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FORM A. APPLICATION FOR A DETERMINATION OF PLANNING BOARD JURISDICTION

Property Address: _____ Date: _____

The purpose of the plan is: _____

To the Planning Board of the Town of Charlton:

The undersigned wishes to record the accompanying plan and requests a determination 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:

(Separate paragraphs are used to indicate alternative provisions. The applicant should select and complete the paragraph or paragraphs pertinent to his case.)

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage required by the Charlton Zoning By-Law on a public way, namely, _____ Street.

2. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage required by the Charlton Zoning By-Law on a private way, namely, _____ Street, which was approved by the Planning Board on _____

3. The division of land shown on the accompanying plan is not a subdivision because _____ buildings were standing on the land on March 2, 1957, when the subdivision control law went into effect through the acceptance by the Town of the applicable statute, and one of such buildings remains standing on each of the proposed lots shown on said plan. The location of such buildings is shown _____ and evidence of their existence prior to said date is submitted herewith as follows: _____

4. The subdivision has the same validity as an approved subdivision because it is in accordance with a plan registered or confirmed by the Land Court prior to February 1, 1952, namely, on _____, 20____. Evidence of such registration or confirmation is submitted herewith as follows: _____

5. The division of land shown on the accompanying plan is not a subdivision for the following reasons:

Owner: _____

Applicant if not Owner: _____

Address: _____

NOTE: This application is not deemed to have been submitted until the following endorsement has been completed by a member or employee of the Planning Board.

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

CHARLTON PLANNING BOARD

By _____

FORM A-2. APPROVAL NOT REQUIRED

Date: _____

Town Clerk
Town of Charlton
Town Hall
Charlton, Massachusetts

RE: Application for a Determination of Planning Board Jurisdiction.

_____, Applicant

You are hereby notified that the Planning Board has determined that the plan submitted by the above applicant on _____, has been endorsed by the Planning Board as follows: "Charlton Planning Board Approval under Subdivision Control Law not Required."

CHARLTON PLANNING BOARD

By: _____

FORM A-3. APPROVAL REQUIRED

Date: _____

Town Clerk
Town of Charlton
Town Hall
Charlton; Massachusetts

Re: Application for a Determination of Planning Board Jurisdiction.

_____, Applicant

You are hereby notified that the Planning Board has determined that the plan submitted by the above applicant on _____, requires approval under the Subdivision Control Law.

CHARLTON PLANNING BOARD

By _____

Duplicate copy sent to:

Applicant

Address: _____

FORM B. APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

Date: _____

To the Planning Board of the Town of Charlton:

The undersigned, being the owner* of all land included within a proposed subdivision shown on the accompanying plan, entitled _____

and dated _____, submits such a plan on a preliminary plan showing in a general way the proposed subdivision of land, and makes application to the Board for approval thereof.

The owner's title to the land is derived under deed from _____, dated _____, and recorded in Worcester District Registry of Deeds, Book _____, Page _____, or under Certificate of Title No. _____, registered in Worcester Land Registry District, Book _____, Page _____

Applicant: _____

Address: _____

NOTE: This application is not deemed to have been submitted until the following endorsement has been completed by a member or employee of the Planning Board.

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

CHARLTON PLANNING BOARD

By _____

*If there is more than one owner, all must sign.

FORM C. APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

(Where alternative paragraphs are provided, applicant is to select and complete the paragraph pertinent to his case.)

Date: _____

To the Planning Board of the Town of Charlton:

1. The undersigned applicant, being the owner* of all land included within a proposed subdivision shown on the accompanying plan, entitled _____
_____ and dated _____, submits such plan as a definitive plan of the proposed subdivision and makes application to the Board for final 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 has not been submitted to the Board.

A preliminary plan of the proposed subdivision, to which the accompanying plan conforms, was approved by the Board on _____

A preliminary plan of the proposed subdivision was approved by the Board on _____, with modifications, which modifications 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 Charlton 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 Town Engineer, Board of Health, Sanitation Inspector, Superintendent of Streets, Conservation Commission, Chief of the Fire Department, and Tree Warden set forth in the statements attached hereto.
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 Board unless the Board specifies a different period of time.

