

M.R. BOOK 9318
PAGE 7

Town of Mattapoissett
Mattapoissett Planning Board

16 Main Street

P.O. Box 435

Mattapoissett, Mass 02739

Tel. 508-758-4107 ext. 215 Fax. 508-758-3030

RECEIVED
TOWN CLERK
MATT. POISETT, T.
08 JAN -8 AM 8:1

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
10 JAN 2008 09:37AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 35488 Pg 122-124

Mrs. Barbara Sullivan
Town Clerk
Mattapoissett, MA 02739

On December 17, 2007 a PUBLIC HEARING was held in accordance with Section 81Q Chapter 41 of the General Laws of Massachusetts regarding:

Town of Mattapoissett "RULES AND REGULATIONS OF THE PLANNING BOARD GOVERNING THE SUBDIVISION OF LAND" dated 1 August 1989 and as amended June 20, 1995 by adding:

CHAPTER 1V-DESIGN STANDARDS Section J Subdivision Improvement Maintenance Trust (Complete text attached as EXHIBIT "A").

PRESENT AND VOTING FOR APPROVAL WERE:

Janice J. McLean

K. J. [Signature]

[Signature]

Thomas M. Tucker

I HEREBY CERTIFY UNDER THE PENALTIES OF PREJURY THAT THE ABOVE IS THE VOTE OF THE MATTAPOISETT PLANNING BOARD.

Thomas M. Tucker
Thomas M. Tucker, Planning Board Chairman

INSTRUMENT # 2-3008

EXHIBIT "A"

CHAPTER IV Section J

Subdivision Improvement Maintenance Trust

1. All subdivisions hereinafter created under the "Rules and Regulations of the Mattapoisett Planning Board" shall have an accompanying "Landowner Trust" created by the sub divider, which shall be responsible for preservation and maintenance of all infrastructure improvements as specified in the subdivision plan including but not limited to subdivision roadways, ways, rights of way, common areas, open space, subdivision utilities, easements, drainage improvements, subdivision improvements and the like, except with respect to subdivision roads that have been accepted by the Town as public ways.
2. Said Trust shall be created in a form approved by the Mattapoisett Planning Board, prior to endorsement of said plans. The Landowner Trust shall be recorded simultaneously with the recording of said subdivision plan at the Plymouth County Registry of Deeds, and the plan shall include a cross reference to the trust.
3. All owners of land within the subdivision shall be required to be members as a condition of subdivision approval.
4. All subdivision roadways, ways, rights of way, common areas, open space, subdivision utilities, easements, drainage improvements, subdivision improvements and the like shall be deeded into and maintained by said Landowner Trust. Said sub divider shall provide the Mattapoisett Planning Board with a recorded copy of both the Landowner Trust and Deed of Improvements into said Trust.
5. Said Landowner Trust shall vest in equal percentages to all Lot owners in said underlying subdivision.
6. As a condition of approval, the Landowner Trust, in the opinion of the Planning Board, shall be sufficiently funded initially and then require monthly or yearly funding by individual lot owners to allow for sufficient funding of initial and projected repair, maintenance and replacement costs.
7. The Landowner Trust shall be responsible for writing to the individual lot owners at least twice per year to provide a report on the status of subdivision improvements and funding, including: (1) the yearly cost of maintenance and repairs for that calendar year; and (2) the yearly cost of maintenance and repairs projected for the following ten calendar years. In addition, at the same time, the Landowner Trust shall write to the individual lot owners and remind the individual lot owners of any obligations that the owners may have to maintain improvements, including drainage swales or berms or other structures located on their individual lots, for instance by periodic mowing or cleaning,


and by not planting trees and other landscaping in drainage swales. Individual lot owners shall also be instructed as to best management practices that require the subdivision streets to be maintained in a clear, swept condition to avoid damage to drainage structures.

