

SUBDIVISION

Rules and Regulations

Town of Richmond

Retyped and issued
February 13, 2017

On February 13, 2017 the Planning Board voted to issue an electronic version of the following document originally dated July 10, 1990:

**RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF
RICHMOND, MASSACHUSETTS**

This electronic version was retyped without changing the requirements of the original document. Some format and nomenclature consistency edits were made during the proof reading process. A fee schedule is now on file with the Town Clerk.

FOR RICHMOND PLANNING BOARD:

_____, Chairman
John. Vittori

Issue Date: February 13, 2017

RULES AND REGULATIONS

**GOVERNING THE SUBDIVISION OF LAND
IN
RICHMOND, MASSACHUSETTS**

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**RULES AND REGULATIONS
GOVERNING THE SUBDIVISION OF LAND
RICHMOND, MASSACHUSETTS**

SECTION 1.0 – PURPOSE

The Subdivision Control Law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivision providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board and of a Board of Appeal under the Subdivision Control Law shall be exercised with due regard for the provision of ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions.

SECTION 2.0 – AUTHORITY

Under the authority vested in the Planning Board of the Town of Richmond by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Richmond.

SECTION 3.0 – GENERAL

3.1. Definitions

“Adequate Access” The provision of access to all building lots by ways (including ways leading to a subdivision) that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in case of fire, flood, panic and other emergencies; for ensuring compliance with the applicable zoning or ordinances or by-laws; and for securing adequate provision for fire, police and other municipal equipment.

“Lot” An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

“Lot Frontage” The continuous distance in feet along the street line, which provides direct, as well as adequate access, as defined herein to the lot, to be measured only where the lot has a depth of at least 20 feet from the street line. A private street, approved by the Planning Board, under the Subdivision Control Law may provide frontage only for lots which are contained within the approved subdivision.

“Preliminary Plan” A plan of a proposed subdivision or re-subdivision of land drawn on tracing paper, or a print thereof, showing (A) the subdivision name, boundaries, north point, date, scale, legend and title, “Preliminary Plan”; (B) the names of the record owner and the applicant and the name of the designer, engineer or surveyor; (C) the names of all abutters, as determined from the most recent local tax list; (D) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (E) the proposed system of drainage, including adjacent existing natural waterways in a general manner; (F) the approximate boundary lines of proposed lots with approximate areas and dimensions; (G) the names, approximate location and widths of adjacent streets; (H) and the topography of the land in a general manner.

“Road” – See “Street.”

“Street” A public way or a private way either shown on a plan approved by the Planning Board in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.

“Subdivision” The division of a tract of land into two or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision with the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on (A) a public way or a way which the Clerk of the City or Town certifies is maintained and used as a public way or (B) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (C) a way in existence when the Subdivision Control Law became effective in the City or Town in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such lands and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning By-Law. Conveyances or other instruments adding to or taking away from or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage required by the by-law, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in Richmond in 1954, into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

3.2 Plan Believed Not to Require Approval

3.2.1 Submission

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a Plan of Land and who believes that the plan does not require approval under the Subdivision Control Law, may submit, to the Planning Board, accompanied by a completed FORM A, with the necessary evidence to show that the plan does not require approval. A fee, payable to the Town of Richmond, is required with each Form "A". For the amount of the fee, see the fee schedule available from the Town Clerk.

The plan shall be submitted by delivery at a regularly scheduled meeting of the Board or by Certified Mail, Postage Prepaid, to the Board. If so mailed, the date of mailing shall be the date of submission of the plan. In addition, written notice of such submission, accompanied by a copy of the completed FORM A, shall be given by the applicant to the Town Clerk by delivery or by certified mail, postage prepaid. If notice is given by delivery, the Town Clerk shall, if requested, give a written receipt to the person who delivered such notice.

3.2.2 Contents

In addition to the information commonly contained in plans of land prepared for recording in the Registry, such plans shall show:

- A. That each lot on the plan and any parcel altered by the plan meets the requirements of the Zoning By-Law as to minimum area and frontage and that the required frontage is on:
 1. A public way or a way which the town Clerk certifies is maintained and used as a public way, or
 2. A way shown on a plan which has previously been approved and endorsed by the Planning Board in accordance with the Subdivision Control Law, or
 3. A way in existence when the Subdivision Control Law became effective in Richmond and having, in the opinion of the planning Board, sufficient width, suitable grades and adequate construction. (See section 81-L of Chapter 41 of the General Laws for details)

- B. The location of any structures on lots created by the plan and on parcels of land altered by it; and
- C. Any zoning district boundaries established by the Zoning By-Law.

Or

D. That the plan represents an existing parcel with no new lot lines and is so certified by a registered Land Surveyor.

3.2.3 Determination

- A. In determining whether a plan complies with the purpose of the Subdivision Control Law as to the provision of adequate access to all of the lots by ways which are safe and convenient to travel, the plan must show, among other things, that buildable parts of lots are accessible from their respective borders from the way shown on the plan and that there is no intent to provide access to any lot by a way not shown on the plan, which would constitute a subdivision within the meaning of the Subdivision Control Law.
- B. In determining whether a way has been used and maintained as a public way, the Town Clerk shall submit to the Board written evidence of public maintenance under vote of the Town and of continued substantial use by the general public without permission of the landowners along the way, continuous for at least 20 years.
- C. In determining whether any existing way is adequate to qualify a plan, as not constituting a subdivision, the Board shall consider the following conditions, among others:
 - 1. Is the right-of-way at least 40 feet wide and of reasonable horizontal alignment?
 - 2. Does the existing horizontal and vertical alignment of the roadway provide safe visibility?
 - 3. Is the traveled way constructed at least eighteen feet wide, with at least eight feet of gravel and with adequate provisions for drainage?
 - 4. If the road could ever serve more than two dwelling units, is the surfacing adequate without further improvements?
- D. If, in the opinion of the Planning Board, access roads leading to a proposed subdivision do not provide adequate access as defined herein, the Board may require that such roads be improved to reasonable standards depending on the number of proposed lots and the anticipated increase in vehicular traffic. Such improvements will be at the subdivider's expense and made an integral part of the definitive Subdivision Plan.