7. It the definitive plan is approved, the applicant authorizes the Board, at the applicant's expense, to record or register the plan in Worcester Registry District and agrees that even if otherwise authorized to do so by the filing of a performance bond, the applicant will not sell or offer to sell any of the lots within the subdivision until said plan is so recorded or registered.
8. The applicant further agrees that if the definitive plan is approved, at any time thereafter and after the water mains and sewers are installed in the subdivision, the applicant, when requested to do so by the Board, will convey promptly to the Town, in form satisfactory to the Board, and at the applicant's expense, valid unencumbered title to said water mains and sewers and the prescribed easements there for.
9. The applicant further agrees that if the definitive plan is approved, at any time thereafter and after the streets and ways are completed in the subdivision, the applicant, when requested to do so by the Board, will convey promptly to the Town, in form satisfactory to the Board and at the applicant's expense, valid unencumbered title to said streets and ways, together with any appurtenant or related thereto.
10. The applicant further agrees that after final approval of the definitive plan and before endorsement of said plan by the Board, the applicant will cause to be filed with the Board a bond in form satisfactory to the Board, 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 by 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 cash or negotiable securities in an amount equal to the penal sum of the bond.

OR,

- The applicant further agrees that after final approval of the definitive plan and before endorsement of said plan by the Board, the applicant will cause to be filed with the Board a covenant, executed and to be duly recorded or registered by the owner of record at the time of the recording or registering of said plan, running with the land, whereby all improvements in the construction of ways and the installation of municipal services to serve any lot in the subdivision shown on the plan shall be provided before such lot may be built upon or conveyed, other than by mortgage deed, as provided for in the Subdivision Control Law under Section 81U of Chapter 41 of the General Laws.
11. The applicant further agrees to pay before the public hearing on this application the cost of publication, arranged by the Board, of the required notice of said hearing in a newspaper of general circulation in the Town
 12. The applicant further agrees to pay promptly, on request therefore by the Board, all expenses of the Board for engineering review, inspection of construction, recording, registering, and filing of documents, and all other expenses in connection with the application and the plan, including all fees and disbursements of counsel for the Board regarding the subdivision.

13. The applicant further agrees that should any person appeal to the Superior Court any decision of the Board or of the Board of Health as to the plan, under Chapter 41, Section 81BB of the General Laws or otherwise, and should the Board prevail as to the appeal (in the Superior Court or on appellate review), in whole or in part, the applicant; shall reimburse the Board for all expenses incurred by it on account of the appeal, including its counsel fees and disbursements.

14. This application is accompanied by a drawing of the complete proposed definitive plan, three prints thereof, a designer's certificate, and, if required, a topographical plan.

15. The owner's title to the land included within the proposed subdivision, is derived under deed from _____, dated _____, and recorded in Worcester District Registry of Deeds, Book _____, Page _____, or under Certificate of Title No. _____, registered in Worcester Land Registry District, Book _____, Page _____.

Applicant: _____

Address: _____

NOTE: This application is not deemed to have been submitted until the following endorsement has been completed by a member or employee of the Planning Board.

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

CHARLTON PLANNING BOARD

By _____

*If there is more than one owner, all must sign.

FORM C-1. APPLICATION FOR MODIFICATION OF APPROVAL OF DEFINITIVE PLAN

Date: _____

To the Planning Board of the Town of Charlton:

_____ hereby makes application for modification by the Board of its approval of the subdivision plan entitled _____, dated _____, recorded in Worcester District Registry of Deeds, Book _____, Page _____, or under Certificate of Title No. _____, registered in Worcester Land Registry District, Book _____, Page _____.

The modification requested is _____

(description)

The modification will also result in a change in lots _____ but the lots as changed will comply with the Charlton Zoning By-Law.

