

RULES AND REGULATIONS

GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF

EDGARTOWN, MASSACHUSETTS



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Adopted under the Subdivision Control Law
MGL Chapter 41, Sections 81K – 81GG inclusive.

RULES AND REGULATIONS
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¹ As amended by the Planning Board on November 19, 2013

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The following rules and regulations have been duly adopted by the Planning Board of the Town of Edgartown pursuant to Massachusetts General Laws, Chapter 41, Sections 81K through 81 GG, inclusive (the Massachusetts Subdivision Control Law, so-called, hereinafter referred to as the “subdivision control law”).

SECTION 1. GENERAL

1.01 Purpose

As stated in Massachusetts General Laws, Chapter 41, Section 81M: “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 subdivisions 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 adequate access to all of the lots in a subdivision by 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 ensuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provision for water, sewerage, drainage, underground utility services, fire, police and other similar municipal equipment, and street lighting 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 a city or town in which it is located and with the ways in neighboring subdivisions. Such powers may also be exercised with due regard for the policy of the commonwealth to encourage the use of solar energy and protect the access to direct sunlight of solar energy systems. It is the intent of the subdivision control law that any subdivision plan filed with the planning board shall receive the approval of such board if said plan conforms to the recommendation of the board of health and to the reasonable rules and regulations of the planning board pertaining to subdivisions of land; provided, however, that such board may, when appropriate, waive, as provided for in section eighty-one R, such portions of the rules and regulations as is deemed advisable.” M.G.L. c. 41, § 81M.

1.02 Authority

Under the authority vested in the Planning Board of the Town of Edgartown by Section 81Q of the subdivision control law, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Edgartown.

1.03 Definitions

- a. Applicant shall mean either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common or in tenancy by the entirety, including corporations, limited liability companies and partnerships. An agent, representative, or his assigns may act for the owner or owners, provided that written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.”³
- b. Preliminary Plan’ shall mean a plan of a proposed subdivision or resubdivision 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; (g) the names and approximate location of adjacent streets; (h) and the topography of the land in a general manner.
M.G.L. c. 41, § 81L
- c. Subdivision’ shall mean the division of a tract of land into two or more lots and shall include resubdivision, 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 within 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 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 land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, 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 above set forth, 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 the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.” M.G.L. c. 41, § 81L

³ As amended by Planning Board vote on February 16, 1999.

1.04 Plan Believed Not to Require Approval (Form A)

“Any person wishing to cause to be recorded a plan of land situated in a city or town in which the subdivision control law is in effect, who believes that his plan does not require approval under the subdivision control law, may submit his plan to the planning board of such city or town in the manner prescribed in section eighty-one T [of the subdivision control law], and, if the board finds that the plan does not require such approval, it shall forthwith, without a public hearing, endorse thereon or caused to be endorsed thereon by a person authorized by it the words “approval under the subdivision control law not required” or words of similar import with appropriate name or names signed thereto, and such endorsement shall be conclusive on all persons.” M.G.L. c. 41, § 81P.

Any such plan shall be prepared by an engineer or registered land surveyor and shall be clearly and legibly drawn in black India ink or its equal. Plan sizes shall be a minimum of eight and one-half inches by eleven inches (8½” x 11”) and a maximum of twenty-four inches by thirty-six inches (24” x 36”). Plans for endorsement shall be on linen or polyester film, single matte with a thickness of .003 mils, and must have an opacity so as to allow consistent diazo and microfilm production. Each plan shall have three quarter inch (¾”) borders. The minimum letter size on plans shall be one-eighth inch (1/8”) if free-hand lettering is used and one-tenth inch (1/10”) if lettering guides are used. Each plan shall include a graphic scale and shall have an area reserved to receive planning board recitation or a surveyor’s certification as per M.G.L. c. 41, § 81X. Each such plan submitted to the Edgartown Planning Board shall be accompanied by a Form A application (see Appendix hereto) and a \$150.00 Filing Fee⁴, along with evidence sufficient to show that the plan does not require approval. Every person submitting a plan of land to the planning board of a city or town for its determination that approval is not required shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such a plan. If the notice is given by delivery the clerk shall, if requested, give a written receipt therefor to the person who delivered such notice. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land; and the facts stated in such notice shall be taken by the city or town clerk as true, unless the contrary is made to appear. M.G.L.c. 41, § 81T.

On plans showing non-buildable areas of land, these areas shall be denoted as parcels rather than lots and a notation shall be made that “Parcel ___ is not a separate buildable lot in and of itself without further review and approval by the Edgartown Planning Board under M.G.L. c. 41, the Subdivision Control Law.”⁵

For annotated plans to be submitted to the Land Court, a separate covenant shall be submitted with the application to the Planning Board. The covenant shall reference the plan and list the notations in a form so as to encumber the parcel proposed for division in

⁴ As amended by Planning Board vote on September 24, 1996.

⁵ Id.

perpetuity. The covenant submitted to the Planning Board shall be endorsed by the landowner and be in recordable form acceptable to the Planning Board and to be endorsed by the Planning Board. The covenant shall be recorded at the Dukes County Registry of Deeds or the Dukes County Registry District of the Land Court, as applicable, within 14 days of endorsement of the plan.⁶

If the Planning Board determines that the plan does not require approval, it shall without a public hearing and without unnecessary delay, endorse on the plan the words “Approval under the Subdivision Control Law not required.”

The Planning Board may add to such endorsement a statement of the reason approval is not required. The plan will be returned to the applicant, and the Planning Board shall notify the Town Clerk of its action.

If the Planning Board determines that the plan does require approval under Subdivision Control Law, it will so inform the applicant and return the plan. The Planning Board will also notify the Town Clerk of its action.