3.2.4 Board Action

If the Board finds that the plan does not require approval, it shall forthwith, without a public hearing and within 21 days of submission, endorse on the plan by a majority of the Board or by a person authorized by the Board, the words, "Planning Board Approval Under Subdivision Control Law Not Required," or words of similar import with appropriate name or names signed thereto. Such endorsement shall not be withheld unless such plan shows a subdivision. Said plan shall be returned to the applicant.

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within 21 days of submission of said plan, give written notice of its determination to the Town Clerk and to the applicant. Said plan shall be returned to the applicant.

If the Planning Board fails to act upon a plan submitted under this section within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

3.3 Subdivision

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town or proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of municipal services therein unless and until a definitive plan of such subdivision has been approved and endorsed by the Planning Board as hereinafter provided.

SECTION 4 – PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A subdivision plan shall be considered as submitted to the Planning Board when delivered at a meeting of the Board or when sent by Certified or Registered Mail to the

Planning Board, care of the Town Clerk, together with properly filled out application form, fee and supporting documents.

4.1 Preliminary Plan

4.1.1 General

A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board, the Board of Health and the Conservation Commission for discussion and approval, modification or disapproval by each Board. The submission of such a preliminary plan will enable the subdivider, the Planning Board, the Board of Health, the Conservation Commission, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. A properly executed application FORM B (see Appendix) shall be filed with a preliminary plan submitted to the Planning Board.

The applicant shall file by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such approval of a preliminary plan accompanied by a copy of the completed application FORM "B."

4.1.2 Contents

The preliminary plan shall be drawn on tracing paper with pencil at a suitable scale and two prints shall be filed at the office of the Planning Board and one print at the office of the Board of Health. Said plan shall be identified as a preliminary plan and shall show the proposed names of roads or ways as well as all information described under the definition of the preliminary plan so as to form a clear basis for discussion of its problems and for preparation of the definitive plan. During discussion of the preliminary plan, the complete information required for the definitive plan (Section 4.2.2 Contents) and the financial arrangements (Section 4. 2.7 Performance Guarantee) will be developed.

4.1.3 Approval

The Planning Board may give such preliminary plan its approval, with or without notification. Such approval does not constitute approval of a subdivision.

4.2 Definitive Plan

4.2.1 General

Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

- A. An original drawing of the definitive plan and three contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- B. A properly executive application FORM C (See Appendix).
- C. Application fee of the amount specified in the fee schedule from the Town Clerk, payable to the Town of Richmond, to cover the cost of advertising and notices and inspections by the Planning Board.

The applicant shall file by delivery or Certified Mail a notice with the Town Clerk, stating the date of submission for such approval and accompanied by a copy of the completed application FORM C.

4.2.2 Contents

The definitive plan shall be prepared by a professional civil engineer and land surveyor, registered in Massachusetts and shall be clearly and legibly drawn with India ink on linen, tracing cloth or polyester film. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The definitive plan shall contain the following information:

- A. Subdivision name, boundaries, north point, date, scale.
- B. Names and addresses of Record Owner, Subdivider and Engineer or Surveyor
- C. Names of all abutters as they appear on the most recent tax list.
- D. Lines and widths of existing and proposed roads, ways, easements and public or common areas within the subdivision and the approved names of proposed roads.
- E. Boundary lines, areas and dimensions of all proposed lots, designed numerically and in sequence.
- F. Sufficient data to determine the location, direction and length of every road and way line, lot line and boundary line and to establish these lines on the ground.
- G. Location of all permanent monuments, properly identified as to whether existing or proposed.
- H. Location, names and present widths of roads bounding, approaching or within reasonable proximity of the subdivision.
- I. Indication of the purpose of easement and/or restrictions.
- J. Suitable space to record the action of the Planning Board, Board of Health and Town Clerk.

NOTE: The following items may be submitted on separate sheets

- K. Existing and proposed topography at a suitable contour interval, unless this is waived by the Planning Board.

- L. Location of flood hazard areas, wetlands and groundwater recharge areas, if any. Any plan of a subdivision in a flood plain district, as delineated in the Town's Zoning By-Law, greater than ten (10) lots or five (5) acres, whichever is lesser, shall provide base flood elevation data.
- M. Overall plan for drainage of surface water, including plans and specifications for the control of erosion and sedimentation of both temporary and permanent nature if such controls are deemed necessary by the Planning Board.
- N. Directly above or below the layout plan of each road, a profile showing existing and proposed grades along the centerline and sidelines of that road, together with figures of elevation at the top and bottom of all even grades and at twenty five (25) foot intervals along all vertical curves. Intersecting roads shall be clearly indicated on the profile. The horizontal scale of the profiles shall be forty (40) feet to one inch and vertical scale shall be four (4) feet to one inch. Only one road plan and profile shall be drawn on a sheet, except by permission of the Planning Board.
- O. Location and species of trees intended for preservation within the road rights-of-way.
- P. Any other information pertaining to the natural characteristics of the site that may be needed in the opinion of the Planning Board or of the Board of Health for determination of the suitability of the land for the purposes proposed shall be furnished at the applicant's expense.

