

FORM H
PERFORMANCE SECURED BY
A SURETY COMPANY

_____, 2 _____

Billerica, Massachusetts

AGREEMENT made this date between the Town of Billerica, MA and _____
herein after referred to as “the applicant” of _____;
and _____, a corporation duly organized and
existing under the laws of the state of _____ and having a usual place of
business at _____, hereinafter referred to as “the surety” 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: _____ and showing _____ proposed lots.

KNOW ALL MEN by these presents that 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 Billerica, a Massachusetts municipal
corporation, acting through its Planning Board, in the sum of _____ dollars
and have secured this obligation by depositing with the Treasurer of Billerica,
Massachusetts 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, agreement,
terms and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C) dated: _____
2. The subdivision control law and the Planning Board’s Rules and Regulations
governing this subdivision and dated _____.
3. Conditions included in the Certificate of Approval issued by the Planning Board
and dated _____.
4. The Definitive Plan as qualified by the Certificate of Approval and:
5. Other document(s) specifying construction or installation to be completed, namely:

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., Chapter 41 Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before _____ or such later date as may be specified by vote of the Planning Board, with a 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 Billerica 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 said town, and the Town of Billerica acting by and through its Planning Board hereby agrees to accept the aforesaid surety bond in the amount specified in this agreement as security for the performance of the project as aforesaid.

Any amendments 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 hereunto set our hands and seals this

_____, 2_____.

_____	_____
_____	_____
_____	_____

Signatures of the majority of the Planning Board

Signature of Applicant

Signature of Authorized Representative

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

_____, 2_____

Then personally appeared _____ one of the above-named members of the Planning Board of Billerica, Massachusetts, 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: _____

Duplicate copy to:

Applicant
Surety
Planning Board
Town Clerk
Town Treasurer
Board of Selectman