The day of the next regular Board meeting shall be considered to be the date of submission for plans believed not to require approval. If the Planning Board fails to act upon a plan submitted under this section within twenty-one (21)⁷ days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application.

1.05 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 submitted and approved by the Planning Board as provided herein.

This shall also include all parcels of land which fall under Section 81FF of the Subdivision Control Law.

1.06 Application Filing Fees⁸

The fees for application to the Planning Board, to be paid by the applicant at the time of filing, are as follows:

Approval Not Required (Form A)	\$150
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⁶ As amended by Planning Board vote on September 24, 1996.

⁷ As amended by Planning Board vote on November 19, 2013.

⁸ As amended by Planning Board vote on September 24, 1996.

Approval Not Required (Form A) Land Court plus filing fee to record the covenant set forth in § II.B.¶ 4.	\$150
Preliminary Subdivision Plan (Form B)	\$ 75
Definitive Subdivision Plan (Form C) plus \$100 per lot	\$250
Definitive Plan Modification	\$100
Special Permit, Commercial	\$250
Special Permit, Residential	\$175 ⁹
Special Permit, Planned Unit Development plus \$50/Unit	\$175
Special Permit Modification	\$100
Site Review	\$ 75 ¹⁰

1.07 Advisory Committee for Subdivision Review

There shall be established an Advisory Committee for Subdivision Review, consisting of the following membership:

- The Chairman of the Planning Board or his representative
- One Representative of the Board of Selectmen
- One Representative of the Board of Health
- One Representative of the Edgartown Water Department
- One Representative of the Edgartown Fire Department
- One Representative of the Edgartown Police Department
- One Representative of the Town Conservation Commission
- One Representative of the Town Tax Assessor's Office
- One Representative of the Wastewater Commission
- The Town Counsel

The Planning Board may, at its discretion, call a meeting of either the entire Advisory Committee or any constituent members thereof, for the purpose of reviewing any subdivision with regard to the various and respective functions which may require greater scrutiny. While only the Planning Board is permitted to rule on a subdivision, the recommendations of the Advisory Committee and/or its constituent members shall be taken into account. The Planning Board may refer a subdivision to the Advisory Committee at any time in the application process, including at the time of submission of a preliminary plan.

SECTION 2. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

2.01 Preliminary Plan – Procedures & Requirements (Form B)

⁹ As amended by Planning Board vote on November 19, 2013.

¹⁰ Id.

It is required for a non-residential subdivision and optional for a residential subdivision that a Preliminary Plan be submitted by the Subdivider to the Planning Board and to the Board of Health for discussion and tentative approval, modification, or disapproval by each board.¹¹ The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Health, the Subdivision Advisory Committee and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. A properly executed application Form B (see Appendix B) and a \$75 filing fee¹² shall be filed with the Preliminary Plan submitted to the Planning Board. The day of the next regular Planning Board meeting shall be considered to be the date of submission.

2.02 Contents – Preliminary Plan

- a. The Preliminary Plan shall be drawn at a suitable scale and filed with two copies at the office of the Planning Board. While it is not necessary that this Preliminary Plan be prepared by an engineer or surveyor, the Preliminary Plan must be in conformance with the standards outlined in Section 2 hereof. Accordingly, consultation with an engineer or surveyor prior to submittal is recommended. The purposes of the Preliminary Plan are well served if the Subdivider submits a sketch which shows the information described under the Section 2 definition of “Preliminary Plan” so as to provide a clear basis for discussion of any issues presented, for preparation of the Definitive Plan (Section 2.05 Contents), and for assessment of the financial arrangements (Section 2.08 Performance Guarantee) to be required. An example of a Preliminary Plan is available at the office of the Planning Board.
- b. For subdivisions of land in excess of five acres or where six or more lots are to be created, an **Impact Statement** containing as many of the thirteen items outlined below as deemed appropriate by the Planning Board will be required for the Definitive Plan. Discussion of the Preliminary Plan will develop most of this information. Providing as much of this information as possible at the time of submission of the Preliminary Plan will be helpful to the Planning Board. However, only items 1a) and 13 must be included with Preliminary Plan.
 - 1) Population changes
 - a) Increase in legal residents
 - b) Peak seasonal population
 - c) Estimated educational requirements
 - 2) Increase in vehicular traffic
 - 3) Provision of housing for Town residents and for persons of low and moderate income, if any;
 - 4) Increases in various municipal service costs such as trash pickup, police protection, road maintenance, street lighting and other costs, where applicable, and estimated increased assessed valuation;

¹¹ As amended by Planning Board vote on February 16, 1999.

¹² As amended by Planning Board vote on September 24, 1996.

- 5) Estimated increase in ground water consumption and/or utilities whose capacity may be strained as a result of the development in question;
- 6) Natural drainage patterns and design of man-made system, if any;
- 7) Estimated solid waste generated by the development;
- 8) Soil types and drainage characteristics and levels of ground water;
- 9) Areas where scrub or forest vegetation cover is to be removed;
- 10) Adequate design provisions to guard against pollution of the water supply;
- 11) Pre-determination of scenic vistas existing on the property as well as the view from the chief adjacent thoroughfare(s);
- 12) Harmony with the character of the surrounding development;
- 13) Open space to be set aside, if any.