The reason for the request is _____

The applicant certifies that the undersigned is the owner* of all the land involved in the aforesaid requested modifications and that the only mortgagee of said land is _____, whose assent is noted hereon.

Applicant: _____

Address: _____

_____, as mortgagee of the land involved in the above-requested modification, hereby assents thereto.

By _____

*If there is more than one owner, all must sign.

FORM C-2. ASSUMPTION OF OBLIGATIONS BY SUBSEQUENT OWNER

By application dated _____, _____
applied to the Charlton Planning Board for definitive approval of a subdivision plan entitled
_____,
dated _____, prepared by _____ Registered
Professional Engineer Registration No. _____, and prepared by
_____, Registered Land Surveyor Registration No. _____

By Deed from said _____, dated _____, and
recorded in Worcester District Registry of Deeds on _____, as
Instrument No. _____, _____ acquired title to all
of the land included in the subdivision shown on said subdivision plan.

Now, therefore, in consideration of One Dollar to him in hand paid and other valuable
consideration, receipt whereof is hereby acknowledged, said _____ hereby
assumes to the Town of Charlton and agrees to perform all of the obligations of said
_____ as subdivider under the aforesaid application and under the Rules
and Regulations of the Charlton Planning Board.

Executed as a sealed instrument this _____ day of _____, 20____.

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. _____, 20____

Then personally appeared the above-named _____ and
acknowledged the foregoing instrument to be his free act and deed, before me.

Notary Public

My commission expires: _____

FORM D. DESIGNER'S CERTIFICATE

Date: _____

To the Planning Board of the Town of Charlton:

I hereby certify that the accompanying plan, entitled _____

and dated _____, is true and correct to the accuracy required by the Rules and Regulations of the Charlton Planning Board, and that all pertinent data are shown.

[Seal]

Registered Land Surveyor

Registration No. _____

[Seal]

Registered Professional Engineer

Registration No. _____

FORM E. PERFORMANCE BOND-SURETY COMPANY

KNOW ALL MEN BY THESE PRESENTS, that _____ of _____, as Principal, and _____, a corporation duly organized and existing under the laws of the Commonwealth (State) of _____, having a usual place of business at _____, Massachusetts, and duly approved or licensed to do business as surety on bonds in the Commonwealth of Massachusetts, as Surety, hereby bind and obligate themselves and their respective heirs, executors, administrators, successors and assigns, jointly and severally, to the Town of Charlton, a Massachusetts municipal corporation, in the sum of _____ Dollars.

The condition of this obligation is that if the Principal shall fully and satisfactorily observe and perform in the manner and in the time therein specified, all of the covenants, conditions, agreements, terms and provisions contained in the application signed by the Principal and dated _____ under which approval of a definitive plan of a certain subdivision, entitled _____, and dated _____, has been or is hereafter granted by the Charlton Planning Board, as well as all conditions, terms, and provisions in said approval by the Board voted _____, then this obligation shall be void; otherwise, it shall remain in full force and effect.

The Surety hereby assents to any and all changes and modifications that may be made of the aforesaid covenants, conditions, agreements, terms and provisions to be observed and performed by the Principal, and waives notice thereof.

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

Principal

By _____
(Title)

Surety

By _____
Attorney-in-Fact

FORM F. PERFORMANCE BOND-SECURED BY DEPOSIT

KNOW ALL MEN BY THESE PRESENTS, that _____
of _____ Massachusetts hereby binds and obligates himself/itself and
his/their executors, administrators, devisees, heirs, successors and assigns to the Town of
Charlton, a Massachusetts municipal corporation, in the sum of _____
Dollars, and has secured this obligation by the deposit with the Treasurer of said Town of
Charlton of said sum in money or negotiable securities.

The condition of this obligation is that if the under signed or his/its executors,
administrators, devisees, heirs, successors and assigns shall fully and satisfactorily observe and
perform in the manner and in the time therein specified, all of the covenants, conditions,
agreements, terms and provisions contained in the application signed by the undersigned and
dated _____, under which approval of a definitive plan of a certain
subdivision, entitled _____ and dated _____, has been or is hereafter
granted by the Charlton Planning Board, as well as all conditions, terms, and provisions in said
approval by the Board dated _____, then this obligation shall be void; otherwise, it shall
remain in full force and effect.