4.2.3 Impact Statement/Erosion Control

A. Impact Statement

Any land subdivision plan consisting of ten or more lots must be accompanied by an impact statement which details the probable effects of the proposed subdivision on the following matters:

1. Increases in vehicular traffic on adjacent public ways;
2. Demands on public services and utilities;
3. Attendance at public schools;
4. Changes in surface drainage in surrounding areas, including estimated increase in peak runoff caused by altered surface conditions and methods to be used to return water and ground water;
5. The cumulative effect of sewage disposal methods on the quality of the supplies of surface water and ground water;
6. Disturbance to other aspects of the natural ecology;
7. Harmony with the character of surrounding developments;

B. Erosion and Sedimentation Control Plan

Every land subdivision plan shall be accompanied by a plan for control of erosion and sedimentation, prepared by a professional engineer and shall include the following:

1. A plan map, showing property lines, wetlands, stream courses, water bodies, location of areas to be stripped of vegetation, location of areas to be regraded and contour data, including existing and proposed grades;
2. A schedule of operations to show the sequence and timing of major improvement phases such as clearing, grading, paving, installation of drainage features and the like;
3. Seeding, sodding or revegetation plans and specifications for all unprotected or unvegetated areas;
4. A map, showing the location, design and timing of structural sediment-control measures such as diversions, waterways, grade stabilization structures, debris basins and the like;
5. The calculations used in designing erosion-control structures;
6. A description of procedures to be followed to maintain sediment-control measures including the manner in which sediment removed from control structures will be disposed of;

The performance bond required for improvements in connection with the proposed subdivision may be required to be sufficient to cover the costs of accomplishing the erosion and sedimentation-control measures.

Performance standards shall conform to those described in the "Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts", (USDA, Soil Conservation Service, 1975).

4.2.4 Plan Approval by Board of Health

- A. At the time of filing of the definitive plan, the subdivider shall also file with the Board of Health two contact prints of the definitive plan, dark line on white background. The Board of Health shall, within forty five (45) days after filing of the plan, report to the Planning Board and applicant, in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health and include such report and, where possible, shall make recommendations for the adjustment thereof.
- B. The Board of Health may approve the plan on condition that, prior to the issuance of a building permit for a dwelling on any lot, soil and percolation tests be made as to suitability of a specific location for subsurface sewage disposal installation in compliance with the state Sanitary Code.

- C. Based on the recommendation of the State Department of Public Health or the Town's Board of Health where, due to restrictive water, soil, topographic, geologic or other existing conditions, the proposed development is of a density which exceeds the sustaining capacity of the proposed lots in terms of individual sewage-disposal systems and wells on each lot, the Planning Board may require that the developer revise his plan to provide either:
 - 1. A consolidated water-supply system, or
 - 2. A consolidated sewage-disposal system, or
 - 3. An increase in lot size so that individual wells and sewage-disposal systems may have adequate areas in which to function properly on the same lot.

- D. The Board of Health may require as a condition of subdivision approval that a performance bond or deposit of money or negotiable securities be furnished by the subdivider to guarantee the construction of surface-drainage improvements recommended by the Board of Health and that all required improvements shall be made without undue erosion, siltation of flooding of traveled ways and without causing any condition of public nuisance through dust or surface drainage, or any act of negligence by the subdivider or his agents during the periods of construction. Such performance guarantee may be released only after completion of the work to the satisfaction of the Board of Health. In viewing possible drainage problems, the Board of Health is not limited to lots as shown on the subdivision plan, but may, in appropriate cases, consider areas outside the proposed subdivision.

- E. Land subject to flooding and wetland areas as shown on the Richmond Zoning Map, or land deemed by the Board of Health not suitable for building sites shall not be approved by the Planning Board for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard. Such land within the proposed subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall be improved in a manner satisfactory to the Planning Board and the Board of Health to remedy said hazardous condition.

4.2.5 Plan Review

Pursuant to Chapter 593, Acts of 1989, when reviewing a definitive plan for approval, the Board may determine that the assistance of outside professional expertise and/or consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts.

The Board may require that applicants pay a review fee consisting of the reasonable costs incurred by the Board for the employment of outside professional expertise and/or consultants engaged by the Board to assist in the review of an application.

In hiring outside professional expertise and/or consultants, the Board may engage engineers, planners, lawyers, urban designers, regional planning agencies or other appropriate professionals who are qualified and capable of assisting the Board in analyzing a project to ensure compliance with all relevant laws, by-laws and regulations.

All consultants selected by the Board must meet minimum qualifications consisting of: A) an educational degree in or related to the field at issue from a recognized public or private college or university, or B) three or more years of practice in the field at issue or a related field.

The selection made by the Board shall be recorded with the office of the Town Clerk within five business days of the Board's final selection(s).

Funds received by the Board pursuant to this selection shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Representative fee schedules are available from the Town Clerk.

If review funds charged are insufficient to cover the costs of outside professional expertise and/or consultant review, the Board may require the applicant to pay an additional review fee to cover these costs, provided these costs are reasonable and directly related to the project undergoing review.

Expenditures from this special account may be made at the direction of the Planning Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects from which a review fee has been or will be collected from the applicant.

Failure of an applicant to pay a review fee shall be considered an incomplete application and, therefore, not allow the application to go forward.

Review fees may only be spent for services rendered in connection with the specific project for which they were collected. These services shall include, but not necessarily be limited to, project reviews, document reviews and project-related inspections. Accrued interest may also be spent for this purpose.

If the outside consultant review begins and expenses are generated prior to the filing of a formal administrative appeal, all such expenses up to the time of appeal shall be paid out of the special account for that particular project.

At the completion of the Board's review of a proposed project, or at a time determined at the submission of the application, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest.

A final report of the status of said account shall be made available to the applicant or the applicant's successor in interest.

For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation that legally establishes this succession in interest.

Any applicant may take an administrative appeal from the selection of the outside professional, expert and/or consultant to the Board of Selectmen.

The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications.

Any applicant aggrieved by a selection of an outside consultant may appeal to the Board of Selectmen, provided that such appeal is entered within seven days after such selection has been made, as recorded in the office of the Town Clerk. An appeal will not be considered valid unless it is formally filed with the Office of the Town Clerk, with a copy given to the Board of Selectmen.