2.03 Approval – Preliminary Plan

The Planning Board may give such Preliminary Plan its approval, with or without modification. Such approval does not constitute approval of a subdivision. Action shall be taken by the Planning Board within 45 days.¹³

2.04 Definitive Plan – Procedures & Requirements

The procedures and requirements for submission and approval of a Definitive Plan allow the Planning Board, the Advisory Committee for Subdivision Review, the Board of Health, abutters and the town in general to review the proposed subdivision as provided by MGL Chapter 41 Section 81K-81GG. Although optional for residential land, this process is usually expedited by a prior submission of a Preliminary Plan. 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 executed application Form C (see Appendix C)
- c) A filing fee of \$250 plus \$100 per lot.¹⁴

2.05 Contents of Definitive Plan

The Definitive Plan shall be prepared and stamped by a Massachusetts registered engineer and land surveyor and shall be clearly and legibly prepared on matte finish mylar. The Plan shall be at “a scale of one inch equals 100 (one hundred) feet” or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed 24”x 36”. The Plan shall be on linen or polyester film, single matte with a thickness of .003 mils, and must have an opacity so as to allow

¹³ As amended by Planning Board vote on February 16, 1999.

¹⁴ As amended by Planning Board vote on September 24, 1996.

consistent diazo and microfilm production. Each plan shall have three quarter inch (3/4") borders. The minimum letter size on plans shall be one-eighth inch (1/8") if free-hand lettering is used and one-tenth inch (1/10") if lettering guides are used. 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, and zoning classification.
- b. Name and address of the owner of record, subdivider, engineer and surveyor and his registration stamp.
- c. Names of all abutters and their assessor parcel numbers as they appear in the most recent tax lists.
- d. Lines of existing and proposed streets, ways, lots, easements, utilities and public or common areas within the subdivision. The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board.
- e. Sufficient data to determine the location, direction and length of every street and wayline, lot line, and boundary line, and to establish these lines on the ground.
- f. Location of all permanent monuments properly identified as to whether existing or proposed.
- g. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- h. Indication of purpose of easements.
- i. Land or streets proposed for dedication to the Town of Edgartown or other body.
- j. Suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person) and reference to covenants if required.
- k. Existing and proposed topography at a suitable contour interval if required by the Planning Board.
- l. If required by the Planning Board, existing profiles on the exterior lines and proposed profile on the center-line of proposed streets at a horizontal scale of one inch equals forty feet and vertical scale of one inch equals four feet, or such other scales acceptable to the Planning Board. All elevations shall refer to the Town datum.
- m. Proposed layout of storm drainage, water supply, and sewerage disposal systems including pipe lengths and diameters.
- n. A study and evaluation of the environmental impact of the subdivision as defined in Section 2.02.b).
- o. Base flood elevation (the level of the 100-year flood) data shall be provided for proposals greater than 50 lots or 5 acres, whichever is the lesser, for that portion within the Flood Plain District.
- p. Overlay district boundaries and setbacks as adopted by the zoning bylaws.

2.06 Review by the Board of Health as to Suitability of the Land

At the time of the filing of a 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 days after filing of the plan, report to the Planning

Board in writing, approval or disapproval of said plan. Referral to the Subdivision Advisory Committee, or any components of same, may occur at this stage. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, areas shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefore in such report, and, where possible, shall make recommendations for the adjustment thereof.¹⁵ Every lot (so located that it cannot be served by a connection to the municipal sewer system) shall be provided with a cesspool or septic tank and drain field satisfactory to the Board of Health.

2.07 Approval, Modification or Disapproval¹⁶

a. Public Hearing¹⁷

Before any action on the Definitive Plan is taken, a public hearing shall be held by the Planning Board. Notice of such hearing and a subdivision plot plan shall be published by the Planning Board in a newspaper of general circulation in each of two consecutive weeks, the first notice to be at least 14 days prior to the public hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.

b. Planning Board Decision

After the public hearing, following receipt of the Board of Health report or lapse of forty-five (45) days without such report, and within ninety (90) days with a preliminary plan or one hundred and thirty-five (135) days with no preliminary plan after the submission of the definitive plan to the Planning Board, the Board shall vote to either:

- 1) approve the plan if it complies with the subdivision control law, the rules and regulations of the Planning Board, and the recommendations of the Board of Health; or
- 2) modify and approve the plan if it does not so comply; or
- 3) disapprove the plan, stating in detail wherein the plan does not conform to the rules and regulations of the Planning Board or the recommendations of the Board of Health.

The time period for final action may be extended by written agreement between the Board and the applicant which shall be filed with the Town Clerk.¹⁸

2.08 Performance Guarantee

¹⁵ M.G.L. c. 41, § 81U.

¹⁶ As amended by Planning Board vote on February 16, 1999.

¹⁷ Id.

¹⁸ As amended by Planning Board vote on February 16, 1999.

Before approval of a Definitive Plan of subdivision, the subdivider shall agree to complete the required improvements specified in Section 4 hereof for any lots in a subdivision, such construction and installation to be secured by one, or in part by another, of the following methods which may from time to time be varied by the applicant:

a. Final approval with bonds or surety

The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section 4 not covered by a covenant under “b” hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to the sureties by the Selectmen and shall be contingent on the completion of such improvements within two years of the date of the bond.

b. Final 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 and services specified in Section 4, not covered by bond or deposit under subpart “a,” hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

c. Final approval with agreement after recording of first mortgage

The subdivider shall deliver to the planning board of an agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant by the lender, which agreement shall be executed by the applicant and the lender and shall provide for the retention by the lender of funds sufficient in the opinion of the planning board and otherwise due the applicant, to secure the construction of ways and the installation of municipal services. Said agreement shall also provide for a schedule of disbursements which may be made to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any funds remaining undisbursed shall be available for completion.¹⁹

2.09 Reduction of Bond or Surety

The penal sum of any such bond, or the amount of any deposit held under subpart “a” above, or any amount of funds retained pursuant to an agreement under subpart “c” above, may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said 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.

¹⁹ M.G.L. c. 41, § 81U.

