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FORM A
APPLICATION FOR ENDORSEMENT OF A PLAN
BELIEVED NOT TO REQUIRE APPROVAL

File two completed forms with the Planning Board and one with the Town Clerk.

To the West Brookfield Planning Board

_____ Date

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

1. The accompanying plan is not a subdivision because the plan does not show a division of land.
2. The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the West Brookfield Zoning By-Law for erection of a building on such lot and every lot shown on the plan has such frontage on:
 - a. a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____.
 - b. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely _____ on _____, and subject to the following conditions _____; or
 - c. a private a way, _____, in existence on _____, 19__ the date the Subdivision Control Law became effective in the Town, in the opinion of the Board, having sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.
3. The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage required by the West Brookfield Zoning By-Law. (Provide the Board with proper evidence to such effect.)
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two (2) or more buildings were standing prior to July 2, 1974 the date when the Subdivision Control Law went into effect in the Town, and the plan shows a division of land to create separate lots on each of which (1) of such buildings remains standing.

Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows:

5. Other reasons or comments: (See M.G.L. c. 41, §81-L.)

Applicant's Name: _____
Applicant's Address: _____

Owner's Name: _____
Owner's Address: _____

Surveyor's Name: _____
Surveyor's Address: _____

The owner's title to the land is derived by deed from _____ dated _____, and recorded in the Worcester District Registry of Deeds, Book _____, Page _____ or Land Court Certificate of Title No. _____, registered in Worcester District, Book _____, Page _____, and is shown on Assessors' Map _____, Lot _____.

Location and Description of Property:

Number of lots on the proposed plan: _____

Received by Town Clerk:

Applicant's Signature: _____

Date: _____

Signatures of all owners of record if not the applicant;

Time: _____

Signature

**FORM A-1
DETERMINATION THAT SUBDIVISION
APPROVAL IS NOT REQUIRED**

To the West Brookfield Town Clerk:

_____ Date

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

Applicant: _____

Address: _____

You are hereby notified that the plan entitled _____ submitted by the above applicant on _____, 20____, accompanied by a Form A application for a determination by the Planning Board, dated _____, 20____ has been endorsed by the Planning Board as follows: "West Brookfield Planning Board Approval under the Subdivision Control Law Not required."

Majority of the West Brookfield Planning Board:

**FORM A-2
DETERMINATION THAT SUBDIVISION
APPROVAL IS REQUIRED**

To the West Brookfield Town Clerk

_____ Date

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

Applicant: _____

Address: _____

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

Majority of the West Brookfield Planning Board:

FORM B
APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

File two completed copies of Form B with the Planning Board and one copy with the Board of Health. After such submission, file by delivery or registered mail a notice with the Town Clerk stating the date of submission of the Plan to the Board with one copy of Form B.

To the West Brookfield Planning Board: _____
Date

The undersigned herewith submits for approval the accompanying Preliminary Plan entitled _____ and dated _____, 20__ under the provisions of the Subdivision Control Law and the Planning Board's Rules and Regulations governing the subdivision of land.

Applicant's Name: _____
Applicant's Address: _____

Owner's Name: _____
Owner's Address: _____

Engineer's Name: _____
Engineer's Address: _____

The owner's title to the land is derived by deed dated _____, and recorded in the Worcester District Registry of Deeds, Book _____, Page _____ or Land Court Certificate of Title No. _____, registered in Worcester District, Book _____, Page _____, and is shown on Assessors' Map _____, Lot _____.

Location and Description of Property:

Number of lots on the proposed plan: _____

Signature of all Owners of Record	Address
_____	_____
_____	_____
_____	_____
_____	_____

FORM C
APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

File two completed copies of Form C with the Planning Board and one copy with the Board of Health. After such submission, file by delivery or registered mail a notice with the Town Clerk stating the date of submission of the Plan to the Board with one copy of Form C.

To the West Brookfield Planning Board

_____ Date

The undersigned herewith submits for approval the accompanying Definitive Plan entitled _____ and dated _____, 20__ under the provisions of the Subdivision Control Law and the Planning Board's Rules and Regulations governing the subdivision of land.