The applicant should notify the Planning Board of its intention to seek a waiver at the earliest possible time in the review and consultant selection process. If the applicant fails to sign and/or file a formal waiver of appeal, this action will be then viewed as an intention to appeal on the part of the project applicants. Failure to inform the Planning Board of such intention of appeal may result in the delay of start-up of the town outside review services.

In acting on an administrative appeal, the Board of Selectmen may determine that:

- A. A conflict of interest does exist and/or the consultant does not meet the minimum qualifications. Therefore, the Planning Board must select another consultant, or
- B. A conflict of interest does not exist and/or the consultant does meet the minimum qualifications. Therefore, the selection made by the Planning Board stands.

The required time limit for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal, beginning from the date of filing of such appeal.

In the event that no decision is made within one month (30 days) following the filing of the appeal, the selection made by the Planning Board shall stand.

4.2.6 Public Hearing

- A. Before approval of the definitive plan is given, a public hearing shall be held by the Planning Board. Notice of such hearing shall be given by the Planning Board at least fourteen (14) days prior thereto by advertisement in a newspaper of general circulation in the Town, once in each of two(2) successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing or, if there is no such newspaper in the Town, then by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan appearing on the most recent tax list.
- B. The applicant and his engineer and surveyor shall be present at the public hearing.
- C. A hearing by the Conservation Commission may be required under the provisions of the Wetlands Protection Act, Chapter 131, and Section 40 of the General Laws.

4.2.7 Performance Guarantee

Before endorsement of the Planning Board's approval of a definitive plan of a subdivision, the subdivider shall agree to complete the required improvements specified in Section 6 for any lots in a subdivision.

Approval of the plan by the Planning Board may be made subject to condition that such approval shall automatically rescind after a period of time set by the Planning Board unless all required improvements as specified in these regulations and in the recommendations of the Board of Health have been completed within that period of time.

The construction and installation of required improvements shall be secured by one, or in part by one and in part by the other, of the following methods, which may, from time to time, be varied by the applicant.

A. Approval with Bond or Surety

The subdivider shall file either a performance bond or a deposit of money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all or any part of the improvements specified in Section 6 not covered by a covenant under B below.

Such bond or security, if filed and deposited, shall be approved as to form and manner of execution by the Town Counsel and shall be contingent on the

completion of such improvements within the period of time specified by the Planning Board. If the required improvements are not completed within the set period of time, the Planning Board may require an estimate of the cost of the remaining work, increase the amount of the performance bond and establish a new date for the completion of said improvements. Failure of the developer to complete the improvements within the set period of time 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 bond.

B. Approval with Covenant

The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways, services and improvements as specified in Section 6, not covered by bond or deposit under A above, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

4.2.8 Reduction of Bond or Surety

The penal sum of any such bond, or the amount of any deposit held under 4.2.7 A above may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by the Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.

4.2.9 Release of Performance Guarantee

A. Upon the completion of improvements required under Section 6, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider may orally request and agree upon terms of release with the Planning Board, or he shall send by certified mail to the Town Clerk a written statement in duplicate that the said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance to the requirements contained under Section 6, such statement to contain the address of the applicant and the Town Clerk shall forthwith furnish a copy of said statements to the Planning Board. If the Planning Board determines that said construction or installation has not been completed, it shall specify in a notice sent by certified mail to the applicant and to the Town Clerk, the details wherein said construction and installation fails to comply with the requirements under Section 6. Upon failure of the Planning Board to act

within forty five (45) days after receipt by the Town Clerk of the applicant's said statement, all obligation under the Bond shall cease and terminate by Operation of Law and Deposit shall be returned and any such covenant shall become void. In the event that said 45 day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

- B. Before the final release by the Planning Board of the Town's interest in a performance bond, deposit or covenant, the applicant shall file with the Board a Certificate (FORM F) by a registered Massachusetts professional civil engineer and land surveyor declaring that streets, storm drains and all other construction on the ground has been properly completed in accordance with plans approved by the Board.

4.2.10 Certificate of Approval

- A. The action of the Planning Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery of mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board, but not until a statutory twenty-day (20) appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Notice of Appeal to the Superior Court and provided further that other conditions of approval, if a part of the Board's action, are transmitted or corrected to the satisfaction of the Board.

- B. Approval of the definitive plan does not constitute the laying out or acceptance by the Town of streets within a subdivision, nor does it indicate in any way compliance with the provisions of the Wetlands Protection act, Chapter 131, Section 40 of the General Laws.

4.2.11 Submission of Documents

Easements and bond and/or covenant shall be submitted within twenty (20) days from the date of approval of the definitive plan to the Planning Board, which then shall submit the documents to the Town Counsel for approval as to form and legality.

4.2.12 Filing of Plans in Registry of Deeds or Land Court

Approval of all subdivisions is subject to the condition that, unless an appeal has been taken from such approval as provided by statute, the subdivider will record the subdivision plan in the Berkshire Middle District Registry of Deeds, or the Land Court, within six (6) months from the date of its approval and furnish a copy of the recorded plan to the Planning Board. If the applicant delays recording of such plan past the required six-month (6) period, such plan shall not be accepted for recording by the Registry of Deeds or Land Court unless and until it has endorsed thereon, or recorded therewith and referred to thereon, a certificate of the Planning Board, or the Town Clerk, dated within thirty (30) days of such recording that the approval has not been modified, amended or rescinded, nor the plan changed. Such certificate shall, upon application, be made by the Board or the Town Clerk; unless the records of the Board or the Town Clerk receiving the application show that there has been such modification, amendment, rescission or change.