2.10 Release of Performance Guarantee

Upon the completion of improvements required under Section 4, 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 on terms of release with said Planning Board and shall send by registered mail to the Town Clerk and the Planning Board a written statement that the said construction or installation in connection with which such deposit, bond, or covenant has been given and has been completed in accordance with the requirements contained under Section 4, such statement to contain the address of the applicant. If the planning board determines that said construction or installation has been completed, it shall release the interest of the town in such bond and return the bond or the deposit to the person who furnished the same, or release the covenant by appropriate instrument, duly acknowledged, which may be recorded. If the board determines that said construction or installation has not been completed, it shall specify in a notice sent by registered mail to the applicant and to the clerk of the city or town the details wherein said construction or installation fails to comply with its rules and regulations and upon failure so to do within forty-five (45) days after the receipt by said clerk of said statement all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such covenant shall become void. In the event that said forty-five (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 said clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.²⁰

2.11 Certificate of Approval

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 or registered 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 original drawing of the Definitive Plan by the signatures of the majority of the Definitive Plan by the signatures of the majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Planning Board with three prints thereof.

Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

²⁰ M.G.L. c. 41, § 81U.

SECTION 3. DESIGN STANDARDS

3.01 Streets and Paths

3.01.1 Location and alignment

- a. All streets, pedestrian paths and bicycle paths in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular and pedestrian travel. Due consideration shall also be given by the subdivider to the attractiveness of layout in order to obtain the maximum livability and amenity of the subdivision and town. Rigid geometric street layouts are discouraged. A system of paths for pedestrians and/or bicyclists which does not necessarily follow the streets is encouraged as a means of increasing safety and enjoyment and for reducing traffic.
- b. The proposed streets and paths shall conform, as far as practicable, to a Master or Study Plan (or portions thereof) in existence or adopted at the time of the subdivision application.
- c. Provision satisfactory to the Planning Board shall be made for the proper projection of streets and paths, or for access to adjoining property which is not yet subdivided.
- d. Reserve strips prohibiting access to streets or 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 with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
- f. The minimum center line radii of curved streets shall be one hundred (100) feet for major streets, and sixty (60) feet for minor streets.
- g. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.
- h. Property lines at right of way intersections shall be rounded so that the rights of way meet on a curve with not less than a thirty (30) foot radius.
- i. The Highway Department may at any time propose changes in street specifications to the Planning Board.

3.01.2 Width

- a. The minimum width of street rights of way shall be no less than forty (40) feet for major streets and thirty (30) feet for minor streets. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular traffic.

- b. The minimum width of the rights of way for pedestrian or bicycling paths shall be five (5) feet. A greater width may be required by the Planning Board based on local conditions or present and future use.

3.01.3 Grade

- a. Grades of streets shall be not less than 0.5%. Grades shall be not more than 6.0% for principal streets and not more than 12.0% for secondary streets.

3.01.4 Dead-end streets

- a. Dead-end streets shall not be longer than five hundred (500) feet, unless, in the opinion of the Planning Board, a greater or lesser length is necessitated by topography or other local conditions.
- b. Dead-end streets shall be provided at the closed end with turnarounds (and in some cases with intermediate turnarounds) having sufficient space and configuration for a vehicle thirty (30) feet in length to turn around. Examples of possible configurations are turnarounds with a 60' radius and hammerheads of 60' length with rounded edges and a 30' curve.
- c. When the Planning Board approves a dead-end road longer than five hundred (500) feet, it may require that provisions be made in rights of way design, roadway design, and/or covenants or other means for intermediate turnarounds (as described in "b" above).
- d. When the Planning Board approves a dead end street longer than five hundred (500') feet, it may require that at the closed end provisions be made for:
 - 1) An easement to an abutting street outside the subdivision to be exercised in the future and if and when there are appropriate legal agreements to do do, and
 - 2) A properly designed "crash gate" to provide for emergency vehicle access while protecting the private road from illegal public access.²¹

3.02 Easements

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

²¹ As amended by the Planning Board vote on February 16, 1999.

3.03 Open Spaces

Before approval of a plan the Planning Board shall 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 and not unreasonable in area in relation to the area of land being subdivided and to the prospective uses of such land, and if so determined said board shall by appropriate endorsement on the plan require that no building be erected upon such parks or parks without its approval for a period of not more than three (3) years without its approval.²² So as to avoid impedance of vehicular traffic caused by development facing directly along main roads, the Planning Board may also require linear greenbelts in developments along major thoroughfares, with the house lots fronting along side access roads rather than along said major thoroughfares.

3.04 Protection of Natural Features

- a. Due regard shall be shown for the topography and all natural features such as large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.
- b. If development plans call for extensive moving of soil or gravel, with related grading, or if extensive excavation is planned, then the work involved and proposed improvements must be explained in detail at the time of initial application.

SECTION 4. REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION

4.01 Streets and Roadway

- a. The roadway of each street or way shall be cleared of all stumps, brush, roots, boulders, and like material.
- b. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.
- c. All roadways shall be brought to a finished grade which shall conform to the profiles on the Definitive Plan when such profiles have been required. A minimum of six inches on top will consist of a well compacted binding material, approved by the Planning Board's Agent. This roadway shall be finished to a width specified by the Planning Board, which width shall be at least eight (8) feet for each lane of traffic and for each pull-off it is to contain to be located, in so far as practicable, centrally within the street right of way. Other widths may be required when deemed necessary. The shoulder and slopes shall be a minimum of two (2) feet on either side of the roadway, loamed, graded and seeded.

²² M.G.L. c. 41, § 81U.

- d. When deemed necessary by the Planning Board the completed surface shall be paved for the full width of a roadway with a two course bituminous concrete pavement, Type I, Applied with a one and one-half (1½”) inch (after compaction) base course and a acceptance by the town shall be paved according to the standards in this section. No paving shall be done with frost in the ground or from November 15th- April 1st, or when the air temperature is below forty-five (45°) degrees Fahrenheit, except with written authorization from the Planning Board Agent.
- e. Until such time as the town accepts the road, full and proper maintenance will be the responsibility of the developer or the collective body of lot owners.