Applicant's Name: _____

Applicant's Address: _____

Owner's Name: _____

Owner's Address: _____

Engineer's Name: _____

Engineer's Address: _____

The owner's title to the land is derived by deed dated _____, and recorded in the Worcester District Registry of Deeds, Book _____, Page _____ or Land Court Certificate of Title No. _____, registered in Worcester District, Book _____, Page _____, and is shown on Assessors' Map _____, Lot _____.

Location and Description of Property:

Number of lots on the proposed plan: _____

Received by Town Clerk:

Applicant's Signature: _____

Date: _____

Owners' Signature(s): _____

Time: _____

Signature

FORM C-1
APPLICATION FOR APPROVAL OF A MODIFICATION

File two completed copies of Form C-1 with the Planning Board and one copy with the Board of Health. After such submission, file by delivery or registered mail a notice with the Town Clerk stating the date of submission of the Modification to the Board with one copy of Form C-1.

To the West Brookfield Planning Board: _____
Date

The undersigned herewith submits for approval the accompanying Modification of a Definitive Plan entitled _____ and dated _____ 20__ under the provisions of the Subdivision Control Law and the Planning Board's Rules and Regulations governing the subdivision of land.

Applicant's Name: _____
Applicant's Address: _____

Owner's Name: _____
Owner's Address: _____

Engineer's Name: _____
Engineer's Address: _____

The owner's title to the land is derived by deed dated _____, and recorded in the Worcester District Registry of Deeds, Book _____, Page _____ or Land Court Certificate of Title No. _____, registered in Worcester District, Book _____ Page _____, and is shown on Assessors' Map _____, Lot _____.

Reason for Modification:

Number of lots on the approved plan: _____ Number of lots on the modified plan: _____

Applicant's Signature: _____
Owners' Signature(s): _____

Received by Town Clerk
Date: _____
Time: _____

Signature

FORM C-2
CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN

_____ date

This is to certify that the Planning Board of the Town of West Brookfield, Massachusetts has this day approved a Definitive Plan entitled:

by _____

This approval is subject to receipt of a performance guarantee in the form of a covenant or other proper security under M.G.L. c. 41 §81U, to secure the construction of ways and the installation of municipal services in accordance with the Rules and Regulations of the Planning Board of the Town and the plans now on file with the Planning Board.

This approval is further subject to the terms and conditions listed below or stated on the following pages:

Majority of the West Brookfield Planning Board:

Note to Town Clerk: The Planning Board should be notified immediately of any appeal of the subdivision within the statutory twenty (20) day appeal period. If no appeal is filed with your office, the Board should be notified at the end of the appeal period in order that the plan may be endorsed.

FORM C-3
CERTIFICATE OF DISAPPROVAL OF A DEFINITIVE PLAN

_____ date

This is to certify that the Planning Board of the Town of West Brookfield, Massachusetts has this day voted to disapprove a Definitive Plan entitled:

by _____

The Plan fails to conform to the Planning Board's rules and Regulations or the recommendations of the Board of Health in the following respects:

Majority of the West Brookfield Planning Board:

Note to Town Clerk: The Planning Board should be notified immediately of any appeal of the subdivision within the statutory twenty (20) day appeal period.

**FORM D
DESIGNER'S CERTIFICATE**

To the West Brookfield Planning Board

_____ Date

In preparing the plan entitled _____, I hereby certify that the above named plan and accompanying data are true and correct, and the source and information about the location of boundaries shown on said plan were one or more of the following:

1. Deed from _____
to _____
dated _____ and recorded in the Worcester Registry of Deeds at
Book _____ Page _____.

2. Other plans as follows _____

3. Detail and topography has been established by:
Aerial survey _____; On ground survey _____; Other _____

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

5. Other sources: _____

Signed _____
(Registered Professional Engineer or Registered Land Surveyor)

Address: _____

Registration Number: _____

(Seal of Engineer or Surveyor)

FORM E
CERTIFIED LIST OF ABUTTERS

To the West Brookfield Planning Board

_____ Date

The undersigned, being an applicant for approval of a definitive plan of a proposed subdivision entitled _____ submits the attached listing of the adjoining property owners' names and addresses including the Assessors' map, block and lot numbers for each property. This listing includes owners of land separated from the subdivision by a street.