SECTION 5 – DESIGN STANDARDS

5.1 Streets or Roads

5.1.1 Location and Alignment

- A. All roads in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the road layout, in order to obtain the maximum livability and amenity of the subdivision. Curvilinear street design will be encouraged.
- B. The proposed roads shall conform, so far as practicable, to the master or study plan as adopted in whole or in part by the Planning Board.
- C. Provision, satisfactory to the Planning Board, shall be made for the proper projection of roads or for access to adjoining property, which is not yet subdivided, if deemed necessary by the Board.
- D. Reserve strips prohibiting access to roads of adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- E. Street jogs at road intersections with centerline offsets of less than 125 feet should be avoided.
- F. The minimum centerline radii of curved roads shall be 100 feet. Greater radii may be required for principal roads.

- G. Roads shall be laid out so as to intersect as nearly as possible at right angles. No road shall intersect any other road at less than sixty (60) degrees.
- H. Property lines at road intersections shall be rounded or cut back to provide for a curb radius of not less than twenty (20) feet.
- I. Cross (four-cornered) road intersections shall be avoided where possible, with the exception of arterial road crossings.
- J. All ways shown on a preliminary plan shall be named in pencil and shall have names rather than numbers or letters (such as "First Street" or "Avenue A") and shall, unless waived by the Planning Board, avoid using the term "Street." Names shall be substantially different from names of other ways in Richmond or nearby communities.

5.1.2 Width

The minimum width of a road right-of-way shall be as follows: minor street, forty (40) feet; collector street, fifty (50) feet; major street, sixty (60) feet. Greater width may be required by the Planning Board, when deemed necessary due to anticipated vehicular traffic or other considerations.

5.1.3 Grade

Grades of roads shall be not less than 0.5%. Grades shall not be more than 5.0% for major streets, nor more than 8.0% for minor or collector streets. The grade of a road within fifty (50) feet of a road intersection shall not exceed 1.0% to provide a level area for traffic safety.

5.1.4 Dead-End Roads

- A. Dead-end roads shall not be longer than 500 feet, unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.
- B. Dead-end roads shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet and a property line diameter of at least 115 feet.

- C. At the end of dead-end roads, the Board may require the reservation of an easement twenty (20) feet wide to provide for the continuation of pedestrian traffic and/or utilities.

5.1.5 Energy Conservation

To the maximum practicable extent, the road layout and traffic pattern shall be such as to facilitate building orientation for maximum solar access and to minimize travel distances for both residents and service vehicles.

5.2 Easements

- 5.2.1 Easements for utilities across lots or centered on rear of side lot lines shall be provided where necessary and shall be at least twelve (12) feet wide.

- 5.2.2 Where a subdivision is traversed by a water course, drainage way, channel or stream the Planning Board may require that there be provided a storm-water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water course, drainage way, channel or stream and to provide for construction or other necessary purposes.

5.3 Open Spaces

Before approving of a plan, the Planning Board may also in proper cases require the plan to show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. Planning Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three years.

5.4 Protection of Natural Features

Due regard shall be shown for all natural features such as large trees, stone walls or fences, water courses, scenic points, historic spots and similar community assets which, if preserved, will add attractiveness and value to the subdivision. The developer shall make every attempt to adapt his subdivision to the site with a minimum of cutting and filling operations and shall take whatever protective measures are needed to control erosion, siltation and flooding along drainage ways and adjacent lands

SECTION 6 – REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

6.1 Roads and Rights-of-Way

- 6.1.1 The entire area of each road right-of-way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation. No trees may be preserved within eight feet of the edge of the traveled way.
- 6.1.2 The full length and width of the traveled way shall be excavated or filled, as necessary, to a depth of at least fifteen (15) inches below the finished surface as shown on the profile, where paving is to be applied; or to a depth of at least twelve (12) inches below the finished surface as shown on the profile where paving is to be applied.
- 6.1.3 All parts of the traveled way shall have a base consisting of at least twelve (12) inches of well-compacted gravel to a width of at least twenty four (24) feet, to be located centrally within the road right-of-way. At each side, there shall be a shoulder, also consisting of well-compacted binding gravel at least twelve (12) inches deep.

The gravel base shall consist of two layers. The first layer shall be eight inches thick, after compaction and shall contain no stones larger than four inches in any dimension and shall meet the gradations of subsection M 1.03.0 in the Massachusetts Department of Public Works “Standard Specifications for Highways and Bridges,” 1973 edition. The top layer shall be four inches thick, after compaction, and shall be processed gravel meeting the specifications of Subsection M 1.03.1 of the DPW’s “Standard Specifications” aforementioned.

Each layer of gravel shall be rolled with a self-propelled roller weighing not less than 10 tons and shall be compacted to the satisfaction of the Town Road Superintendent or other agent designated by the Planning Board.

- 6.1.4 In subdivisions with ten (10) or more lots, or the potential for such development, all roads shall be paved to a width of at least twenty four (24) feet in the following manner: over the completed gravel base specified above, a bituminous concrete mixture shall be applied by a paving machine in two courses, consisting of a binder or base course, one and one-half (1.5) inches thick after compaction, followed by a surface coat one and one-half (1.5) inches thick after compaction. All the paving is to be in conformity with the Massachusetts Department of Public Works’ specifications for type 1-1 bituminous concrete, both in quality of materials and methods of application. In no case shall the paving be laid until the gravel base has been compacted and written

approval of the completion of the base has been signified by the Town Road Superintendent or other agent designated by the Planning Board.