4.02 Utilities

- a. Sewer pipes and related equipment such as manholes and connecting Y’s shall be constructed in conformity with the engineering specifications put forward by the Wastewater Commission. When The Planning Board finds that the subdivision lies within a reasonable distance of existing water and sewer systems (or systems under construction) the developer must connect each individual lot with the available facility(-ies), and must do so at his expense and in accord with any town regulations or Planning Board specifications.
- b. Adequate disposal of surface water shall be provided, whether natural or man-made. Any catch basins and/or leaching fields required shall be built to engineering specifications put forth by the Planning Board and shall provide sufficient drainage for fifty-year storm capacity.
- c. Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve each individual lot on each street in the subdivision in conformity with specifications of the proper local agency, when the subdivision lies within a reasonable distance of existing water systems and the Planning Board determines that they should be connected to it.
- d. The underground installation of utilities in a subdivision shall be mandatory in all subdivisions except when in the opinion of the Planning Board this requirement may be waived.
- e. All utilities shall be installed with the appropriate connections to the edge of the road layout for each lot and tested before paving.

4.03 Pedestrian Ways and Sidewalks

- a. Pedestrian ways and/or bicycle paths shall be cleared of all vegetation which would inhibit walking or bicycling. Application of hardening materials or paving may be required according to specifications of the Planning Board.

- b. Sidewalks shall be constructed in conformity with specifications of the Highway Department or Planning Board when such sidewalks are deemed necessary by the Planning Board for the proper improvement of the land and the safety of pedestrians.

4.04 Street Trees

- a. Requirements
The subdivider may be required to plant trees on the planting strip on any street in the proposed subdivision wherever there are no existing woodlands. When required, not less than one tree for each lot shall be provided, nor shall the distance between each tree be more than fifty feet.
- b. Specifications
Before the trees are planted a plan showing their proposed location and species shall be submitted to the Planning Board for study and recommendation, and the Board may prohibit the planting of certain species that are subject to pests, disease, or susceptible to the damage of salt spray, or which might eventually tend to become nuisances because of their roots growing in sewers, water mains and in other similar utilities.

4.05 Monuments

Monuments shall be installed at all street intersections, at all points of change of direction or curvature of streets and at other points where, in the opinion of the Planning Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the proper local agency and shall be set according to such specifications. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

4.06 Cleaning up Operations

The developer is prohibited from leaving piles of dirt and gravel, cut vegetation, excess lumber or any other waste material resulting from the subdivision of land, including materials from related construction of any kind. Proper reduction or removal of the material or agreement to do so must be carried out as a condition of approval.

4.07 Street Lights

The installation of street lights may be required when the Planning Board deems they are necessary for the safety of the inhabitants in the neighborhood.

SECTION 5. INSPECTION AND TESTING

5.01 General

All work performed as a consequence of these Rules and Regulations shall be subject to the review of the Planning Board, which shall approve and accept or disapprove and reject each phase or portion of such work and at completion shall recommend the acceptance of all work or disapproval of work with reasons therefor.

5.02 Planning Board Agent(s)

The Board may designate an agent or agents for the inspection of the work to insure compliance with these Rules and Regulations and to report to the Board his/her recommendations as to the approval or disapproval of the work. The Planning Board Agent will make certain inspections as prescribed herein in order to check the adequacy of the work at various stages prior to such work being covered by subsequent work. The Board, its Agent, and such other persons as the Board may designate shall have the right to inspect the work at any time. The applicant shall at all times provide safe and convenient access to all parts of the work for inspection by the Board or its authorized agents.

5.03 Disapproved Work

All work which has been disapproved or is not acceptable to the Board shall be removed and replaced or otherwise corrected to the point of complying with the requirements of the Board for acceptance. Any work which has been covered by subsequent work prior to acceptance or is otherwise not available or obscured to the point of rendering inspection of the work difficult shall be considered to be not acceptable to the Board. Such subsequent work shall be removed as directed by the Planning Board Agent to insure availability of the work to be inspected as required herein. The release of the performance guarantee shall depend upon the acceptance of all work prescribed herein and on the Definitive Plan as directed by the Board.

5.04 Inspection

At points as further described hereinafter, the construction of the required improvements shall be inspected by the board's authorized agent(s), and unless approval of the completed work, including approval of materials used, to each such point has been given in writing, no further work shall be commenced.

5.05 Inspection Procedures

The Board will notify the applicant of the name and address of the Agent(s) designated as its representative to perform the inspections as required herein and otherwise act as the Board's agent to insure compliance with these Rules and Regulations. The applicant shall keep the Agent fully informed as to the status and progress of the work and shall notify the Agent directly in writing, at least twenty-four (24) hours in advance, that the work has progressed to a stage that an inspection is required. In the event that the Agent is unable for twenty-four (24) hours after the work is ready to make such inspection or examination, the applicant shall notify the Chairman or Clerk of the Board to such effect, who will designate an alternate to make such inspection and shall so notify the applicant.

5.06 Additional Inspections

If the Planning Board Agent makes an inspection of the work at the time designated and finds that such work is not at the proper state of completion or that the work has been covered or otherwise obscured, the Agent shall notify the applicant and the Board as to the additional steps the applicant shall take to complete the work to the point required or to the extent the work shall be uncovered or exposed to full view. The applicant shall be liable for all costs and fees incurred by the Board as a result of requests by the applicant for an inspection of the work which, in the opinion of the Board, was not at an acceptable stage of completion for such inspection.

