

RULES AND REGULATIONS
GOVERNING THE SUBDIVISION
OF LAND IN
EGREMONT, MASSACHUSETTS

FORMS APPENDIX

(Adopted under the Subdivision Control Law,
Section 81-K to 81-GG inclusive
Chapter 41, G.L.)

Adopted: August 18, 1965

Revised: February 9, 1988

Revised: February 13, 2009

APPENDIX

- Form A - Application for Approval Not Required
- Form B - Application for Approval of Preliminary Plan
- Form C - Application for Approval of Definitive Plan
- Form D - Covenant ..
- Form E - Covenant Release
- Form F - Certificate of Performance
- Form G - Application for Grading and Construction Permit

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 EGREMONT:

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 _____

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

- 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, or a private 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 EGREMONT

By

Plan endorsed by _____
for the Planning Board under
date of

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 EGREMONT:

1. The undersigned applicant, being the owners of all land included within a proposed subdivision shown on the accompanying plan, entitled _____

and drawn by _____

and dated _____, _____, _____ 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 _____, 19 _____, 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 _____

4. The location of the land is

5. The names and mailing address 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 EGREMONT

By _____ -

Applicant's Signature _____ -

Applicant's Mailing Address _____ -

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and 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 EGREMONT:

1. The undersigned applicant, being the owner of all land included within a proposed subdivision shown on the accompanying plan, entitled

and dated _____ ' _____ , 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:

4. A preliminary plan of the proposed subdivision was discussed by the Board on _____ , 20

The modifications recommended at this meeting have been incorporated in 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 and no buildings 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 _____, 19 _____, 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 separate sheet if necessary):

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

PLANNING BOARD OF EGREMONT

By

Fee of \$ _____ received _____, 20

By _____

COVENANT

The undersigned

of _____ hereinafter

called the "Covenantor", having submitted to the Planning Board of Egremont, 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 said Board, pursuant to the General Laws, Chapter 41, Sec. 81U, as amended that:

1. The covenantor 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 covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of improvements to serve any lot shall be provided 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;
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
_____ free act and deed, before me

Notary Public

COVENANT RELEASE

EGREMONT, Massachusetts

The undersigned, being a majority of the Planning Board of the Town of EGREMONT, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated __ , 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 _____ (Preregistered in said Land Registry District, Plan Book _____ , Plan _____ and said lots are hereby released from the restrictions as to sale and building specified thereon.

Lots designated on said plan as follows:

Majority of the
Planning Board of
the Town of
EGREMONT

COMMONWEALTH OF MASSACHUSETTS

SS _____20

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

Notary Public

My Commission Expires

CERTIFICATE OF PERFORMANCE

20

TO THE PLANNING BOARD OF THE TOWN OF EGREMONT:

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

Registration Number & Seal

APPLICATION FOR A GRADING AND CONSTRUCTION PERMIT

Date 20

TO THE PLANNING BOARD OF THE TOWN OF EGREMONT

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 6.17 of the Subdivision Rules and Regulations the applicant agrees to notify the Planning Board of the completion of each major phase of construction, and proceed with the next phase only after approval of the completed work by the Planning Board.

Signature of Applicant

Address

APPLICATION FOR A 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 EGREMONT

Authorized Signature