Signature of Applicant: _____

Address: _____

This is to certify that at the time of the last assessment for taxation made by the Town of West Brookfield, the names and addresses of the parties assessed as adjoining owners to the parcel of land named above were as written, except as follows:

Assessor

FORM F
CERTIFICATE OF AMENDMENT, MODIFICATION OR RECISSION
OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN

To the West Brookfield Town Clerk _____

_____ Date

On the motion/petition of _____, dated _____, 20__
and in accordance with M.G.L. c. 41 §81-W, it is hereby certified by the West Brookfield
Planning Board that at a duly called meeting held on _____, 20__ it
was voted to amend/modify/rescind the approval of the definitive subdivision plan of land
entitled _____ owned by
_____ of _____,
plans dated _____, 20__ prepared by
_____, and recorded at the Worcester District Registry of
Deeds, Plan Book _____, Page _____, performance guarantee being
_____ and recorded Book _____, Page _____, land located
at _____ and showing ____ proposed lots, by making the
following amendments/modifications or by rescinding the approval for the following reasons:

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

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

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

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

A true copy, attest:

Clerk, West Brookfield Planning Board

Duplicate copy sent to applicant:

West Brookfield Planning Board

FORM G
PERFORMANCE SECURED BY DEPOSIT OF MONEY

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

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

1. The Subdivision Control Law and the West Brookfield Planning Board's Rules and Regulations Governing the Subdivision of Land.
2. Conditions included in the Certificate of Approval issued by the Planning Board and dated _____.
3. Engineering Consultant Recommendations, dated _____.
4. The Definitive Plan as qualified by the Certificate of Approval. and
5. Other documents(s) specifying construction or installation to be completed, namely: (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a deposit of money).

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

Upon completion by the applicant of all obligations as specified herein, on or before _____, 20____, or such later date as may be specified by vote of the Planning Board with the written concurrence of the applicant, the deposit of money, including all interest accrued thereon, shall be returned to the applicant by the Town and this agreement shall become void.

In the event the applicant should fail to satisfactorily complete the construction of ways and

installation of municipal services as specified in this agreement and within the time herein specified, the deposit of money shall be applied in whole, or in part, by the Planning Board for the benefit of the Town of West Brookfield to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused money and the interest accrued on the deposit of money will be returned to the applicant upon completion of the work by the Town.

The Town of West Brookfield, acting by and through its Planning Board, hereby agrees to accept the deposit of money in the amount specified in this Agreement as security for the performance of the project. The approved Definitive Plan shall not be endorsed until this Agreement is signed by all parties and the security has been deposited with the Town.

Any amendment to this Agreement and/or to the aforesaid deposit of money shall be agreed upon in writing by all parties to this Agreement.

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

West Brookfield Planning Board

Signature of Applicant

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

_____ date

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

, Notary Public

My Commission expires: _____

Original to be recorded at Worcester District Registry of Deeds.
Duplicate copies to: Applicant, Planning Board, Town Treasurer and Town Clerk.

FORM H
PERFORMANCE SECURED BY SURETY COMPANY

AGREEMENT made this date between the Town of West Brookfield and _____ as principal of _____, a surety corporation duly organized and existing under the laws of the state of _____ and having its usual place of business at _____, hereinafter referred to as "the surety", and _____ hereinafter referred to as "the applicant", with an address at _____, to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled _____ by _____, dated _____, 20__ owned by _____, address at _____ land located at _____ and showing _____ lots.

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

1. The Subdivision Control Law and the West Brookfield Planning Board's Rules and Regulations Governing the Subdivision of Land;
2. Conditions included in the Certificate of Approval issued by the Planning Board and dated _____, 20__;
3. Engineering Consultant Recommendations, dated _____, 20__;
4. The Definitive Plan as qualified by the Certificate of Approval; and
5. Other documents(s) specifying construction or installation to be completed, namely (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a surety company).

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

Upon completion by the applicant of all obligations as specified herein, on or before _____, 20 ____ or such later date as may be specified by vote of the Planning with the written concurrence of the applicant and the surety, the interest of the Town in such surety bond shall be released, the surety bond shall be returned to the surety, and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the surety bond may be enforced, in whole, or in part, by the Planning Board for the benefit of the Town of West Brookfield to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused portion of the surety bond will be released and the unused portion of the surety bond will be returned to the surety upon completion of the work by the Town.

