CHECKLIST of MATERIALS REQUIRED to be SUBMITTED:
For a FINAL RELEASE of PERFORMANCE GUARANTEE
(see Section 4.3.10.2)

The developer may, upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in these rules and regulations, and the completion of a one-year labor and materials warranty period make formal application, in writing either by hand delivery or certified main, to the Planning Board for full release of any outstanding performance guarantee.

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 no sooner than April 1st of the calendar year subsequent to completion of way and walks.

<u>All Requests for a Final Release of the Performance Guarantee Must be Accompanied by:</u>

☐ 1. a written certification from the project's engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended and that the streets and drainage system have functioned as designed and intended and been in use for through one full winter.

☐ 2. a written statement from the Highway Superintendent, or from a registered professional engineer chosen by the Planning Board (and paid for by the applicant), a certificate of statement that all work and systems required by these rules and regulations has been constructed in conformance with the approved construction plans. In the case where roadways will remain under private ownership, the above-mentioned certificate or statement shall be supplied by the project's registered professional engineer.

☐ 3. written evidence from the electric, telephone, gas and cable TV companies and all other public and private utilities stating that their respective underground systems have been installed and are functioning to their satisfaction.

☐ 4. written evidence from a Registered Land Surveyor that all permanent bounds and monuments on all street lines and on the lot or lots within the subdivision are in place and are accurately located in accordance with the approved Definitive Plan.

☐ 5. written confirmation that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.

☐ 6. a set of record "as-built" construction plans. Approval of said plans by the Planning Board shall take place after review of the former by the Highway Superintendent.

☐ 7. a street acceptance plan or plans and necessary documents. Said plans and documents, after approval by the Planning Board and the Highway Superintendent, shall be presented by the Planning Board to the Town Meeting for a formal street acceptance.

☐ 8. copies of all of the recorded lot deeds showing that the applicant has retained his/her/their rights to the subdivision road(s) right-of-way, or Certification from developer's lawyer that all deeds to lots contained phrasing which retained his rights to the right-of-way(s).

☐ 9. a 3 ½" or CD DOS compatible computer disk, using drawing interchange files (AutoCAD compatible DWG or DXF files), in either ASCII or binary format. Horizontal and vertical control shall have at least two (2) points tied (in feet) into the Massachusetts State Plane Coordinate System (NAD 1983) using municipal GIS monuments stationed throughout the Town. Horizontal control shall have a closure of 1:12,000 or better containing all "as-built" Definitive Subdivision Plan information pertaining to the creation of the lots (including annotation of frontage, dimensions, acreage, etc.). Vertical control must be of second order D Class 2 accuracy or better and be tied to USGS datum. All records of control shall be delivered to and reviewed by the Town.

☐ 10. a disc in pdf and AutoCAD compatible format such as dwg or dxf containing all "as-built" Definitive Subdivision Plan, Record and Street Acceptance Plan information.

- If the Planning Board determines that all improvements as shown on the endorsed definitive plan and all required plans and legal documents have been completed satisfactorily, it shall release all the interest of the Town in such performance guarantee and return the bond 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 and 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.

- The applicant shall have 30 days after receipt of such notice to correct all problems mentioned in the above. Failure of the applicant to finish all the necessary work within said 30 days shall cause the Planning Board to draw upon the bond or deposit of money as mentioned below.

- Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town of Southampton, as provided in MGL c. 41, § 81, upon failure of the performance for which any bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.