8. At any point subsequent to the recording of the Landowner Trust, any or all subdivision roadway(s) or other improvements are accepted by the Town of Mattapoissett, pursuant to the proper procedures, said Trust shall terminate with respect to said accepted roadway(s) or other improvements. In the event that all said roadways and improvements are accepted, said Trustees shall record a certificate of termination endorsed by the Mattapoissett Planning Board, with a written record of said acceptance attached as an exhibit in the Plymouth County Registry of Deeds. A recorded copy shall be provided to the Mattapoissett Planning Board.

9. In the event that the landowner trust fails to maintain said improvements the Town of Mattapoissett Planning Board, may through its appointed agent(s) enter said subdivision and make such improvements which then shall constitute a lien against said Landowner Trust.

CERTIFIED TO BE A TRUE COPY,

ATTEST:


Barbara A. Sullivan, CMC, CMMC
Mattapoissett Town Clerk

END OF INSTRUMENT



MATTAPOISETT PLANNING BOARD AUG 22 AM 9:19

P.O. Box #35

Mattapoissett, Mass. 02739

August 21, 2000

Ms. Lois K. Ennis CMC
Town Clerk
Mattapoissett, MA 02739

On August 21, 2000 a PUBLIC HEARING was held in accordance with Section 81Q of Chapter 41 of the General Laws of Massachusetts regarding:

Town of Mattapoissett "RULES AND REGULATIONS OF THE PLANNING BOARD GOVERNING THE SUBDIVISION OF LAND" DATED 1 August 1989 and as amended June 20 1995 by amending:

CHAPTER 111-PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS, Section B. PRELIMINARY PLAN, Section 1. Submission of a Preliminary Plan c.

CHAPTER 111-PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS, Section B. PRELIMINARY PLAN, Section 3.b. Action By the Planning Board

CHAPTER 111-PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS, Section E. APPROVAL OR DISAPPROVAL Section 3 Endorsement

CHAPTER IV-DESIGN STANDARDS Section I. ROADWAY CONSTRUCTION Section 4. storm Water Management

CHAPTER IV-DESIGN STANDARDS Section I. ROADWAY CONSTRUCTION Section 6. Also, TYPICAL STREET SECTIONS page at the back of the regulation (Complete Text Attached)

PRESENT AND VOTING FOR APPROVAL WERE:

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]

I HEREBY CERTIFY UNDER THE PENALTIES OF PREJURY THAT THE ABOVE IS THE VOTE OF THE MATTAPOISETT PLANNING BOARD.

[Signature]

11-2000

91321
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
05 SEP 2000 09:25AM
RICHARD C. SEIBERT
REGISTER
Bk 18852 Pg 131-133

AMENDMENTS TO THE TOWN OF MATTAPOISETT "RULES AND
REGULATIONS OF THE PLANNING BOARD GOVERNING THE SUBDIVISION
OF LAND"

The Mattapoisett Planning Board will hold a Public Hearing on August 21, 2000, to adopt the following amendments to the "RULES AND REGULATIONS OF THE PLANNING BOARD GOVERNING THE SUBDIVISION OF LAND", dated August 1, 1989 and as amended June 20, 1995, as follows:

1. Amend CHAPTER III – PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS, Section B. PRELIMINARY PLAN, Section 1. Submission Of A Preliminary Plan c. by deleting the third sentence in its entirety and substituting therefor the following:

"A properly executed Form B, "Application for Approval of A Preliminary Plan", Form Q and any other applicable forms shall be filed with the Preliminary Plan submitted to the Planning Board. It is the developer's responsibility to distribute copies of the Preliminary Plans to Town Officials and obtain a dated receipt of said delivery (see Form Q). ✓

2. Amend CHAPTER III – PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS, Section B. PRELIMINARY PLAN, Section 3. Action By The Planning Board b. replace the last sentence by deleting it in its entirety and replacing with the following: ✓

"Preliminary Plan provides protection to applicant from change in Board's Rules and Regulations and Zoning providing a definitive plan is filed within seven (7) months from date of original application."