5.07 Lines and Grades.

The Planning Board Agent will advise the Board at any time during the construction if, in his opinion, he believes that the work has not been laid out to the lines and grades as shown on the Definitive Plan.

5.08 Inspections: See Form N Inspection Check List (Appendix F)

1. First Inspection

An Inspection will be made of the work upon completion of all clearing, grubbing and excavation and all work incidental thereto as may be required or implied by the Board's Rules and Regulations or shown on the Definitive Plan. No fill shall have been placed at the time of this inspection.

2. Second Inspection

An inspection will be made of the completed drainage system (without backfill) as required or implied by the Board's Rules and Regulations or shown on the Definitive Plan. At the same time, or such other time as the work may be available, an inspection will be made of the completed utility installations (without backfill) as required or implied by the Board's Rules and Regulations or shown on the Definitive Plan. The inspection of the required services will be made by the agency responsible for the particular service.

Backfill of any portion of the drainage system, utility installations or other services shall not be made until after receipt of notification or approval or acceptance by the Planning Board, its Agent, or responsible agency.

3. Third Inspection

An inspection will be made of the compacted fill required to bring the roadways to their proposed grades. The applicant shall notify the Planning Board Agent as to his/her source of material for fill as soon as such information is known.

4. & 5. Fourth and Fifth Inspections

An inspection will be made of the binder course and of the required finish course.

6. Sixth Inspection
An inspection will be made of the topsoil, curbing and sidewalks (where required) side slopes, monuments, bounds, road signs, paths, and planting of grass, trees and other vegetation.
7. Seventh Inspection
A final inspection will be made by the Planning Board of all subsequent work as required herein or as shown on the Definitive Plan, up to and including the final clean-up.

SECTION 6. ADMINISTRATION

6.01 Variation/Waivers

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

6.02 Reference

For matters not covered by these rules and regulations, reference is made to the Massachusetts Subdivision Control Law (M.G.L. c. 41, §§ 81K to 81GG, inclusive.)

6.03 Release of Lots and Building Permit

No building shall be permitted or erected until the subdivision plan has been officially released.

SECTION 7. TIME LIMITATION

The construction of the roads and the installation of municipal services required under these rules and regulations shall be completed within two years from the date of endorsement of the plan. At the discretion of the Board, an extension may be granted. The Planning Board may condition the approval of a plan such that failure to so complete the construction of roads and the installation of municipal services within the specified two-year period shall automatically rescind approval of the plan.²³

²³ As amended by Planning Board vote on February 16, 1999.

SECTION 8. APPENDICES²⁴

- A. Form A (ANR) application
- B. Form B (Preliminary Plan) application
- C. Form C (Definitive Plan) application
- D. Form F Covenant
- E. Form G Agreement for Deposit of Money
- F. Form N Subdivision Inspection Checklist
- G. Form O Certificate of Completion and Release of Municipal Interest

- H. Road Cross Sections
 - 1. Cross Section - Paved Road Base
 - 2. Cross Section – Unpaved Road Base

- I. Town of Edgartown - Zoning Maps²⁵
 - 1. Zoning of Edgartown (Total Town)
 - 2. B-1 Business District (Downtown)
 - 3. B-2 Business District (Upper Main Street)
 - 4. B-3 & B-4 Business Districts (Airport)
 - 5. Overlay District Maps (available on-line at www.edgartown-ma.us)



**Town of Edgartown
The Planning Board
P.O. Box 1065
Edgartown, MA 02539**

Tel: (508) 627-6170

Fax: (508) 627-6123

website: www.edgartown-ma.us

²⁴ As amended by Planning Board vote on November 19, 2013.

²⁵ As amended by Planning Board vote on July 7, 2009.

FORM A
APPLICATION FOR ENDORSEMENT OF PLAN
BELIEVED NOT TO REQUIRE APPROVAL

To the Planning Board of the **Town of EDGARTOWN, MA** Date: _____, 20 ____

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such 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 amount of frontage, area and depth required by the **Town of Edgartown** Zoning by-law and is on a public way, namely _____ or a private way, namely _____, or a private way in existence on **8/06/1973**, the date when the subdivision control law became effective in the **Town of Edgartown**, 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 land and the buildings erected or to be erected thereon, namely _____.
2. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely _____ which adds to /takes away from/changes the size and shape of, lots in such a manner so that no lot affected is left without frontage as required by the **Town of Edgartown** zoning bylaw under **Article 11.1**, which requires **50** feet.
3. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the plan prior to **8/06/1973** the date when the subdivision control law went into effect in the **Town of Edgartown** and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law is submitted as follows:

4. Other: _____

The owner's title to the land is derived under deed from _____ to: _____ dated _____, _____ and recorded in County of Dukes County Registry of Deeds, Book _____ Page _____ or Land Court Certificate of Title, No. _____ registered in _____ District Book _____, Page _____ and the **Town of Edgartown** Assessors' Book as Map _____ Lot(s) _____.

Town Clerk Stamp

Name on Plan _____
Owner's Signature _____
Applicant or Agent _____
Applicant's Address _____
Applicant's Telephone _____



Town of Edgartown
The Planning Board
P.O. Box 1065
Edgartown, MA 02539

Tel: (508) 627-6170
Fax: (508) 627-6123
website: www.edgartown-ma.us

FORM B
APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

To the Planning Board of the **Town of EDGARTOWN, MA** Date: _____, 20__

The undersigned being the applicant as defined under Chapter 41, Section 81-L, for approval of a PRELIMINARY subdivision plan shown on a plan entitled _____ by _____ dated _____, 20__ being land bounded as follows: Location _____ Number of lots proposed _____ total acreage of tract _____ hereby submits said plan as a PRELIMINARY plan in accordance with the Rules and Regulations of the Edgartown Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____ by deed dated _____ and recorded in the County of Dukes County District Registry of Deeds Book _____, Page _____ registered in the Dukes County Registry District of the Land Court. Certificate of Title No. _____ and said land is free of encumbrances except for the following:

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board in belief that the plan conforms to the Board's Rules and Regulations.