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this _____
day of _____, 20_____

FORM G. COVENANT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned has applied to the Charlton Planning Board for approval of a definitive plan of a certain subdivision entitled

_____ and dated _____, which is to be recorded (registered) herewith;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Charlton Planning Board approving said plan and in consideration of One Dollar (\$1.00) in hand paid, receipt whereof is hereby acknowledged, the undersigned hereby covenants with the Town of Charlton, a municipal corporation in Worcester County, Massachusetts, as follows:

1. The ways and services to serve any lot in said subdivision shall be installed and constructed in accordance with the rules and regulations of the Charlton Planning 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 such premises or part thereof may sell any such lot subject to the limitation that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on said subdivision plan or of all lots shown on such plan that have not been previously released by the Planning Board.
2. The undersigned represents and covenants that the undersigned is the owner in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages or encumbrances of record or otherwise of any of said land, except such as are noted below.
3. These covenants shall run with the land.

It is understood and agreed that lots within the afore said subdivision shall, respectively, be released from the foregoing covenants upon the recording of an instrument of release of such lots executed by a majority of said Planning Board and enumerating the specific lots being released.

For title, see deed from _____, dated _____, recorded in Worcester District Registry of Deeds, Book _____, Page _____, or registered in Worcester Land Registry District as Document No. _____, and noted on Certificate of Title No. _____, in Registration Book _____, Page _____

And, for consideration paid, _____, a banking corporation in _____ County, Massachusetts, the present holder of a mortgage upon the above-described land, which mortgage is dated _____, _____ and recorded in said Deeds, Book _____, Page _____, or registered in said Land Registry District as Document No. _____, and noted on Certificate of Title No. _____, in Registration Book _____, Page _____ hereby agrees to hold said mortgage subject to the

covenants set forth above and agrees that such covenants shall have the same status, force and effect as though executed and recorded before the taking of said mortgage.

IN WITNESS WHEREOF this instrument has been executed in the name and on behalf of said bank and the corporate seal affixed by _____, its _____, hereunto duly authorized this ____ day of _____, 20____.

By _____
(Title)

Executed as a sealed instrument this _____ day of _____, _____.

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. _____, 20____

Then personally appeared the above-named _____ and acknowledged the foregoing instrument to be his free act and deed, before me.

Notary Public

My commission expires: _____

FORM H. CERTIFICATE OF PARTIAL COMPLETION OF REQUIRED WORK

(One form shall be filed for each street in a subdivision)

Name of subdivision, _____

Date of Plan, _____, recorded in Worcester District Registry of Deeds, Book _____, Page _____, or filed in the Land Registration Office as Plan No. _____.

I hereby certify that the following items of work have been completed from Station _____ to Station _____, as shown on Sheet _____, entitled _____, of the subdivision named above, and that said items of work have been carried out in accordance with the specifications of the town agencies concerned in the Town of Charlton and with standard specifications for Highways and Bridges of the Massachusetts Department of Public Works.

1. Utilities

- a. Water, sewer and drain pipes have been installed, in accordance with the plan and profile design, and from grades established by transit level or equal, on batter boards by me.
- b. Water (and sewer), electric, telephone, and cable television connections for lots numbered _____ have been properly installed within the exterior lines of the streets.
- c. Water valves and hydrants, sewer manholes, drain manholes and catch basins with three foot sump, including granite inlet stones have been installed in the proper locations, and to the proper grades.
- d. Backfilling for all trenches has been properly compacted.
- e. Electric street lighting and light standards have been installed on each corner of each intersection of streets and/or ways, and on both sides of all streets, one pole per two hundred (200) feet of roadway, alternating from one side to the other.