The Town of West Brookfield, acting by and through its Planning Board, hereby agrees to accept the surety bond in the amount specified in this agreement as security for the performance of the project. The approved Definitive Plan shall not be endorsed until this Agreement is signed by all parties and the security has been deposited with the Town.

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

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

West Brookfield Planning Board

Signature of Applicant

Signature of Authorized Representative
of the Surety

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. _____, 20____

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

, Notary Public

My Commission expires: _____

Original to be recorded at Worcester District Registry of Deeds.
Duplicate copies to: Applicant, Planning Board, Surety Company and Town Clerk.

**FORM I
COVENANT**

West Brookfield, Massachusetts

_____ Date

The undersigned has submitted an application dated _____, 20__ to the West Brookfield Planning Board for approval of a definitive plan of a subdivision entitled _____ dated _____ 20__ and owned by _____ with an address of _____, and showing _____ lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

In consideration of the West Brookfield Planning Board approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of West Brookfield as follows:

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

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

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

- a. The Application for Approval of Definitive Plan (Form C).
- b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
- c. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated _____, 20__.
- d. The Definitive Plan as approved and as qualified by the certificate of approval.
- e. Other document(s) } specifying construction to be completed, namely:

However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell

or convey any lot, subject only to that portion of this covenant which provides that no lot shall be sold, conveyed or built upon until ways and services have been provided to serve such lot.

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

For title to the property, see deed from _____, dated _____, 20__ recorded in Worcester District Registry of Deeds, Book _____ Page _____, or registered in _____ Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____.

The present holder of a mortgage upon the property is _____, address of _____. The mortgage is dated _____, 20__ and recorded in Worcester District Registry of Deeds, Book _____, Page _____, or registered in the _____ Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____. The mortgagee agrees that the covenants shall have the same status, force and

effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

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

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

West Brookfield Planning Board

Owner(s)

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

date

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

, Notary Public

My Commission expires: _____

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

date

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

, Notary Public

My Commission expires: _____

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

West Brookfield, Massachusetts _____

Date

AGREEMENT made this date between the Town of West Brookfield and _____ hereinafter referred to as "the applicant", with an address at _____ to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled _____ by _____, dated _____, 20__ owned by _____, address at _____ land located at _____ and showing _____ lots.

The applicant hereby bind and obligate himself, his or its executors, administrators, devisees, heirs, successors and assigns jointly and severally to the Town of West Brookfield, Massachusetts, a municipal corporation, acting through its Planning Board, in the sum of _____ dollars, and has secured this obligation by depositing with the Town Treasurer an instrument of transfer to the West Brookfield Planning Board, duly acknowledged, and prepared in a suitable form pursuant to the provisions of the Massachusetts General Laws for the following type of negotiable security _____, said instrument of transfer shall also specify the above sum of money as a security for performance by the applicant of construction of the ways and installation of municipal services in the aforesaid subdivision and, where apt, a new certificate shall also be deposited with said Treasurer. Said certificate shall be free from encumbrances and shall be issued pursuant to M.G.L. c. 156B, §30 in the name of the West Brookfield Planning Board and shall express on its face that it is held as collateral security to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval of a Definitive Plan (Form C), dated _____, 20__;
2. The Subdivision Control Law and the West Brookfield Planning Board's Rules and Regulations Governing the Subdivision of Land;
3. Conditions included in the Certificate of Approval issued by the Planning Board and dated _____, 20__;
4. Engineering Consultant Recommendations, dated _____, 20__;
5. The Definitive Plan as qualified by the Certificate of Approval; and
6. Other documents(s) specifying construction or installation to be completed, namely (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a negotiable security).

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

Upon completion by the applicant of all obligations as specified herein, on or before _____, 20 ____ or such later date as may be specified by vote of the Planning Board with the written concurrence of the applicant, the interest of the Town in the aforesaid security shall be released and said security shall be returned, by appropriate instrument, to the applicant by the Town and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the security, namely _____ may be negotiated in whole, or in part, by the Planning Board for the benefit of the Town of West Brookfield to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused funds resulting from the negotiation of aforesaid security by the Town or any securities which are not negotiated by the Town will be returned to the applicant upon completion of the work by the Town.