Town Clerk Stamp

Name on Plan _____
 Owner's Signature _____
 Applicant or Agent _____
 Applicant's Address _____

 Applicant's Telephone _____
 Applicant's Signature _____



_____ Board Stamp

**Town of Edgartown
 The Planning Board
 P.O. Box 1065
 Edgartown, MA 02539**

Tel: (508) 627-6170
 Fax: (508) 627-6123

website: www.edgartown-ma.us

Signature _____
 Janet Hathaway, Assistant
 Matt Poole, Agent

FORM C
APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

To the Planning Board of the **Town of EDGARTOWN, MA** Date: _____, 20__

The undersigned being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____ by _____ dated _____, 20__ being land bounded as follows: Location _____ Number of lots proposed _____ total acreage of tract _____ hereby submits said plan as a DEFINITIVE plan in accordance with the Rules and Regulations of the Edgartown Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____ by deed dated _____ and recorded in the County of Dukes County District Registry of Deeds Book _____, Page _____ registered in the Dukes County Registry District of the Land Court. Certificate of Title No. _____ and said land is free of encumbrances except for the following:

Said plan has [] has not [] evolved from a preliminary plan submitted to the Board on _____, 20__ and approved (with modifications) [] (disapproved) [] on _____, 20__.

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board in belief that the plan conforms to the Board's Rules and Regulations.

Town Clerk Stamp

Board of Health

Date Received _____

Signature _____
Janet Hathaway, Assistant
Matt Poole, Agent

Checklist of items to be submitted with the application:

1. ___ Form C application.
2. ___ Application fee:
Amount submitted \$ _____
3. ___ Original Plan: # sheets _____
4. ___ Copies of Plan: # copies _____
5. ___ Engineering information.

<p>Name on Plan _____</p> <p>Owner's Signature _____</p> <p>Applicant or Agent _____</p> <p>Applicant's Address _____</p> <p>Applicant's Telephone _____</p> <p>Applicant's Signature _____</p>
--



This list is only a recommendation. None of the above items can be required unless specifically required by the Rules and Regulations of the Town of Edgartown, Massachusetts.

**Town of Edgartown
The Planning Board
P.O. Box 1065
70 Main Street
Edgartown, MA 02539**

Tel: (508) 627-6170
Fax: (508) 627-6173

website: www.edgartown-ma.us
email: planningboard@edgartown-ma.us **ts**

FORM F
COVENANT

_____, 20 ____
Edgartown, Massachusetts

KNOW ALL MEN by these presents that the undersigned has submitted an application dated _____, to the Edgartown Planning Board for approval of a definitive plan of a subdivision of land entitled: _____, plan by: _____, dated: _____ and own _____, address: _____, land located: _____, and showing _____ proposed lots. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Edgartown, in the County of Dukes County approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of Edgartown as follows:

1. That the undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

** If there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner of record must sign the covenant.*

2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
 - a. The application for Approval of Definitive Plan (Form C).
 - b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
 - c. The certificate of approval and the conditions of approval specified therein issued by the Planning Board dated: _____.
 - d. The definitive plan as approved and as qualified by the certificate of approval.
 - e. Other document(s) specifying construction to be completed, namely:

However, 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 or convey any lot, subject only to that portion of this covenant which provides that no lot by sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigned of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released; and
5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
6. That the undersigned agrees to record this covenant with the County of Dukes County Registry of Deeds, forthwith, or to pay the necessary recording fees to the said Planning Board in the event the Planning Board shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; not later than three (3) years from the date of such deed, as provided in Section 81-U, Chapter 41, M.G.L.
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.

9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before _____ the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lots, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L. Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation, and

For title to the property see deed from _____, dated _____ recorded in County of Dukes County Registry of Deeds, Book _____, Page _____, or registered in _____ Land Registry as Document No. _____ and noted on certificate of title no. _____ in Registration Book _____, Page _____.

The present holder of a mortgage upon the property is _____ of _____ The mortgage is dated _____ and recorded in County of Dukes County Registry of Deeds, Book _____, Page _____, or registered in _____ Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

_____, spouse of the undersigned applicant hereby agrees that such interest as I, we, may have in the premises shall be subject to the provisions of this covenant and insofar as is necessary releases all rights of tenancy by the dower or homestead and other interests therein.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 20 _____.

Owner	
Spouse of Owner	
Mortgage	

Acceptance by a Majority of the
Edgartown Planning Board

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 20 _____
Then personally appeared before me the above named _____ and acknowledged the foregoing instrument to be _____ free act and deed.
(For Owner or Owners)

Signature of Notary

My commission expires: _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 20 _____
Then personally appeared before me the above named _____ and acknowledged the foregoing instrument to be _____ free act and deed.
(For Planning Board representative)

Signature of Notary



Town of Edgartown
The Planning Board
P.O. Box 1065
70 Main Street
Edgartown, MA 02539

My commission expires: _____

Tel: (508) 627-6170
Fax: (508) 627-6173

website: www.edgartown-ma.us
email: planningboard@edgartown-ma.us

FORM G
PERFORMANCE SECURED
BY DEPOSIT OF MONEY

(Date) _____
Planning Board, Town of Edgartown, Massachusetts

Agreement made this date between the Town of Edgartown and (name of applicant), hereinafter referred to as "the applicant" of (address of applicant) to secure construction of ways and installation of municipal services in the subdivision of land shown on a plan entitled: Plan of Land in Edgartown, Mass, Prepared for (name of subdivision) by (name & address of land surveyor/engineer/designer), (job no.) dated (date of plan + revisions) currently owned by (owner of record according to Assessors records), land located on (Street address or other identification of subdivision), Assessors' Map___ & Lot___ and showing (no. of lots) proposed lots.