- 6.1.5 In subdivisions with fewer than ten (10) lots, depending upon probable traffic and proposed road grades, the Planning Board will consider proposals for road surfaces other than bituminous concrete for all roads or for portions of roads. For a road serving only several lots, a graveled way, prepared as in Section 6.1.3 above, could be deemed adequate by the Board. For roads serving as many as nine lots, alternate surfacing such as tar-and-grits, cold-mix asphalt or other low-dust and low-maintenance treatments will be considered by the Board upon preparation of appropriate technical data, subject, however, to approval and supervision of installation by the Town Road Superintendent or Agent designated by the Board. The provisions of Section 6.1.3 shall prevail for all subdivision roads whether paved or unpaved.
- 6.1.6 The subdivider shall repair any settlement or imperfections in the work done under Sections 6.1.3, 6.1.4 and 6.1.5 during a period of one (1) year from the date of final installation of paving or other surfacing.

6.2 Surface Drainage, Public Utilities in Flood Plain Districts

- 6.2.1 Adequate disposal of surface water shall be provided. Catch basins and culverts shall be built in conformity with specifications of the Selectmen on both sides of the roadway on continuous grades at intervals of not more than 400 feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets.
- 6.2.2 The subdivider may be required by the Planning Board to carry away, by pipe or open ditch, any spring or surface water that may exist previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width and shall be designed so as to prevent any erosion, siltation or flooding of traveled ways or adjacent property.
- 6.2.3 A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Selectmen or the Highway Superintendent shall approve the design and size of the culvert or facility, based on anticipated runoff from a "ten-year storm" under conditions of total potential development permitted by the zoning bylaw in the watershed.
- 6.2.4 The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. This study shall be reviewed by the Selectmen or the Highway Superintendent and, where it is anticipated that the additional runoff incident to the development of the subdivision will overload

any existing downstream drainage facility or cause erosion, siltation or flooding, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

- 6.2.5 Any proposed subdivision in a flood plain district, as delineated in the zoning bylaw, shall be designed to provide adequate drainage and minimize any potential flood damage. Public utilities and facilities in flood hazard areas shall be so located and constructed as to minimize or eliminate flood damage and avoid impairment from flood waters.

6.3 Utility Wires

- 6.3.1 All utility wiring and cables for television signals, as well as transformers and other distribution and control devices shall be buried in the ground unless, in the opinion of the Planning Board, estimates made by utility companies indicate that an unreasonable cost would be imposed on the subdivider.
- 6.3.2 Cables and utility wires, other than those going across roads and those leading directly to individual installations, shall be buried within the road right-of-way in a strip four (4) feet wide, running parallel to the edge of the right-of-way, unless soil or terrain require a different location. No wires or cables may be installed under the traveled portion of the right-of-way except where crossing a road, and there ducts must be used.
- 6.3.3 Copies of plans, showing the location of all buried pipes, wires and cables, are to be presented by the subdivider before any paving of roads is started. One copy is to be filed with the Planning Board, one with the Town Clerk and one with Selectmen.
- 6.3.4 If underground installation is found by the Planning Board to be unreasonably costly to the developer, all overhead cables and wires and related equipment shall be centered, as much as possible, on the rear or side lot lines, unless this provision is waived by the Board. Easements shall be provided as outlined in Section 5.2.

6.4 Monuments

- 6.4.1 Permanent monuments shall be installed at all road intersections, at all points of change in the direction or curvature of roads and at other points where, in the opinion of the Planning Board, permanent monuments may be necessary.

6.4.2 The permanent monuments shall be of 3,000-P.S.I. reinforced concrete and shall measure six (6) inches by six (6) in cross –section, shall be five (5) feet tall and shall have a suitable reference marker on the top of each.

6.4.3 No permanent monuments shall be installed until all construction that would destroy or disturb them is completed. The tops of monuments shall be set to the established grades, and backfill material shall be carefully placed around each monument and thoroughly tamped.

6.5 Road Name Signs

Posts with signs carrying the names of roads or other ways shall be installed at the beginning of all new ways and at the intersection of all ways, whether existing or proposed within a subdivision. There shall be at least one such sign and sign post at each intersection. Said signs and sign posts shall follow the specifications of the Selectmen.

6.6 Sidewalks and Curbing

The Planning Board may require construction of curbing and sidewalks on one or both sides of the streets, in accordance with specifications of the Selectmen.

6.7 Work Standards

Unless otherwise specified, all the work and materials used in the work to be done under these regulations shall conform to the requirements of “The Commonwealth of Massachusetts Department of Public Works Standard Specifications for Highways, Bridges and Waterways,” as most recently amended.

6.8 Grading and Construction Permit

Prior to the commencement of any work in a subdivision involving grading of land, construction of ways, or removal of ground cover, the subdivider or his agent shall file with the Planning Board an application for a Grading and Construction Permit, FORM G

6.9 Inspections

The Planning Board shall be notified by the subdivider prior to the commencement of each of the major phases of construction and as each phase is completed. It shall be inspected and approved by the Planning Board prior to starting work in the succeeding

phase. The Planning Board, in cooperation with the Selectmen, may designate the Town Highway Superintendent or any other qualified person as inspector for the construction done under these regulations, including the inspection of control measures employed and their effectiveness for the prevention of erosion and siltation.

6.10 Shade Trees

Unless at least two shade trees, of a species recommended by the Conservation Commission and having a diameter of at least one (1) inch at a point one (1) foot above the finished grade exist or can be preserved per lot, either within the road right-of-way or within twenty (20) feet of the edge of the right-of-way, the subdivider shall procure and plant at least two nursery grown shade trees per lot within twenty (20) feet of the edge of the right-of-way.

6.11 Topsoil, Grading, Drainage Ditches

Topsoil shall be placed to a depth of four (4) inches and thoroughly compacted on side slopes within the road right-of-way and over land exposed during grading operations. Grading shall be done carefully to avoid unnecessary damage to existing vegetation. Except when necessary to conform to road, driveway and drainage standards, or to eliminate blind intersections of poor sightlines at curves, major earth movements shall be avoided. Drainage ditches, wherever possible, shall be graded to resemble natural streams. Topsoil shall not be removed from the site except where so authorized by the Planning Board.