2. Roadways

- a. The roadway has been constructed with the required foundation below the approved grades as shown on the profile and in accordance with the cross section referred to or shown on the plan.
- b. The roadway has been paved with bituminous concrete in accordance with the cross section referred to or shown on the plan.

3. Grass Plots and Slopes

- a. All areas between the exterior street lines and the edges of the roadways which are not occupied by approved sidewalks have been graded, rolled, loomed and seeded, in accordance with the cross section referred to or shown on the plan.
- b. All areas beyond the exterior street lines which were below or above the final grade of the land at the exterior street lines, have been sloped, rolled, loomed and seeded, in accordance with the cross section referred to or shown on the plan.

4. Sidewalks

All sidewalks, where required, have been constructed in accordance with the cross section referred to or shown on the plan.

5. Stone Bounds

Granite stone bounds have been set in bank gravel, at all angle points, at the beginning and end of all curves on the exterior street lines, at all intersections, and at other points as shown on the plan, and have been set to the final grades in accordance with the cross section referred to or shown on the plan.

6. Curbs

On all curbs having a radius of eighty five (85) feet or less at the street line, the gutter lines have been curbed with circular granite curbing, cut to fit the curve. On all curbs having a radius of more than eighty five (85) feet, up to and including a radius of one hundred fifty (150) feet, the gutter lines have been curbed with straight sections of granite curbing not more than six (6) feet long. The ends of each curve have been extended by a straight section of granite curbing not less than twelve (12) feet long.

7. Street Trees

Street trees, of a size and species approved by the Tree Warden, have been planted, at a distance beyond the exterior street lines specified by the Tree Warden, and at intervals of not more than seventy (70) feet.

8. Street Signs

Street signs, of a type commonly used on public ways in the Town, have been erected at the intersections of the streets within the subdivision as to each and every street which forms the intersection.

9. Cleaning Up

All temporary structures and all surplus materials and rubbish which have accumulated during the prosecution of the work have been removed.

Exceptions to the above work items, which have not been completed are as follows:

[Seal]

Registered Professional Engineer

(Address)

FORM I. CONVEYANCE OF EASEMENTS AND UTILITIES

_____, of _____ County, Massachusetts, for consideration paid, and in consideration of _____, hereby grants to the Town of Charlton, a municipal corporation in Worcester County, Massachusetts, with quitclaim covenants, the following:

A. The perpetual rights and easements to construct, inspect, repair, remove, replace, operate and forever maintain (1) a sanitary sewer or sewers with any manholes, pipes, conduits and other appurtenances, and (2) pipes, conduits and their appurtenances for the conveyance of water, and to do all other acts incidental to the foregoing including the right to pass along and over the land for the aforesaid purposes, in, through and under the whole of _____ Street and _____ Road in said Charlton as shown on plan entitled _____, dated _____, recorded in Worcester District Registry of Deeds, Book _____, Page _____, or filed in the Land Registration Office as Plan No. _____, and reference to said plan is incorporated herein for a complete and detailed description of said ways.

B. The perpetual rights and easements to construct, inspect, repair, remove, replace, operate and forever maintain (1) a sanitary sewer or sewers with any manholes, pipes, conduits and other appurtenances, and (2) pipes, conduits and their appurtenances for the conveyance of water, and to do all other acts incidental to the foregoing including the right to pass along and over the land for the aforesaid purposes, in, through and under a strip of land situated in _____ on the aforesaid plan and bounded and described as follows:

TO HAVE AND TO HOLD the above described rights and easements unto the said Town of Charlton and its successors and assigns forever.

And, for the consideration aforesaid, the said grantor does hereby grant to the said Town of Charlton and its successors and assigns forever all water and sewer pipes, conduits, manholes and their appurtenances that have been constructed or installed in said _____ Street and said _____ Road, and in the above described land.

And said grantor hereby covenants with the grantee that the undersigned is the lawful owner of the foregoing property; that they are free from all encumbrances; that the grantor has good right to transfer the same as aforesaid; and that the grantor will warrant and defend the same against the claims and demands of all persons.