KNOW ALL MEN by these presents that the applicant hereby binds and obligates himself, his or its executors, administrators, devisees, heirs, successors and assigns to the Town of Edgartown, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of (written & numerical amount of deposit) and has secured this obligation by depositing with the Treasurer of the Town of Edgartown a deposit of money in the above sum to be deposited in a subdivision escrow account in the name of the Town of Edgartown. The deposit of money is to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. Application for Approval of Definitive Plan (Form C), dated: (date of application);
2. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and dated August 6, 1973;
3. Conditions included in the Certificate of Approval issued by the Planning Board and dated (date of Planning Board decision);
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other document(s) specifying construction or installation to be completed, namely (specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a deposit of money)

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 (date construction and installation is to be completed as specified by the applicant), or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, the deposit of money including all interest accrued thereon shall be returned to the applicant by the Town of Edgartown 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 deposit of money may be applied in whole, or in part, by the Planning Board for the benefit of the Town of Edgartown to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this agreement. Any unused money and the interest accrued on the deposit of money will be returned to the applicant upon completion of the work by the Town; and

The Town of Edgartown acting by and through its Planning Board hereby agrees to accept the aforesaid deposit of money 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.

Duly executed as a sealed instrument this (day) of (month) , 20 ____ .

Duplicate copies sent to:
Applicant
Bank, Surety, Other
Planning Board
Town Treasurer
Town Board of Selectmen
By: _____ Date: _____

Town Clerk Stamp

Chairman

A majority of the Edgartown Planning Board

COMMONWEALTH OF MASSACHUSETTS

County of Dukes County, ss _____, 20 ____
Then personally appeared _____ one of the above named members of the Planning Board of Edgartown, Massachusetts and acknowledged the foregoing instrument to be (his/her) free act and deed before me.

My commission expires _____

Signature(s) of Applicant(s)

COMMONWEALTH OF MASSACHUSETTS

County of Dukes County, ss _____, 20 ____
Then personally appeared _____ one of the above named and acknowledged the foregoing instrument to be (his/her) free act and deed before me.

My commission expires _____



**Town of Edgartown
The Planning Board
P.O. Box 1065
70 Main Street
Edgartown, MA 02539**

Tel: (508) 627-6170
Fax: (508) 627-6173
website: www.edgartown-ma.us
email: planningboard@edgartown-ma.us

**FORM N
Subdivision Inspection Checklist**

NAME OF SUBDIVISION _____

NAME OF APPLICANT _____

LOCATION: Map & Lot # _____ Street Address _____

Subject	Signature of Agent	Date of Inspection
1. Clearing, Grubbing & Excavation of Right of Way		
2. Subgrade preparation		
3. Drainage (below grade) Installation		
4. Sanitary Sewers		
5. Utility Installation (without backfill)		
6. Water & Hydrants		
7. Sewerage		
8. Underground Utilities		
9. Utility Trench Backfill		
10. Gravel Base		
11. Curb Installation & Berms		
12. Binder Course		
13. Finish Course		
14. Sidewalks + Loam & Seed		
15. Street Trees and Planting		
16. Grass Strips/Side Slopes		
17. Street Lights		
18. Street Signs and Monuments		
19. Final Clean-Up		
20. Maintenance		



as and Regular

**Town of Edgartown
The Planning Board
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id in

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FORM O
CERTIFICATE OF COMPLETION &
RELEASE OF MUNICIPAL INTEREST
IN SUBDIVISION PERFORMANCE SECURITY

_____, 20____
 Planning Board, Town of Edgartown, Massachusetts

Subdivision or Applicant Name: _____
 Owner: _____
 Owner's Address: _____
 Applicant: _____
 Applicant's Address: _____
 Date of Application: _____
 Designer of Plan: _____
 Land Location: Street: _____ Assessors' Map _____ Lot # _____ .

Plan recorded: Dukes County Registry of Deeds in Case File # _____
 Plan registered: Massachusetts Land Court - Certificate of Title No. _____

Type of Performance Security:

- COVENANT, dated: _____
 Covenant Recorded: Dukes County Registry of Deeds, Book ____ Page ____
 Covenant Registered: Massachusetts Land Court, _____
- BOND, agreement dated: _____
 Surety Company: _____ Surety Address: _____
- DEPOSIT of money, agreement dated: _____ Account # _____
 Bank: _____ Bank address: _____
- Other Security, Letter of Credit agreement dated: _____

The undersigned, being a majority of the Edgartown Planning Board have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been fully and satisfactorily completed by the applicant in accordance with the Board's rules and regulations to service the following enumerated lots:

_____ .

Pursuant to Section 81-U of Chapter 41, M.G.L. and in consideration of completion of said construction and installation, the Town of Edgartown, a Massachusetts municipal corporation, acting through its Planning Board, hereby releases its interest in the performance security referred to above. Duly executed as a sealed instrument this _____ day of _____, 20 _____ .

Duplicate copies sent to: Applicant Bank, Surety, Other Planning Board Town Treasurer Town Board of Selectmen By: _____ Date: _____

Town Clerk Stamp

*Signatures of a majority of the
 Edgartown Planning Board*

COMMONWEALTH OF MASSACHUSETTS

County of Dukes County, ss _____, 20____
 Then personally appeared _____ one of the above named members of the Planning Board of Edgartown, Massachusetts and acknowledged the foregoing instrument to be (his/her) free act and deed before me.

My commission expires _____