

**SECTION VIII PROCEDURES FOR SUBMISSION AND APPROVAL OF  
PLANS FOR MORE THAN ONE BUILDING FOR  
DWELLING PURPOSES PER LOT**

**8.0 GENERAL**

- 8.01 In order to ensure that adequate ways furnishing access to each site for a building designed or available for use for dwelling purposes are provided for, a Plan For More Than One Building For Dwelling Purposes Per Lot must be submitted by the applicant to the Planning Board and Board of Health for approval.
- 8.02 The submission and approval of said plan shall be governed by the Subdivision Rules and Regulations in effect at the time of submission of such plan.
- 8.03 A Plan For More Than One Building For Dwelling Purposes Per Lot shall be governed by the Zoning Ordinance in effect at the time of submission of such plan.

**8.1 FILING PROCEDURES**

Any person who submits a Plan For More Than One Building For Dwelling Purposes Per Lot to the Planning Board for its consent shall file with the Board the following:

- 8.11 Two (2) Mylar drawings of the plan conforming to Registry of Deeds standards and fifteen (15) contact prints thereof, dark line on white background, as described in Section 8.2 below. One reproducible set shall be returned to the applicant after Board action. It is strongly recommended that the applicant submit a copy of the plans in digital format in accordance with the standards outlined in the Appendix;
- 8.12 One original and fifteen (15) copies of a completed Form D - Application for Approval of More Than One Building For Dwelling Purposes Per Lot;
- 8.13 One (1) original and fifteen (15) copies of the Development Impact Statement.
- 8.14 A filing fee in accordance with the Fee Schedule (see Appendix C) shall be paid by the applicant to cover costs of handling, town reviews and public hearings. Any additional expenses for plans, surveys, inspections or outside review shall be borne by the applicant;

- 8.15 One (1) original and two (2) copies of Form E - Designers Certificate;
- 8.16 One (1) original and two (2) copies of Form F - Statement of Interest;
- 8.17 A certified list of abutters obtained from the Town Assessor's Office within 30 days of the filing of the application;
- 8.18 A receipt of submission of the application from the Town Clerk's office;
- 8.19 At the time of filing of the plan, it is recommended that the applicant file a Request For Determination of Applicability or Notice of Intent with the Conservation Commission.

Receipt by the Planning Board of all filing requirements as outlined above at one of its regularly scheduled meetings shall constitute the effective date of submission of the development plan.

## 8.2 CONTENTS

The Plan For More Than One Building For Dwelling Purposes Per Lot shall be prepared by a Civil Engineer and/or Land Surveyor registered in the Commonwealth of Massachusetts and shall be clearly and legibly drawn in black waterproof ink on Mylar meeting all requirements of the Registry of Deeds. The plan shall be at a scale of one-inch equals forty feet (1" = 40'), unless otherwise specified by the Planning Board. The sheet size shall not exceed an outside dimension of twenty-four by thirty-six (24" X 36") inches.

If multiple sheets are used, they shall be accompanied by an index sheet showing the entire development and listing all attached sheets.

The plan shall contain the following information:

- 8.21 The development name, boundaries, true North arrow, date, scale, locus map, legend and title "Plan For More Than One Building For Dwelling Purposes Per Lot";
- 8.22 Legend denoting all signs and symbols used on the plan and not otherwise explained;

- 8.23 The location of all existing structures on the subject property denoting future intentions;
- 8.24 The name(s) and address(es) of the owner(s) of record, mortgage holder(s) and applicant(s) certified by an attorney; the name(s), official seal(s) and signature(s) of the registered Civil Engineer and/or Land Surveyor;
- 8.25 Zoning districts of all areas shown on the plan including all overlay districts;
- 8.26 The location of all existing and proposed lines of private access roads, ways and rights-of-way, easements and any public or common areas within the development. Proposed names of new access roads shall be shown in pencil until they have been tentatively approved by the Planning Board. All wording for proposed easements and public or common areas shall be submitted with the application for Town Counsel review and approval;
- 8.27 Location, names and present widths of pavement and rights-of-way of adjacent public and private streets, ways, abutting and within one hundred feet (100') of the development;
- 8.28 The location, dimensions and purpose of all existing and proposed easements recorded in favor of the municipality, abutting and within one hundred feet (100') of the development;
- 8.29 Location of all permanent monuments, pins and benchmarker, properly identified as to whether existing or proposed;
- 8.30 A topographic grading plan of the entire development at two (2) foot contour intervals showing existing (broken lines) and proposed (solid lines) topography with proposed spot elevations at pertinent points to show the proposed finished grading of the entire development for roadway and building construction;
- 8.31 Location of natural waterways and water bodies within and adjacent to the development;
- 8.32 All lands subject to M.G.L. Chapter 131, Section 40 (The Wetlands Protection Act);
- 8.33 All existing or proposed 10, 100 and 500 year floodplain boundaries;