The Town of West Brookfield, acting by and through its Planning Board, hereby agrees to accept the negotiable security in the amount specified in this agreement as security for the performance of the project. The approved Definitive Plan shall not be endorsed until this Agreement is signed by all parties and the security has been deposited with the Town.

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

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

West Brookfield Planning Board

Signature of Applicant

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

_____, 20__

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

, Notary Public

My Commission expires: _____

Original to be recorded at Worcester District Registry of Deeds.

Duplicate copies to: Applicant, Planning Board, Corporation originally issuing the negotiable security, Town Treasurer, Town Clerk, and Board of Selectmen.

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

FORM J
PERFORMANCE SECURED BY LENDER'S AGREEMENT

West Brookfield, Massachusetts _____

_____ Date

AGREEMENT made this date between the Town of West Brookfield and _____ hereinafter referred to as "the applicant", with an address at _____ and _____, holder of the first mortgage, hereinafter referred to as "the lender", to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled _____ by _____, dated _____, 20__ owned by _____, address at _____ land located at _____ and showing ___ lots.

The applicant and the West Brookfield Planning Board have executed a covenant dated _____, 20__ recorded in the Worcester District Registry of Deeds, Book _____ Page _____; that the applicant has recorded a first mortgage with the lender dated _____, 20__ recorded in the Worcester District Registry of Deeds, Book _____ Page _____, coveting _____, the lots or area covered by the first mortgage, as shown on the above-referenced plan as security for the payment of a certain note in the principal sum of _____ dollars; and that the applicant and lender hereby bind and obligate themselves, their or its executors, administrators, devisees, heirs, successors and assigns jointly and severally to the Town of West Brookfield, Massachusetts, a municipal corporation, acting through its Planning Board, in the sum of _____ dollars, and has secured this obligation by the lender retaining said sum of money of said principal sum otherwise due the applicant to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval of a Definitive Plan (Form C), dated _____, 20__;
2. The Subdivision Control Law and the West Brookfield Planning Board's Rules and Regulations Governing the Subdivision of Land;
3. Conditions included in the Certificate of Approval issued by the Planning Board and dated _____, 20__;
4. Engineering Consultant Recommendations, dated _____, 20__;
5. The Definitive Plan as qualified by the Certificate of Approval; and
6. Other documents(s) specifying construction or installation to be completed, namely (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a negotiable security).

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

Upon completion by the applicant of all obligations as specified in the following schedule:

	Sum to be Retained By Lender	Stage of Construction or Installation to be Completed	Date When Construction and Installation is to be Completed
1.	\$		
2.	\$		
3.	\$		
4.	\$		
5.	\$		

(Add additional stages if necessary.)

The interest of the Town in such funds retained by the lender shall be released, that portion of the agreement covering a specific stage of work shall become void, and the lender may disburse such funds which have been held as security for a specific stage of work to the applicant. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, any funds remaining undisbursed shall be made available in whole, or in part, by the lender to the Planning Board for the benefit of the Town of West Brookfield to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused portion of such funds will be released by the Planning Board and may be disbursed by the lender to the applicant upon completion of the work by the Town.

The Town of West Brookfield, acting by and through its Planning Board, hereby agrees to release the following lots _____ from the operation of the above-referenced covenant given pursuant to M.G.L. c. 41 §81-U without receipt of a bond or deposit of money and further to accept this agreement and the funds in the amount specified herein to be retained by the lender as security for the performance of the project as aforesaid. Upon delivery of this agreement to the Planning Board, said lots shall be released as herein specified.

The lender hereby agrees that none of the funds retained as security, as specified herein, shall be disbursed to the applicant without prior written release of said funds by the Planning Board.

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

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

20__.

West Brookfield Planning Board

Signature of Applicant

Signature of Authorized Representative
of the Lender

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

_____, 20__

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

, Notary Public

My Commission expires: _____

Original to be recorded at Worcester District Registry of Deeds.
Duplicate copies to: Applicant, Planning Board, Lender, Town Treasurer, Town Clerk, and Board of Selectmen.