For grantor's title, see deed from _____, dated _____, and recorded in said Deeds, Book _____, Page _____, or registered in Worcester Land Registry District under Certificate of Title No. _____, Book _____, Page _____.

And _____, a banking corporation in _____ County, Massachusetts, the present holder of a mortgage on the above described land, which mortgage is dated _____, and recorded in said Deeds, Book _____, Page _____, for consideration paid, and in consideration of _____, hereby releases unto the said grantee and its successors and assigns forever from the operation of said mortgage, the rights and easements herein above granted and assents thereto.

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

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. _____, 20____

Then personally appeared the above-named _____ and acknowledged the foregoing instrument to be his free act and deed, before me.

Notary Public

My commission expires:_____

FORM J. RELEASE OF PERFORMANCE BOND SECURED BY SURETY

Date: _____

Town Treasurer
Town of Charlton
Town Hall
Charlton, Massachusetts

This is to certify that at a regular meeting of the Charlton Planning Board held on _____, at which a quorum was present and acted throughout, it was unanimously

VOTED: to release the performance bond, dated _____, filed _____, as Principal, and _____, as Surety, in the sum of _____ Dollars to secure the performance by the subdivider of his agreement in the form of an application for approval of a definitive plan, Form C, dated _____ to complete the work to be performed by the subdivider as shown on the subdivision plan entitled _____, and dated _____.

Very truly yours,

CHARLTON PLANNING BOARD

Chairman

cc: Subdivider
Surety
Town Clerk

FORM J-1. RELEASE OF PERFORMANCE BOND SECURED BY DEPOSIT

Date: _____

Town Treasurer
Town of Charlton
Town Hall
Charlton, Massachusetts

This is to certify that at a regular meeting of the Charlton Planning Board held on _____, at which a quorum was present and acted throughout, it was unanimously

VOTED: to release, to subdivider, _____, the performance bond, dated _____, and the _____ Dollars in cash that was deposited with the Town as security for the performance by the subdivider of its agreement in the form of an application for approval of a definitive plan, Form C, dated _____, to complete the work to be performed by said subdivider as shown on the subdivision plan entitled _____ and dated _____.

Very truly yours,

CHARLTON PLANNING BOARD

Chairman

cc: Subdivider
Town Clerk

FORM K. RELEASE OF COVENANT

WHEREAS the Charlton Planning Board approved on _____ a certain subdivision plan, hereinafter described subject to the provisions of a covenant executed by the subdivider, _____, dated _____, and recorded in Worcester District Registry of Deeds, Book _____, Page _____, or registered in Worcester Land Registry District as Document No. _____, and noted on Certificate of Title No. _____, in Book _____, Page _____, and subject as to certain lots enumerated in the Board's endorsement on said plan to the condition that no building or structure shall be built or placed thereon without prior consent by the Charlton Board of Health; and

WHEREAS said subdivision plan is entitled _____, dated _____ and is recorded in said Deeds as Plan No. _____ of _____, or filed in Worcester District Land Registration Office as Plan No. _____; and

WHEREAS said subdivider has completed the installation and construction of the ways and services to serve all lots shown on said subdivision plan.

NOW, THEREFORE, the Charlton Planning Board acting on behalf of the Town of Charlton, hereby releases all lots shown on said subdivision plan from the provisions of the aforesaid covenant

IN WITNESS WHEREOF, this instrument has been executed in the name and on behalf of the Town of Charlton by its Planning Board this _____ day of _____, 20____

TOWN OF CHARLTON

_____ Being a majority of the Planning Board

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. _____, 20____

Then personally appeared _____ known to be one of the members of the Planning Board of the Town Of Charlton and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Planning Board and the Town of Charlton, before me.