6.12 Seeding

To prevent erosion, shoulders and graded slopes shall be seeded on completion or planted with shrubs or similar approved landscape treatments recommended by the Conversation Commission. Seed and planting specifications shall be in accordance with Section H-3 or the standard specifications for highways and bridges of the Commonwealth. All new planting within the street right-of-way shall be with good nursery stock and will be subject to inspection after one (1) year. Trees, shrubs or grass found by the Board to be dead or in an unsatisfactory condition within one year from the time of planting may be required to be replaced by the developer.

6.13 Side Slopes

The slope of the area from right-of-way line to the finished grade of abutting lots shall not be greater than at the rate of one foot vertical to two feet horizontal. Wherever the approved street grade differs substantially from the grade of adjacent land, or where

otherwise necessary for public safety, the developer shall be required to erect retaining walls or guardrails of a type and size approved by the Planning Board.

6.14 Clean-Up

The entire area of the subdivision must be cleaned up so as to leave a neat and orderly appearance, free from debris and other objectionable materials. The subdivider shall be responsible for providing thoroughly clean and unsilted storm drain lines within the subdivision.

SECTION 7.0 - ADMINISTRATION

7.1 Variation

Strict compliance with the requirements of these rules and regulations may be waived by the Planning Board when, in the judgment of the Board, such action is in the interest of the public and is not inconsistent with the Subdivision Control Law.

7.2 References

For matters not covered by these rules and regulations, reference is made to Sections 81-K to 81-GG inclusive of Chapter 41 of the General Laws of Massachusetts and to the by-laws of the Town of Richmond.

7.3 One Dwelling Per Lot

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the Town without the consent of the Planning Board. Such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building in the same manner as otherwise required for lots within a subdivision.

FORM A

Application for a Determination of Planning Board Jurisdiction and for Endorsement that Planning Board Approval under Subdivision Control Law is not required

[File one completed form with the Planning Board and one copy with the Town Clerk]

TO THE PLANNING BOARD OF THE TOWN OF RICHMOND:

The undersigned, believing that the accompanying Plan of his property does not constitute a Subdivision within the meaning of the Subdivision Control Law, herewith submits said Plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

NAME OF APPLICANT _____

ADDRESS _____

PLAN PREPARED BY _____
(Registered Engineer or Land Surveyor)

ENTITLED _____

DATED _____

DEED OF PROPERTY RECORDED IN _____

BOOK _____ PAGE _____

LOCATION AND DESCRIPTION OF PROPERTY _____

(Continued on Reverse)

FORM A (Cont'd.)

Applicant believes that Planning Board's approval is not required for the following reasons:

1. The division of land shown on the accompanying Plan is not a subdivision because every lot shown thereon has the frontage, area and depth required by the Zoning By-Law of the Town and is on a public way, namely, _____, which was approved under the Subdivision Control Law as a Subdivision entitled:

or

2. The land shown on the accompanying Plan is not a Subdivision for the following reason(s):

Signature of Applicant

Address

.....
Accepted, this _____ Day of _____, 20_____,

As duly submitted under the Rules and Regulations of the Planning Board:

PLANNING BOARD OF RICHMOND

BY _____

Plan Endorsed By _____

For the Planning Board under Date of _____

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

[File one completed form with the Planning Board and one copy with the Town Clerk]

TO THE PLANNING BOARD OF THE TOWN OF RICHMOND

1. The undersigned applicant, being the owner of all land included within a proposed Subdivision shown on the accompanying Plan, entitled _____
_____ and drawn by _____
and dated _____ 20_____, submits such Plan as a Preliminary Plan of the proposed Subdivision and makes application to the Board for approval thereof.

2. The land within the proposed Subdivision is subject to the following easements and restrictions: _____

3. The owner's title to the land is derived under deed from _____
_____,
Dated _____ 20_____, and recorded in Berkshire District Registry of Deeds, Book _____,
Page _____; or Land Court Certificate of Title No. _____, registered in Berkshire Land Registry District, Book _____, Page _____

(Continued on Reverse)

FORM B (Cont'd.)

4. The location of the land is _____

5. The names and mailing addresses of all abutters to this land are as follows.

[List on a separate sheet, if necessary]



Accepted this _____ day of _____, 20_____, as duly
submitted under the Rules and Regulations of the Planning Board.

PLANNING BOARD OF RICHMOND

By _____

Applicant's Signature _____

Applicant's Mailing Address _____

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

*[File on completed form with the Planning Board ad one copy with the Town Clerk.
Where alternative paragraphs are provided, applicant is to select and complete the
paragraph pertinent to his case]*

TO THE PLANNING BOARD OF THE TOWN OF RICHMOND

1. The undersigned applicant, being the owner of all land included within a proposed subdivision shown on the accompanying Plan, entitled _____ and dated _____, 20_____, and prepared by _____, _____, Massachusetts registered (Engineer) (Surveyor), Registration No. _____, Submits such Plan as a Definitive Plan of the proposed subdivision and makes application to the Board for approval thereof.
2. The land within the proposed subdivision is subject to the following easements and restrictions:

3. There are appurtenant to the land within the proposed subdivision, the following easements and restrictions over the land of others:

(Continued on Reverse)

FORM C (Cont'd.)

4. A Preliminary Plan of the proposed subdivision was discussed by the Board on _____, 20____.

The modifications recommended at this meeting have been incorporated into the accompanying Plan.

