



TOWN OF MAYNARD
RULES AND REGULATIONS RELATING
TO THE SUBDIVISION OF LAND
Adopted August 14th, 2007

FORM I

SAMPLE COVENANT

COVENANT FOR _____, (hereinafter "Covenantor"), having submitted to the Town of Maynard Planning Board (the "Board") a definitive plan of a subdivision entitled _____ and showing _____ () lots, said plan being prepared by _____ dated _____, 20____, Revised _____, 20____ and _____, 20____ (the "Plan") and recorded herewith does hereby covenant and agree with the Board and the successors in office of said Board, pursuant to Massachusetts General Laws as Amended, Chapter 41, Section 81U, as amended, that:

GENERAL CONDITIONS:

1. The "Covenantor" is the owner of record of the premises shown on the Plan. This Covenant (the "Covenant") shall run with the land and be binding upon the Covenantor and its successors and assigns in title to the Premises shown on the Plan, subject to partial release and termination, as provided herein
2. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of the 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 the Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot.
3. Nothing herein shall be deemed to prohibit a conveyance subject to the Covenant by a single deed of the entire parcel of land shown on the Plan or of all lots not previously released by the Board without first providing such ways and services.
4. Reference to the Covenant shall be entered upon said Plan and the Covenant shall be recorded when the Plan is recorded, with marginal references requested.

All conditions of approval must appear on the Plan or in other suitable document and be recorded with the Plan at the Registry of Deeds.

5. Subdivision must be completed within two (2) years of signing of the revised Plans, except that extensions may be granted upon application of Covenantor if the Board believes said extensions are in the public interest and consistent with the purposes and intent of the Massachusetts Subdivision Control Law (M.G.L., §.81L et seq.) and the Maynard Planning Board Subdivision Control Rules and Regulations.
6. The Board reserves the right, after holding a Public Hearing, if such Hearing is deemed necessary by the Board, to waive any portion of the Covenant where it has determined that the public interest and purpose of its regulations would be served.
7. No building permit shall issue and no construction shall commence until the Building Commissioner has received a written release by the Planning Board of a particular lot.



TOWN OF MAYNARD
RULES AND REGULATIONS RELATING
TO THE SUBDIVISION OF LAND
Adopted August 14th, 2007

The Board may, at its discretion, allow the construction of foundations only, prior to the installation of the binder course on any subdivision ways.

Except where specifically waived or otherwise specified to the contrary in the Plan or covenant, the Covenantor shall comply with all provisions of the Subdivision Control Rules and Regulations of the Maynard Planning Board.

8. No construction shall commence, and no lot shall be sold or conveyed, until said lot is approved by the Board, in writing, and remaining work to be done shall be guaranteed by a proper bond or by deposit of money or negotiable securities sufficient in the opinion of the Planning Board to secure "performance" of the construction of ways, the installation of municipal services required for lots in the subdivision shown on the Plan, and erosion control or lot stabilization measures sufficient, in the sole opinion of the Board, have been implemented and will continue for the duration of the project or as otherwise specified. Erosion control measures in wetland areas shall be governed by any applicable order of conditions issued by the Maynard Conservation Commission. It is agreed and understood by the Covenantor that any building permits previously issued on lots not completed and sold to a purchaser for value are expired and void.
9. The Covenantor agrees that, in the event that a deposit of money or negotiable securities is required to release a lot or lots from a Covenant, a passbook savings account together with a Form H, Performance Bond Secured by Bank Passbook and a notarized Passbook Assignment together with a Corporate vote shall be the exclusive medium.
10. The approval of this subdivision supersedes and takes precedence over any previous approvals with respect to the Plan.
11. Each numbered paragraph of the Covenant shall be considered separable, so if any paragraph should be declared or decreed to be unlawful or unenforceable by a Court of Law with jurisdiction in the matters, such decree shall not affect the validity of the remaining lawful provisions.

GENERAL CONSTRUCTION CONDITIONS

12. All utility and roadwork must be inspected and approved by the DPW; and the Covenantor and its successors and assigns shall give timely and adequate prior notice to the DPW to permit adequate in process as well as final inspections. The Covenantor agrees that prior to the commencement of any work in the subdivision, it will deposit with the Town Treasurer, as escrow agent, the sum of \$ _____ .00 to be used under terms more specifically described in an Escrow Agreement between the Covenantor and the Town Treasurer to pay actual costs of the DPW or its designated agents, servants or employees associated with the inspection and certification of utilities, road work, and erosion control measures within the subdivision shown on the Plans.
13. The Covenantor and its successors and assigns are hereby notified that the approval of the drainage system by the Board will not relieve the Covenantor of responsibility to



TOWN OF MAYNARD
RULES AND REGULATIONS RELATING
TO THE SUBDIVISION OF LAND
Adopted August 14th, 2007

other property owners upon whose land Covenantor discharges water, directly or indirectly.