Notary Public

My commission expires: _____

FORM K-1 PARTIAL RELEASE OF COVENANT

WHEREAS the Charlton Planning Board approved on _____, a certain subdivision plan, hereinafter described, subject to the provisions of a covenant executed by the subdivider, _____, dated _____, and recorded in Worcester District Registry of Deeds, Book _____, Page _____, or registered in Worcester Land Registry District as Document No. _____, and noted on Certificate of Title No. _____, in Book _____, Page _____; and

WHEREAS said subdivision plan is entitled _____ dated _____, and is recorded in said Deeds as Plan No. _____ of _____, or filed in Worcester District Land Registration Office as Plan No. _____; and

WHEREAS said subdivider has entered into an agreement with the Town of Charlton, dated _____, to install and construct the ways and services to serve lots numbered _____ inclusive, on said subdivision plan and to complete such installation and construction by _____, and has filed a bond with said Town as security for performance of said agreement.

NOW, THEREFORE, the Charlton Planning Board acting on behalf of said Town of Charlton, in consideration of said agreement and bond, hereby releases said lots numbered _____ inclusive, from the provisions of the aforesaid covenant, dated _____, and recorded in said Deeds, Book _____, Page _____, or registered in said Land Registry District as Document No. _____, and noted on Certificate of Title No. _____, in Book _____, Page _____; but nothing herein contained shall in any manner affect the application of the provisions of said covenant to all the other lots in said subdivision and shown on said subdivision plan and said provisions are hereby expressly reserved and maintained in full force and effect as to all said other lots.

IN WITNESS WHEREOF, this instrument has been executed in the name and on behalf of the Town of Charlton by its Planning Board this ____ day of _____, 20____

TOWN OF CHARLTON

Being a majority of the Planning Board

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss. _____, 20__

Then personally appeared _____ known to be one of the members of the Planning Board of the Town Of Charlton and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Planning Board and the Town of Charlton, before me.

Notary Public

My commission expires:_____

FORM L INSPECTION FORM, CHARLTON, MASSACHUSETTS

Name of Subdivision _____

From Sta. _____ to Sta. _____

Name of Applicant _____

Telephone Number of Applicant _____

Subject	Initials of Agent	Date of Inspection
1. Clearing of Right of Way		
2. Subgrade Preparation		
3. Sanitary Sewers		
4. Drainage (Below Grade) Installation		
5. Water Installation		
6. Gravel Base		
7. Curb Installation		
8. Binder Course		
9. Drainage (at surface) Installation		
10. Berm Installation		
11. Finish Course		
12. Sidewalk Construction		
13. Street, Trees and Planting		
14. Grass Strips		
15. Street Lights		
16. Street Signs and Monuments		
17. Final Clean-Up		
18. Maintenance		

Form M. APPLICATION FOR SPECIAL PERMIT FOR FLEXIBLE DEVELOPMENT

Planning Board
 Special Permit Granting Authority
 37 Main Street
 Charlton, MA 01507

Date: _____

Pursuant to the provision of Section 5.7 of the Zoning Bylaw, the undersigned hereby makes application for a Special Permit for Flexible Development of a parcel of land located at _____.

Size of Parcel (acres):	
Zoning District:	
Number of Lots:	
Number of Lots that would be allowed under conventional subdivision rules and regulations:	
Acreage of open space:	
Percentage of parcel that will be open space:	
Percentage of open space that is wetlands:	
Open space will be conveyed to:	
Purpose (advantages of the submitted flexible development plan over a conventional subdivision design:	

The undersigned applicant, being the owner(s)* of all land included within the proposed flexible development subdivision shown on the accompanying plan, entitled _____ and dated _____, submits such plan as a flexible development plan of the proposed subdivision and makes application to the Board for final approval thereof.