**FORM K
COVENANT RELEASE**

Date

The undersigned being a majority of the Planning Board of the Town of West Brookfield, Massachusetts hereby certify that the requirements for work on the ground called for by the Covenant dated _____ and recorded in the Worcester District Registry of Deeds, Book _____, Page _____, or registered in the Worcester Land Registry as Document Number _____, and noted on Certificate of Title Number _____, in Registration Book _____, Page _____, have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on plans entitled _____ recorded with said Registry of Deeds at Plan Book _____ Plan _____, or registered in said Land Registry at Plan Book _____, Plan _____, having been secured by surety, said lots are hereby released from the restrictions as to sale and building specified therein.

Lots designated on said Plan as follows:

West Brookfield Planning Board

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

date

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

, Notary Public

My Commission expires: _____

FORM L
CONVEYANCE OF EASEMENTS AND UTILITIES

_____, of _____,
_____, County, Massachusetts, for good and adequate consideration, grant to the Town of West Brookfield, a municipal corporation in Massachusetts, the perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain systems of water mains, storm drainage and appurtenances thereto, and to do all acts incidental thereto, in, through and under the following described land:

_____ appearing on a plan entitled: _____

And for the consideration aforesaid, the said grantor does hereby give, grant, transfer and deliver unto the Town of West Brookfield all water distribution, sanitary sewer and storm drainage systems including related easements, and all appurtenances thereto that are now or hereafter constructed or installed in, through or under the above described land by the grantor and the grantor's successors and assigns.

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

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

And (to be completed if a mortgage exists)

Name: _____

Address: _____

the present holder of a mortgage on the above described land, which mortgage is dated _____, 20__ and recorded in said Registry of Deeds, Book _____, Page _____, for consideration paid, hereby releases unto the Town of West Brookfield forever from the operation of said mortgage, the rights and easements hereinabove granted and assents thereto.

Authorized Signature of Mortgagee

Owner

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

date

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

, Notary Public

My Commission expires: _____

**FORM M
INSPECTION FORM
WEST BROOKFIELD, MASSACHUSETTS**

Subdivision: _____ From Sta. _____ to Sta. _____

Applicant: _____ Phone: _____

<u>Subject</u>	<u>Initials of Agent</u>	<u>Date of Inspection</u>
1. Clearing of Right-of-Way	_____	_____
2. Subgrade Preparation	_____	_____
3. Drainage Installation (below grade)	_____	_____
4. Water Installation	_____	_____
5. Underground Utilities	_____	_____
6. Backfill, Fill and Rough Grading	_____	_____
7. Gravel Base	_____	_____
8. Curb Installation	_____	_____
9. Binder Course	_____	_____
10. Drainage Installation (at surface)	_____	_____
11. Berm Installation	_____	_____
12. Finish Course	_____	_____
13. Sidewalks	_____	_____
14. Street Trees	_____	_____
15. Grass Strips	_____	_____
16. Street Lights	_____	_____
17. Fire Hydrants	_____	_____
18. Street Signs and Monuments	_____	_____
19. Final Clean-Up	_____	_____
20. Maintenance	_____	_____

FORM O
CERTIFICATE OF COMPLETION AND RELEASE OF
MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

West Brookfield, Massachusetts

_____ Date

Subdivision Name: _____
Owner: _____
Owner's Address: _____
Applicant, if other than owner: _____
Applicant's Address: _____
Date of Subdivision Plan: _____
Designer of Plan _____
Land Located: _____

Plan Recorded: _____ Worcester Registry of Deeds

Plan and Certificate of Title _____ Registered Land Office of Worcester Registry
No: _____ of Deeds

Plan found in Book _____, Page _____

Type of Performance Security:

- Covenant, dated: _____
Covenant recorded: _____
or Covenant registered: _____
- Bond, agreement dated: _____
Surety Company: _____
Address of Surety _____
- Deposit of money, agreement dated: _____
Bank: _____
Address of Bank: _____
- Other security: _____
Agreement dated: _____
- Letter of Credit, agreement dated: _____
Bank: _____
Address of Bank _____