14. The Covenantor and its successors and assigns shall, until all public ways have been accepted by the Town of Maynard or five (5) years after the construction and sale of the last home in the subdivision, whichever comes first, maintain all ways, water, sewerage, drains and other utilities on site, and erosion control or lot stabilization measures sufficient, in the sole opinion of the Board, which have been implemented and will continue for the duration of the project or as otherwise specified. Erosion control measures in wetland areas shall be governed by any applicable order of conditions issued by the Maynard Conservation Commission. The Covenantor and its successors and assigns shall provide during said period for street lighting and fire alarm power to safely and reasonably maintain said systems. The Covenantor shall provide to the Board a bond with sufficient surety to assure compliance with this condition.
15. The Covenantor will provide and install underground burial-type telephone and electric service and shall provide street lights, poles, and other such appurtenances.
16. The subdivision shall be provided with conventional street lighting, which shall not be under the control of individual homeowners. The spacing and number of the street lights shall comply with normal light utility standards and must be approved by the DPW prior to the commencement of site work. The cost for the installation shall be a sum to be determined by the DPW and made payable prior to construction to the Town of Maynard in an escrow account for such purposes.
17. The fire alarm system must be of underground burial-type and must be approved by the Fire Chief prior to commencement of site work. Installations must be consistent with Fire Department Regulations and must be approved by the Maynard Fire Chief.
18. Individual mailboxes must be placed on every house lot, central "post office stations" are not allowed.
19. Shade trees: Sugar Maple, Red Maple, or Pin Oak of at least two (2) inch diameter shall be planted on each side of every street in the subdivision with a minimum of three per lot. Trees shall be located outside the exterior street lines and at such distance there from and at such spacing as the DPW shall specify.
20. Water and sewer connections shall be provided to each lot line at time of the initial construction of street prior to binder course.
21. The roadway(s) shall be built to Town of Maynard specifications and shall include the installation of a "Cape-Cod type" berm on both sides except where granite is shown on the Plan.

Granite street bounds must be shown on the Plan and installed in accordance with DPW specifications.



TOWN OF MAYNARD
RULES AND REGULATIONS RELATING
TO THE SUBDIVISION OF LAND
Adopted August 14th, 2007

22. Water lines shall be ductile iron pipe.
23. An "as-built" plan showing exact locations and elevations of all utilities must be furnished to the DPW before said utilities are deemed approved. Said plan is to be prepared by a certified engineer or surveyor. The plan must be on mylar with six (6) sets of blue line prints.
24. No occupancy permit shall be issued until the Building Inspector with the assistance of the Superintendent of DPW verifies in writing to the Board that for a particular lot each and every condition under the Covenant has been complied with or bonded to the satisfaction of the Planning Board. The Board shall then authorize the issuance of a partial release or certificate of compliance of said lot from this covenant.
25. The Applicant shall not be entitled to a building permit for the subdivision until the Planning Board and the Town Clerk have received evidence of recording of the Covenant and Plan at the applicable District Registry of Deeds. Evidence of such recording by the applicant with the applicable Registry of Deeds shall be provided to the Planning Board within thirty (30) days of the date of approval by the Board (or thirty (30) days following the expiration of any appeal, if an appeal is taken), or this subdivision approval shall become invalid.

SPECIFIC CONSTRUCTION CONDITIONS

26. The Covenantor shall use adequate standard U.S. Soil Conservation Service erosion control procedures, including but not limited to the placement of hay bales at catch basins, placement of trap rock and stone siltation swales and/or filtration fencing in areas that require such treatment. Temporary berms shall be constructed when the binder course is being applied to the road. The Covenantor shall monitor erosion control procedures on a daily basis.
27. Adequate erosion control measures shall be maintained at all times during construction of the subdivision. Any breach in erosion control shall be promptly corrected and any resulting damage shall be promptly restored to its original condition.

All utilities-, grading-and paving (binder) for one phase must be in place before the next phase is begun. Clearing shall be kept to a minimum. All exposed slopes which will not be paved or otherwise treated shall be hydro-seeded and mulched within thirty (30) days of excavation.

Roads for each phase up to binder course shall be completed prior to application to the Board for release of building permits for the subdivision lots.

28. No paving shall commence prior to May first of each year and all paving begun in each year must be completed by November first and hydro-seeding and mulching of exposed



TOWN OF MAYNARD
RULES AND REGULATIONS RELATING
TO THE SUBDIVISION OF LAND
Adopted August 14th, 2007

slopes shall be completed by November first of the year of the excavation. No paving shall be performed between November first and May first.