- 8.34 Subsurface conditions as they relate to soil, geology and hydrology, as reasonably ascertainable;
- 8.35 Significant site features which include among others: stone walls, fences, rock outcrops, trees greater than 8" Diameter Breast High in size, historical and scenic areas, and slopes of 25% grade or greater;
- 8.36 Location of all existing utilities abutting and within one hundred (100) feet of the development including but not limited to water, sewer, storm drain, gas, electric, cable, telephone, fire alarms and fire hydrants, as reasonably ascertainable;
- 8.37 A layout plan consisting of plan and profile views shall be drawn on separate sheets for each access road within the development. The plan shall be drawn at a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'. The plans shall show proposed exterior lines, roadway lines, curb lines, intersection angles, points of tangency and radii of curves. Also included on the access road layout plan shall be location, size, type of construction, elevation, and invert of all pipes and conduits of the:
- 8.371 Water Supply System, including wells, pumps, valves, stubs, gates, hydrants, and similar equipment;
  - 8.372 Storm Drainage System, including manholes, catchbasins, swales and appurtenant structures;
  - 8.373 Sanitary Sewage System, including manholes, pumps, and appurtenant equipment;
  - 8.374 Electrical Supply Equipment, including transformers, primary and secondary cables, lighting fixtures and other electrical equipment as approved by Western Mass. Electric Company;
  - 8.375 Other Underground Utility Systems servicing the development, including gas, telephone and cable T.V. facilities;
- 8.38 A typical cross-section for the full width of the proposed access road shall be shown in accordance with the "Typical Cross-Section" illustrated in Appendix B;
- 8.39 Construction details for catchbasins, manholes, endwalls, etc.;

- 8.40 Erosion control and stabilization details for all site improvements including but not limited to access roads, storm water management systems and structures;
- 8.41 Suitable space to record:
  - 8.411 the action of the Planning Board and the signatures of the members of the Board;
  - 8.412 action and signature of the Town Clerk;
  - 8.413 conditions of approval;
  - 8.414 approval of waivers; and
  - 8.415 recording of covenant and/or other performance agreements;
- 8.42 Additional pertinent information the Planning Board may request.

**8.5 SPATIAL REFERENCE**

The Town of West Springfield maintains a set of Tax Maps, which are available free of charge online in the Adobe Acrobat™ format. In addition to a regular set of tax maps, a special set with property boundary reference numbers is also available. Each property boundary intersection in town has a unique reference number. All plans submitted in accordance with the subdivision regulations, whether paper or CADD format, must include at least three of these points, along with the reference number as text annotation. If three of these points do not fall within the map area, it is acceptable to place points with a tie (distance & bearing reference) to the location of a boundary point.

Tax Maps and Property Boundary Reference Tax Maps are available online at the following location: [www.west-springfield.ma.us/gis/maps.htm](http://www.west-springfield.ma.us/gis/maps.htm)

**8.6 SEWER EXTENSION PERMITS**

- 8.61 Under the provision of Section 43, of Chapter 21 of the General Laws, an application must be submitted by the Town to the Department of Environmental Protection, Division of Water Pollution Control, for a permit to allow construction of any sewer extensions of a public

sewerage system, including construction plans for pumping stations, forced mains, siphons and other appurtenances (see Appendix E).

- 8.62 It shall be the responsibility of the applicant to furnish the Planning Board and Department of Public Works, at time of submission of the development plan with the necessary data, specifications and construction plans of the proposed sewer extension project, as required, and said application form to be subsequently completed for submittal to the Division of Water Pollution Control.

## 8.7 SUITABILITY OF THE LAND FOR DEVELOPMENT

### 8.71 Board of Health Review

- 8.711 At the time of filing of the Plan For More Than One Building For Dwelling Purposes Per Lot, the applicant shall also file with the Board of Health one (1) print of the development plan, together with other necessary documentation and reports. The Board of Health shall review for such issues including but not limited to slope, depth of water table, suitability of potable water and sewage disposal facilities and of material used for fill. The Board of Health shall report to the Planning Board, in writing within forty-five (45) days, its approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as why the development of the lot shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons thereof in such report, and, where possible, shall make recommendations for the adjustment thereof. Any approval of the plan by the Planning Board shall only be given on condition that the land shall not be built upon or served with any utilities such as septic tanks, and drainage without prior consent of the board of Health. The Planning Board shall endorse on the plan such conditions as set forth by the Board of Health.
- 8.712 All developments shall connect to the Town sanitary sewerage system where physically capable and where this system is available, and developments not served by the Town sanitary sewerage system shall have an adequate and approved sewage disposal system, satisfactory to the Board of Health, in

accordance with Title V prior to the issuance of a Building Permit.