*** If there is more than one owner, all must sign.**

The land within the proposed subdivision is subject to the following easements and restrictions:

There are appurtenant to the land within the proposed subdivision the following easements and restriction over the land of others:

1. Check One:
 - A. A preliminary plan of the proposed flexible development plan and a conventional subdivision plan have not been submitted to the Planning Board.
 - B. A preliminary plan of the proposed flexible development plan and a conventional subdivision plan, to which the accompanying flexible development plan conforms, was approved by the Board on _____.
 - C. A preliminary plan of the proposed flexible development plan and a conventional plan was approved by the Board on _____, with modifications, which modifications have been incorporated into the accompanying flexible development plan.
2. The applicant agrees, if the flexible development plan is approved, to construct and install all improvements within the proposed subdivision required by the Rules and Regulations of the Charlton Board as in force on the date of this application, and as modified and supplemented by the work specifications and other requirements of the Town Engineer, Board of Health, Sanitation Inspector, Superintendent of Streets, Conservation Commission, Chief of the Fire Department, and Tree Warden set forth in the statements attached hereto.
3. The applicant further agrees to complete all said required improvements within two years from the date of approval of the flexible development plan by the Board, unless the Board specifies a different period of time.
4. If the flexible development plan is approved, the applicant authorizes the Board, at the applicant's expense, to record or register the plan in the Worcester Registry District and agrees that even if otherwise authorized to do so by the filing of a performance bond, the applicant will not sell or offer to sell any of the lots within the subdivision until said plan is so recorded or registered.
5. The applicant further agrees that if the flexible development plan is approved, at any time thereafter and after the water mains and sewers are installed in the subdivision, the applicant, when requested to do so by the Board, will convey promptly to the Board, and at the applicant's expense, valid unencumbered title to said water mains and sewers and the prescribed easements therefor.
6. The applicant further agrees that if the flexible development plan is approved, at any time thereafter and after the streets and ways are completed in the subdivision, the applicant, when requested to do so by the Board, will convey promptly to the Town, in a form satisfactory to the Board and at the applicant's expense, valid unencumbered title to said street and ways, together with any easements appurtenant or related thereto.

7. The applicant further agrees that after final approval of the flexible development plan and before endorsement of said plan by the Board, the applicant will cause to be filed with the Board a bond in a form satisfactory to the Board, 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 by 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 cash or negotiable securities in an amount equal to the penal sum of the bond.

OR,

The applicant further agrees that after final approval of the flexible development plan and before endorsement of said plan by the Board, the applicant will cause to be filed with the Board a covenant, executed and to be duly recorded or registered by the owner of record at the time of recording or registering of said plan, running with the land, whereby all improvements in the construction of ways and the installation of municipal services to serve any lot in the subdivision shown on the plan shall be provided before such lot may be built upon or conveyed, other than by mortgage deed, as provided for in the Subdivision Control Law under Section 81U of Chapter 41 of the General Laws.

8. The applicant further agrees to pay before the public hearing on this application the cost of publication, arranged by the Board, of the required notice of said hearing in a newspaper of general circulation in the Town.
9. The applicant further agrees to pay promptly, on request therefore by the Board, all expenses of the Board for engineering review, inspection of construction, recording, registering, and filing of documents, and all other expenses in connection with the application and the plan, including all fees and disbursements of counsel for the Board regarding the subdivision.
10. The applicant further agrees that should any person appeal to the Superior Court any decision of the Board or of the Board of Health s to the plan, under Chapter 41 Section 81BB of the General Laws or otherwise, and should the Board prevail as to the appeal (in the Superior Court or on appellate review), in whole or in part, the applicant shall reimburse the Board for all expenses incurred by it on account of the appeal, including its counsel fees and disbursements.
11. This special permit shall be binding on all subsequent owners, lessees, or assignees.

This application is accompanied by a drawing of the complete flexible development plan, three prints thereof, a designer's certificate, and if required, a topographical plan.

The owner's title to the land included within the proposed subdivision, is derived and under deed from _____, dated _____, and recorded in Worcester District Registry of Deeds, Book _____, Page _____, or under Certificate of Title No. _____, registered in Worcester Registry District, Book _____, Page _____.

Applicant: _____

Address: _____

Telephone: _____

Note: This application is not deemed to have been submitted until the following endorsement has been completed by a member or employee of the Planning Board.

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

CHARLTON PLANNING BOARD

By _____