29. Prior to any clearing of any lot or excavation of any lot, the proposed foundation shall be staked out on the lot indicating actual foundation location, limit of clearing, and foundation elevation. A sketch plan shall be provided to the Building Inspector, who shall make an on-site inspection to verify the sketch plan and shall inspect the site after the foundation is poured for compliance with this condition and Condition 31 under Specific Building Construction Conditions herein.

SPECIFIC BUILDING CONSTRUCTION CONDITIONS

30. The proposed grading of the subdivision shall be such that the natural drainage pattern is maintained. Clearing and earth moving on individual lots shall minimize disturbance of natural conditions.

Retaining walls shall be used in areas of slopes where a slope greater than one (1) foot vertical to two (2) feet horizontal would result. Permanent land or ground cover shall be established as soon as possible after house construction, but in any case prior to issuance of an occupancy permit.

In no case shall any clearing of trees be done within half of the rear setback distance of each lot prior to occupancy.

31. Any disturbed ground shall be stabilized within two (2) weeks after the foundation is backfilled.
32. The driveway aprons shall be graded such that the finished paved elevation at the road layout/property line shall be equal to or greater than the crown elevation of the finished paved road.
33. All roof run-off, driveway run-off, and run-off from manmade areas on all lots shall be collected and discharged into the street drainage system subject to the approval of the system for each lot by the DPW.
34. During the course of subdivision construction, if a deviation from the Plan or Covenant occurs or damage caused by a deviation from the Plan or Covenant occurs, either as a result of work done by the Covenantor, naturally, or by means of a combination of both, the Board reserves the right to require that the Covenantor do whatever is necessary to restore the condition to its original or planned construction space, at the cost of the Covenantor.

SPECIAL CONDITIONS

35. This decision applies only to the requested subdivision approval. Other approvals or permits required by other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.



TOWN OF MAYNARD
RULES AND REGULATIONS RELATING
TO THE SUBDIVISION OF LAND
Adopted August 14th, 2007

36. A separate, unique, and individual driveway shall be constructed for each dwelling in the subdivision. The use of a "common driveway" for two or more dwellings shall be prohibited. Each driveway shall be constructed solely on the lot upon which the dwelling that it services exists.
38. Underground utilities will begin at the end of the existing above ground utilities and will be underground throughout the new developed area.
42. The Planning Board and the Chief of Police reserve the right to specify what routes may be used within the Town boundaries to remove material from the site should it become necessary to do so. The Planning Board also reserves the right to impose such additional conditions as may become necessary from time to time to protect the public health, safety, convenience and welfare of the Town.
43. Hours of operation shall be limited to 7:00 am to 5:00 pm Monday through Friday and 8:00 am to 12:00 noon on Saturday.
44. Volume of material removed shall be the minimum necessary to accomplish the construction of the roadways and houses as shown on the approved subdivision plan.
45. Contractor shall be responsible for removal by street sweeper of any material deposited on Town ways on a regular basis, but in no case less than one time per week. More frequent sweepings may be required by the Planning Board or its agent during construction if deemed necessary.
46. Dust shall be adequately controlled so as not to impact neighboring land owners. Such controls may include regular watering or the use of calcium chloride. Dust control shall be to the satisfaction of the Planning Board or its agent.
47. Material to be removed may be stockpiled at the site within an area designated for such stockpile for a maximum period of 30 days, after which it shall be re-deposited on the site and the stockpile area shall be returned to its original condition.
48. Loam to remain on site may be stockpiled as required, however said stockpile shall be placed outside the 100-foot buffer zone of the wetland.
49. All stockpiled material shall be adequately protected with erosion control barriers to prevent any possible effect upon the wetland resource areas of the site. It shall be the responsibility of the developer to maintain these erosion control measures and assure the integrity of the wetland areas.
50. Any area disturbed by the construction shall be covered with not less than four (4) inches (compacted) of loam and fully planted to provide permanent stabilization against erosion.
51. The Board may require periodic on-site inspection of a subdivision. When such inspections are made, the Subdivision inspection record, Inspection Form P. shall be completed



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Executed as a sealed instrument this _____ day _____, 20__

Name of Signatory

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 20__

Then personally appeared the above-named aforesaid, and acknowledged the foregoing to be their free act and deed before me

Notary Public: _____

My commission expires: _____

ACCEPTED BY:
Maynard Planning Board

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 20__

Then personally appeared the above-named: _____, _____,
_____, _____, _____ and acknowledged
the foregoing to be the free act of the Maynard Planning Board, before me

Notary Public: _____

My commission expires: _____, _____