8.713 All developments shall connect to a public water supply system. All buildings not served by a public system shall have an adequate supply of potable water approved by the Board of Health. A laboratory test of the water quality shall be required and submitted to the Board of Health prior to the issuance of a Building Permit. All developments shall be serviced with adequate pressure or volume from the public water supply for fire protection services.

8.714 Any approval of a Plan For More Than One Building For Dwelling Purposes by the Planning Board which propose buildings not served by the municipal water and sanitary sewerage system shall only be given on condition that the land as to which such findings were made shall not be built upon without prior written consent of the Board of Health to the Planning Board. The Planning Board shall endorse on the plans such conditions, specifying the land to which said conditions apply.

8.72 Review by other Town Agencies

The Planning Board shall, upon submission of a development plan, transmit one copy of the plan and development impact statement to: Department of Public Works, Fire Department, Police Department, Building Commissioner, Conservation Commission and Recreation Department for their review. Comments and recommendations shall be made to the Planning Board within forty-five (45) days following receipt of a copy of the plan and related DIS. Failure to comment within the prescribed time limit shall be deemed as approval of the proposed development.

## 8.8 SITE VISIT

Prior to the public hearing being held, a site visit maybe conducted by the Planning Board or its designee in order to familiarize themselves with the lay of the land and the layout of the proposed development. In order to facilitate the site visit and the gathering of pertinent information, the developer shall stake out the centerline of all proposed access roads in a general manner. The staking shall be clearly visible, a minimum of three (3) feet in height with the top one (1) foot painted

fluorescent orange. The stakes shall be placed no greater than twenty (20) feet apart from one another.

## **8.9 PUBLIC HEARING**

Before approval, modification and approval, or disapproval of a Plan For More Than One Building For Dwelling Purposes Per Lot is given, a public hearing shall be held by the Planning Board within sixty (60) days of submission of said plans. Notice of the time and place of the hearing, and of the subject matter, sufficient for identification, shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of West Springfield 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 on the most recent tax list.

## **9.0 APPROVAL, MODIFICATION, DISAPPROVAL**

- 9.01 Prior to action by the Planning Board on the Plan For More Than One Building For Dwelling Purposes Per Lot, a joint meeting may be held with the developer, Planning Department, the Department of Public Works, Conservation Commission, Building Commissioner Fire Department, Police Department and Director of Health to facilitate a complete review of the proposed improvements.
- 9.02 Within ninety (90) days of the close of the public hearing, the Planning Board shall approve, modify and approve, or disapprove the development plan. The action of the Planning Board with respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by registered mail to the applicant.
- 9.03 If the Plan For More Than One Building For Dwelling Purposes Per Lot does not comply with the Rules and Regulations of the Planning Board or the recommendations of the Board of Health, the Planning Board shall modify and approve or shall disapprove such plan. In the event of disapproval, the Planning Board shall state in detail wherein the plan does not conform to the Rules and Regulations of the Planning Board or the recommendations of the Board of Health. The Planning Board shall revoke its disapproval and approve

a plan which, as amended, conforms to such Rules and Regulations or recommendations only if the amended development plan has been submitted within sixty (60) days of the filing of the disapproval of said plan.

- 9.04 Final approval, if granted, shall be endorsed on the original drawing of the development plan by the signatures of a majority of the Planning Board, but not until a twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk, and said Clerk has notified the Planning Board that no appeal has been filed, or if an appeal has been taken, that a final decree has been entered by the court sustaining the approval of the plan.

## 9.1 ENDORSEMENT

- 9.11 An approved plan shall not be endorsed until the expiration of twenty days without notice of appeal to the superior court, or, if appeal has been taken, the expiration of twenty days after the entry of a final decree of the court sustaining the approval of such plan and not until the applicant has:
- 9.111 posted the necessary performance guarantee with certification of recording;
  - 9.112 made the necessary corrections on the plan, if conditional approval was given, to the satisfaction of the Planning Board;
  - 9.113 delivered two (2) originals (one for recording and one for the Board's file) and two (2) prints of the More Than One Building for Dwelling Purposed Per Lot Plan if no corrections to it were necessary. (Note: If corrections were required, two (2) originals and ten (10) prints shall be delivered); and
  - 9.114 caused to be executed in a form acceptable to the Town Counsel all deeds of easements as shown on the plan and submission of such deeds and documents in the form of certified copies to the Planning Board.

