deposit with the
Treasurer of said Town of Westhampton of said sum in money or
negotiable securities.

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

In witness whereof the undersigned has hereunto set his hand
and seal this

_____ day of _____, 19____.

FORM M

DEVELOPMENT IMPACT STATEMENT

A development Impact statement (DIS) is a documented, written analysis of a proposed development which provides the Planning Board and Town Officials with information necessary for plan review.

It is a developer's responsibility to prepare and document the DIS in sufficient detail to permit an adequate evaluation by the Planning Board; however, additional data may be requested in writing by the Board. It is necessary to respond to all sections of the DIS form except when a written exemption is granted by the Planning Board.

Name of Project: _____

Type of Project: _____

Location: _____

Map and Parcel Numbers: _____

Zoning District(s) _____

Acreage: _____

Owner(s): _____

Planner: _____

Engineer: _____

Architect: _____

PROJECT DESCRIPTION

1. Total number of units: _____
 Low income: _____ Single Family: _____
 Two Family: _____ Condominiums: _____
 Row House: _____ apartments: _____
 Ownership: _____ Rental: _____
 Private: _____ Other: _____
2. Total number of bedrooms proposed: _____
3. Approximate price per unit:
 Private: _____ Rental: _____

CIRCULATION SYSTEMS

1. Street Design - Explain reasons for location of streets, stubs and intersections:
2. Street Classification - Classify the streets and stubs within the development. Project the number of motor vehicles to enter or depart the site per average day and peak hour:
3. Pedestrian and Bicycle Circulation - Discuss the orientation of the pedestrian and bicycle system to activity centers, location of bike paths, etc.
4. Access to schools - Discuss how children are expected to walk to existing schools:

SUPPORT SYSTEMS

1. Water Distribution

a. Private - Discuss the types of wells proposed for the project, means for providing fire supply, and any special problems that might arise: _____

2. Sewage Disposal

a. Private - Discuss the type of system level of treatment, suitability of soils and results of percolation tests: _____

3. Storm Drainage - Discuss the storm drainage system including the projected flow for a fifty year storm, name of the receptor stream, type of retention basin, and any flow constrictions on the site: _____

4. Refuse Disposal - Discuss the location and types of facilities, hazardous materials requiring special precautions and screening, and the projected amount of trash to be generated by each household. _____

5. Lighting - Discuss the location and size of lights and methods used to screen adjoining properties from glare: _____

6. Fire Protection - Discuss the type and capacity of fire ponds, pumps, and distance to fire station: _____

7. Recreation -

- a. Indicate the distance to and type of public facilities: _____

- b. Indicate the distance to and type of private facilities: _____

8. Schools -

Project the student population of the project for the nursery, elementary, Middle School and High School levels and indicate the distance, capacity and present enrollment of the nearest elementary and secondary schools:

NATURAL CONDITIONS

1. Topography -

Indicate the datum, source, slopes greater than 10%:

2. Soils -

Indicate prime agricultural land, depth to bedrock, extent of land which has been filled:

3. Mineral Resources -

Indicate extent and economic importance of resource, extent and means of proposed extraction, and rehabilitation measures

4. Depth of Water Table - _____
5. Aquifer recharge Areas - _____
6. Flood Prone Areas - _____
7. Wetlands - _____
8. Watercourses - _____
9. Vegetative Cover - _____
10. Unique Wildlife Habitats - _____
11. Unique Vegetative Plants - _____

DESIGN FACTORS

1. Briefly describe the following features: photographs are helpful:
 - a. Present visual quality of the area:

 - b. Location of significant viewpoints:

 - c. Historic structures:

FORM N

SUBDIVISION INSPECTION CHECKLIST

Name of Subdivision _____

Name of Applicant _____

SUBJECT OF INSPECTION	INITIALS OF AGENT	DATE OF INSPECTION
1. Clearing of Right-of-way	_____	_____
2. Sub-grade Preparation	_____	_____
3. Below Grade Drainage	_____	_____
4. Water Installation	_____	_____
5. Fire Protection Installation	_____	_____
6. Gravel Base	_____	_____
7. Curb Installation	_____	_____
8. Binder Course	_____	_____
9. Surface Drainage	_____	_____
10. Berm Installation	_____	_____
11. Sidewalk Construction	_____	_____
12. Street Trees and Plantings	_____	_____
13. Grass Strips	_____	_____
14. Street Lights	_____	_____
15. Street Signs and Monuments	_____	_____
16. Final Cleanup	_____	_____
17. Wearing Course	_____	_____
18. Final Inspection At End Of Two Years	_____	_____

A P P E N D I X I I

SUBDIVISION FEE SCHEDULES

SUBDIVISION FEE SCHEDULE

TYPES OF PLANS

Plans Not Requiring Subdivision Approval \$ 20.00/lot
(form A's or ANR's)

Preliminary Subdivision Plans \$ 50.00/lot
Minimum of: \$ 250.00

Definitive Subdivision Plans:

 \$ 150.00/lot
Minimum of: \$ 2100.00 w/ Preliminary Plan

 \$ 300.00/lot
Minimum of: \$ 4200.00 w/ out Preliminary Plan

COVENANT AND BONDING

Transfer from Covenant to Bond \$ 75.00
(bond set)

Partial Bond Release \$ 50.00/request

Final Bond Release No Charge

3/13/90

The subdivider shall notify the Highway Department at least 48 hours before carrying out each operation to be inspected. Activities and operations include, but are not limited to:

- (a) the installation of drainage, water and its services;
- (b) excavation; and
- (c) the installation of roads, sidewalks and curbing.

In the event of an interrupted installation of any of the above services, it is required that the developer re-notify the Board prior to recommencing installation. Any development which progresses beyond the inspection stage without town approval will be required to turn the construction to the status necessary to perform the required inspection. Provisions for clearing operations and removal of all surplus material shall be included as a requirement for final approval.

The Planning Board may make arrangements with consultants to carry out such inspections on behalf of the Town.

The costs of inspection shall be borne by the subdivider and shall be withdrawn from the revolving account as approved by the Planning Board. Inspection costs shall include but not be limited to: on-site inspections, portal-to-portal travel, off-site analysis of plans, water testing, and soil testing. Said payments shall be deducted from the revolving account prior to endorsement of the As-Built plan.

The developer has the responsibility to insure that the approved construction plans are implemented. Use of qualified persons to furnish adequate and timely engineering supervision during construction is required. Surveillance and field revisions by Town officials or consultants appointed by the Board cannot be construed as fulfilling this responsibility.