

By Mr. Barrus, (by request), a petition of the Mass. Home Builders Association, by Richard G. Lind, president, for legislation to establish the procedure in setting the penal sum of a bond under the subdivision control law. Urban Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT ESTABLISHING THE PROCEDURE IN SETTING THE PENAL SUM OF A BOND UNDER THE SUBDIVISION CONTROL LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 81-U of Chapter 41 of the General Laws, as amended
2 by Chapter 567 of the Acts of 1967, is hereby amended by
3 inserting, after the seventh paragraph, the following:—

4 The penal sum of any bond or the amount of any deposit
5 required to be posted or made under clause (1) above shall be
6 determined by the planning board within fifteen (15) days
7 after receipt by the board of a written request for such deter-
8 mination, and notice of said amount shall be communicated to
9 the applicant within seven (7) days after the time of such de-
10 termination, but in any event within twenty-one (21) days
11 following receipt of written request therefor. In the event of
12 failure of the planning board to make such determination or
13 to communicate the fact thereof as aforesaid, or, in the event
14 such determination made by the planning board and communi-
15 cated to the applicant shall be deemed by him to be excessive,
16 the applicant may fulfill the requirement for furnishing secur-
17 ity for the construction of ways and the installation of muni-
18 cipal services in the following manner: The applicant may
19 then deposit with the planning board a statement by a regis-
20 tered professional engineer under oath and bearing his official
21 seal setting forth his estimated cost for the completion of re-
22 quired construction; the applicant may then post bond with

23 the planning board in an amount equal to one hundred fifteen
 24 (115%) per cent of the estimated amount set forth in such
 25 affidavit and said amount shall be binding upon a planning
 26 board as if such amount had been determined by the board.