Failure of the applicant to meet the above requirements shall be full and sufficient reason to withhold endorsement.

- 9.12 If the applicant fails to submit the required performance guarantees, easements and other

documentation and the endorsement of the plan by the Planning Board is delayed more than sixty (60) days from the date of approval, the Planning Board, on its own motion, may exercise its power to modify, amend, or rescind its approval of the development plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.

## **9.2 PERFORMANCE GUARANTEE**

- 9.21 Before endorsement of the Planning Board's approval of the Plan For More Than One Building For Dwelling Purposes Per Lot, the applicant shall agree to complete the required improvements as specified in these Rules and Regulations and such construction and installation shall be secured by one, or in part by one and in part by another, of the following methods which may be varied from time to time:
- 9.211 By a proper bond, deposit of money or negotiable securities, sufficient in the opinion of the Board to secure performance of the construction of the access roads and the installation of municipal and private services required for buildings in the development shown on the approved plan. Such performance guarantee shall be approved as to form and manner of execution as shown on the bond agreement, and such money if deposited shall be deposited in a local bank in the name of the Town of West Springfield, and said deposit book shall remain in the trust of the Town Treasurer.
- 9.212 By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such access roads and services shall be provided to serve the development before such buildings may be constructed.
- 9.213 By delivery to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the Planning Board and otherwise due the applicant, to secure the construction of access roads and the installation of utilities. Said agreement shall also provide for a schedule of disbursements which may be made to the

applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.

9.214 When improvements have been completed to the satisfaction of the Planning Board, the Board will then authorize in writing, on the appropriate form, a Release of conditions for recording in the Registry of Deeds, and the conditions relating to such buildings shall terminate.

9.22 In addition to the performance guarantee required above, no work within an existing public way which is necessitated by the construction of proposed access roads in an approved development and/or the installation of municipal services in such a development shall be performed until a permit allowing such work has been issued by the Department of Public Works. The DPW shall not grant such a permit until a monetary performance guarantee of the type described in this section, held separately from that of the development itself, and in an amount sufficient to guarantee the satisfactory completion of proposed work, has been posted. Any security posted to guarantee work within a public way shall be separate from securities posted to guarantee work within an approved development.

9.23 The value of all monetary performance guarantees shall be established by the Town Engineer utilizing the most current release of the Mass. Highway Department Weighted Average Bid Prices Statewide and by Districts from Highway and Bridge Projects. An inflationary factor of 10% shall be added annually for all monetary performance guarantees.

### **9.3 RECORDING OF PLAN**

9.31 A Plan For More Than One Building for Dwelling Purposes Per Lot, duly endorsed by the Planning Board, shall be filed with the Hampden County Registry of Deeds or Land Registration Office of Hampden County within sixty (60) days of said endorsement. Failure to record said plan within sixty (60) days shall automatically rescind approval of this plan.

- 9.32 Within ten (10) days after the development plan, as approved and endorsed, has been recorded at the Hampden County Registry of Deeds and in the case of registered land, with the recorder of the Land Registration Office of Hampden County, the applicant shall notify the Board in writing of the date of such recording and provide a certified copy of such recording.
- 9.33 Upon receipt of certification of recording, the Board shall file one print of the development plan with the Building Commissioner.

#### **9.4 COMPLETION TIME SCHEDULE**

- 9.41 The installation of all improvements as required by these Rules and Regulations and the approval of the Board shall be completed within two (2) years from the date of endorsement of the approved development plan. A development creating more than forty dwelling units may be phased over a period of not more than four (4) years upon approval of the Planning Board.
- 9.42 Upon written request from the applicant with written consent of the holder of the performance guarantee, the Planning Board may, due to unforeseen circumstances related to the soil, shape or topography of the land, grant an extension of time, and such agreement shall be executed and affixed to the bond or covenant.
- 9.43 Failure to complete the required improvements within the two (2) year time frame or duly granted extension by the Board may result, upon vote by the Board, in the applicant/developer being in default of the performance agreement.
- 9.44 Where the applicant is found in default of the performance agreement, the Planning Board shall utilize the performance agreement to complete the installation of the improvements in accordance with M.G.L., Chapter 41, Section 81-U.

#### **9.5 INCREASE OF PERFORMANCE GUARANTEE**

If the specified development improvements in accordance with these Rules and Regulations are not completed within two (2) years of the date of bond, deposit of money or covenant, the Planning Board will require revised estimate of the costs of the remaining work, change the amount of

the performance guarantee proportionately, and establish a new date for the completion of said required improvements. Failure of the developer to complete the improvements within the original two (2) year period, or any extension thereof, shall not relieve the developer from his obligation to pay for increased costs for completing the improvements in excess of his performance guarantee.