3. Amend CHAPTER III – PROCEDURE FOR SUBMISSION AND APPROVAL OF PLANS, Section E. APPROVAL OR DISAPPROVAL Section 3 Endorsement by replacing in the first sentence the "the Planning Board approval of such subdivision may be revoked" with "the approval of such subdivision shall automatically be rescinded without further act by the Board, and the Board may exercise rights granted under any surety or performance guaranty posted by the applicant." ✓

4. Amend CHAPTER IV-DESIGN STANDARDS Section I. ROADWAY CONSTRUCTION Section 4. Storm Water Management by adding the following new section:

AMENDMENT TO THE TOWN OF MATTAPOISETT "RULES AND REGULATIONS
OF THE PLANNING BOARD GOVERNING THE SUBDIVISION OF LAND"

June 20, 1995

The Mattapoisett Planning Board voted, following a Public Hearing held on June 20, 1995, to adopt the following amendments to the "RULES AND REGULATIONS OF THE PLANNING BOARD GOVERNING THE SUBDIVISION OF LAND" dated 1 August 1989 by amending CHAPTER IV - DESIGN STANDARDS Section A.1.b. Construction Guidelines and CHAPTER IV - DESIGN STANDARDS Section I.4. Storm Water Management as follows:

Section A.1.b. Construction Guidelines:

Delete the words "1973 Edition, as amended," following "Standards and Specifications for Highways and Bridges," and substitute therefore, "latest edition," . Further, delete the words "'Commonwealth of Massachusetts, Department of Public Works, Construction Manual Part 3, 1966",as amended" following "illustrations are found in the" and substitute therefore, "'Commonwealth of Massachusetts, Department of Public Works, Construction Standards" latest edition."

Section I.4. Storm Water Management by deleting in their entirety the existing sections b. and c. and substituting therefore the following sections b. and c.; and by adding the following section e.:

- b. It shall be the responsibility of the applicant to submit a Stormwater Management Plan containing sufficient information for the Planning Board to evaluate the effectiveness and acceptability of those measures proposed by the applicant for reducing flooding and pollution from stormwater runoff. The Stormwater Management Plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, calculations, -plans showing construction details for all systems and structures and citations to support references, as appropriate, to communicate the information as required by these regulations.
- c. The existing environmental and hydrological conditions of the site, proposed alterations of the site, and all proposed components of the drainage system and any measures for the detention, retention, or infiltration of water, for the protection of water quality and protection from flooding, shall be described in detail with sufficient information to evaluate the proposed Stormwater Management Plan.
- e. The design, construction, and maintenance of stormwater systems, and the submittal of information to evaluate the stormwater management system, shall be consistent with the currently acceptable standards and shall be reviewed at the applicant's expense.

Open culverts with a diameter of twelve (12) inches or greater will require a grate. The bar grate shall consist of vertical rods spaced four (4) inches on center and shall be removable for maintenance purposes."


5. Amend CHAPTER IV-DESIGN STANDARDS Section I. ROADWAY CONSTRUCTION Section 6. Finish Grading and Paving c. by deleting the section in its entirety and substituting therefor the following:

c. All vehicular ways shall then be paved with four (4) inches of compacted bituminous concrete, Type I-1, and laid in two (2) courses, the lower course to be two and one-half (2 ½) inches and the upper course to be one and one-half (1 ½) inches." ✓

Also, TYPICAL STREET SECTIONS page at the back of the regulation be amended so that "3" Bit Conc. Paving on 12" Gravel Base" reads "4" Bit Conc. Paving on 12" Gravel Base" in both the LOCAL STREET and SECONDARY STREET diagram.

CERTIFIED TO BE A TRUE COPY,

ATTEST:


Lois K. Ennis, CMC, CMMC
Mattapoisett Town Clerk

← END OF INSTRUMENT →