5. The applicant agrees, if the Definitive Plan is approved, to construct and install all improvements within the proposed subdivision required by the Rules and Regulations of the Planning Board as in force on the date of this application and as modified and supplemented by the work specifications and other requirements of the Selectmen and recommendations of the Board of Health.
6. The applicant further agrees to complete all said required improvements within two years from the date of approval of the Definitive Plan by the Planning Board, unless a different period of time is set as a condition for approval of the Plan.
7. The applicant further agrees, if this application is approved, to file with the Planning Board within 20 days of such approval, a Bond in Form Satisfactory to the Board and conditioned on the completion of all required improvements in the time and manner prescribed, in a penal sum sufficient, in the opinion of the Board, to cover the cost of such work and executed by the applicant as Principal and a Surety Company authorized to do business in the Commonwealth and satisfactory to the Board as surety, or secured by the deposit with the Town Treasurer of money or negotiable securities, satisfactory to the Board, in an amount equal to the penal sum of the Bond.

OR

(As an alternative to the above agreement) the applicant requests the Board to approve the Definitive Plan on condition that no lot in the subdivision shall be sold

(Continued on Next Page)

FORM C (Cont'd.)

and no building shall be erected or placed on any lot until the required improvements specified are constructed and installed so as to serve the lots adequately.

- 8. The applicant further agrees, if this application is approved, to cause the Definitive Plan of the subdivision to be recorded in the Registry of Deeds within six months of such approval.
- 9. The owner's title to the land is derived under deed from

Dated _____, 20_____, and recorded in

Registry of Deeds, Book _____, Page _____, or

Under Land Court certificate of Title No. _____

- 10. The names and mailing addresses of all the abutters of this land are as follows (use a separate sheet if necessary):

Applicant

Address

Accepted this _____ day of _____, 20_____

As duly submitted under the Rules and Regulations of the Planning Board

PLANNING BOARD OF RICHMONJD

By _____

Fee of \$ _____ Received _____, 20_____

By _____

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FORM D

COVENANT

The Undersigned, _____

Of _____, hereinafter called the
"Covenanter," having submitted to the Planning Board of Richmond, Massachusetts, a
Definitive Plan of a Subdivision, entitled _____

Dated _____ Made by _____

Does hereby covenant and agree with said Planning Board and the successors in office of such Board, pursuant to the General Laws, Chapter 41, Sec. 81U, as amended that;

1. The covenanter is the owner of record of the premises shown on said Plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenanter and their successors in title to the premises shown on said Plan;
3. The construction of ways and the installation shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;

(Continued on Reverse)

FORM D (Cont'd.)

4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision Plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said Plan;
6. Reference to this covenant shall be entered upon said Plan and this covenant shall be recorded when said Plan is recorded.

The Undersigned _____

Of the covenant hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and, insofar as is necessary, release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this _____ Day of _____, 20_____

COMMONWEALTH OF MASSACHUSETTS

_____ SS _____, 20_____

Then personally appeared _____

and acknowledged the foregoing instrument to be _____

a free act and deed before me

Notary Public

FORM E

COVENANT RELEASE

Richmond, Massachusetts, _____, 20_____

The undersigned being a majority of the Planning Board of the Town of Richmond, Massachusetts, hereby certify that the requirements for work on the ground called for by the covenant dated _____, 20_____, and recorded in Berkshire District Registry of Deeds, Book _____, Page _____, (or registered in _____ Land Registry District as Document No _____, and Noted on Certificate of Title No. _____ in Registration Book _____, Page _____) have been completed to the satisfaction of the Planning Board as to the following enumerated lots shown on Plan entitled _____, recorded with said Deeds, Plan Book _____, Plan _____, (PR Registered in said Land Registry District, Plan Bok _____, Plan _____) and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said Plan as follows:

(Continued on Reverse)

FORM E (Cont'd.)

_____ Majority of the Planning

_____ Board of the Town of

_____ RICHMOND

COMMONWEALTH OF MASSACHUSETTS

_____ SS _____, 20_____

Then personally appeared _____, one of the above named members of the Planning Board of the Town of Richmond, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me,

Notary Public

My Commission Expires _____

FORM F

CERTIFICATE OF PERFORMANCE

_____, 20____

TO THE PLANNING BOARD OF THE TOWN OF RICHMOND;

I hereby certify that the required improvements for the following described subdivision have been constructed and conform in all respects to the Rules and Regulations of the Planning Board and the recommendations of the Board of Health and the specifications of the Board of Selectmen.

SUBDIVISION NAME (Or Plan Title) _____

Dated _____

Name of Subdivider _____

Road Name(s) _____

Stations _____ To _____

Civil Engineer

Land Surveyor

Address

Address

Registration Number & Seal

FORM G

APPLICATION FOR A GRADING AND CONSTRUCTION PERMIT

DATE _____

TO THE PLANNING BOARD OF THE TOWN OF RICHMOND

The undersigned applicant, being the owner of all land included within the
_____ subdivision shown on the accompanying Plan, entitled

Prepared by _____

Dated _____ and approved by the Planning Board

On _____, hereby makes an application for a Grading and Construction Permit, which work will be carried on in the subdivision beginning on or about _____ in accordance with the Plans approved by the Planning Board and all applicable subdivision Rules and Regulations and Recommendations of the Board of Health regarding the drainage of surface water and control of erosion and sedimentation, both of temporary and permanent nature.

The extent of loss of ground cover in the subdivision and the lots affected by the grading and construction operations, including any private driveways, are as indicated on the accompanying map.

In accordance with the provisions of Section 6.8 of the Subdivision Rules and Regulations, the applicant agrees to notify the Planning Board of the completion of each major

(Continued on Reverse)

FORM G (Cont'd.)

phase of construction and proceed with the next phase only after approval of the completed work by the Planning Board

Signature of Applicant

Address

GRADING AND CONSTRUCTION PERMIT

Subdivision _____

The applicant is hereby authorized to proceed with grading and construction and installation of the required improvements in the above-named subdivision in accordance with the Subdivision Rules and Regulations of the Planning Board, Recommendations of the Board of Health and conditions of Plan approval by the Planning Board in phases as indicated below.

DATE _____

PLANNING BOARD OF RICHMOND

AUTHORIZED SIGNATURE