## **9.6 RELEASE OF PERFORMANCE GUARANTEE**

### 9.61 Partial Release

The developer may, upon partial completion and installation of required improvements in a development as specified in these Rules and Regulations, make formal application to the Planning Board for partial release of the performance guarantee, in accordance with the procedures set forth herein:

#### 9.611 Bond or Surety

The amount of any such bond, or the amount of any deposit held may, from time to time, be reduced by the Planning Board, upon formal application in the manner prescribed herein, and the obligations of the parties thereto released by said Board in whole or in part.

#### 9.612 Covenant

Partial releases of a covenant shall not be allowed. Partially completed developments subject to a covenant may exchange the covenant for a monetary performance guarantee in accordance with the procedures of these regulations.

### 9.62 Procedures for Full or Partial Release

Upon full or partial completion of construction and installation of required improvements in a development, the developer may request a release of conditions of the performance guarantee by:

#### 9.621 Sending by registered mail or by hand delivery to the Planning Board and Town Clerk a written statement that he has completed the construction and installation of access roads and utilities covered by said performance guarantee in accordance with these Rules and Regulations,

- 9.622 Attaching to the written statement a Certificate of Performance (see Appendix A) prepared by a Registered Professional Engineer, at the applicant's expense, stating that the necessary access roads, sewers, storm drains, water lines, together with their appurtenances and all other required improvements have been constructed and installed as specified in these Rules and Regulations and in accordance with the approved plans.
- 9.623 Requests for final release of a performance guarantee shall be accompanied by an "As-Built Plan", as required in these Rules and Regulations.
- 9.63 Approval of Release
- 9.631 In no instance shall a performance guarantee be released for the final access 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 completion of access road and walks.
- 9.632 Before the Planning Board will release the interest of the Town in a performance guarantee, the Planning Board shall obtain in writing from the Department of Public Works a certificate or statement that all work required by these Rules and Regulations under the jurisdiction of the town has been inspected by them or a designated party and completed in each access road within the development, including access roads, storm drainage, bridges, sewers, shoulders, sidewalks, curbs, etc., and that the method of construction and materials used in the performance of such work meets with their approval.
- 9.633 If the Planning Board determines that said construction or installation has been completed satisfactorily, it shall release the interest of the Town in such performance guarantee and return the bond or deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded. If the Planning Board determines after inspection that said construction or installation has not been completed or wherein said construction or installation fails to comply with these Rules or Regulations, the Planning Board shall send by registered mail to the applicant and to the Town

Clerk the details wherein said construction or installation fails to comply with its rules.

9.634 Failure of the Planning Board to act on such an application for release of conditions within forty-five (45) days after the receipt of the application by the Town Clerk, all obligations under the bond shall cease and terminate by operation of law, and any deposit shall be returned and any such covenant shall become void.

9.635 Any such bond or deposit of money may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town of West Springfield, as provided in Section 81-Y of M.G.L. Chapter 41, 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.

## **9.7 DEVIATIONS FROM APPROVED PLAN**

9.71 After approval of any Plan For More Than One Building For Dwelling Purposes Per Lot, the location and width of access roads shown thereon, or any street or way subject to the Subdivision Control Law, shall not be changed unless the plan is amended in accordance with the provisions set forth in Section 81-W of Chapter 41 of the General Laws, and approved by the Planning Board.

9.72 In the event the applicant desires to alter or change the grade of an access road, or the size, location or layout of a storm or sanitary line or appurtenant structure, he shall:

9.721 provide the Board with a written statement requesting such alteration or change, and

9.722 provide the Board with three (3) prints of the original development plan with the proposed changes drawn on said prints in red.

9.73 No change, alteration or deviation shall be permitted unless such change, alteration or deviation has been approved by the Planning Board.

9.74 After approval of an alteration or modification, the applicant shall cause such approved changes to be

corrected on the original drawings of the development plans.

- 9.75 Deviations from material and construction specifications shall not be allowed except as specifically authorized by the Department of Public Works or appropriate agency having jurisdiction over a particular utility system and upon notification to the Planning Board.

**9.8 STREET ACCEPTANCE**

- 9.81 Final approval of the Plan For More Than One Building For Dwelling Purposes Per Lot does not constitute the laying out or acceptance by the Town of any access road or other improvement shown on the plan. Said access roads and other improvements shall remain under the ownership of the property owner and/or a homeowners association and they shall be responsible for maintenance and upkeep of these structures.